

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SARAH A. ANDERSON, ¹	§
	§
Petitioner Below-	§ No. 554, 1999
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
SAMUEL R. ANDERSON,	§ in and for New Castle County
	§ No. CN97-06107
Respondent Below-	§
Appellee.	§

Submitted: April 17, 2000

Decided: May 8, 2000

Before **VEASEY**, Chief Justice, **HOLLAND** and **HARTNETT**, Justices.

ORDER

This 8th day of May 2000, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm, it appears to the Court that:

(1) Petitioner-appellant, Sarah A. Anderson (“Mother”), filed an appeal from the November 8, 1999 order of the Family Court denying her petition for modification of contact. In the petition, Mother sought to have the Family Court modify the custodial arrangement between her and respondent-appellee, Samuel R. Anderson (“Father”), with respect to their minor daughter.²

¹Pursuant to Supreme Court Rule 7(d), the names of the parties are pseudonyms selected by the Court.

²In a prior Order, this Court ruled that the Family Court did not abuse its discretion in granting Mother and Father joint custody of their daughter, with Mother as the primary (continued...)

Specifically, Mother sought permission from the Family Court to move with the parties' daughter to Texas, where, she argued, she had a higher paying job waiting for her, she could live with her parents until she had saved enough money to buy a home of her own, and she and her child would enjoy a higher standard of living. The Family Court determined that the change in economic circumstances resulting from Mother's proposed move to Texas did not outweigh the emotional harm that could potentially be caused by the child's separation from her father.

(2) In this appeal Mother claims that the Family Court erred as a matter of law and abused its discretion in refusing to permit a modification of contact. This claim is based on Mother's contention that the Family Court improperly weighed the factors contained in the Model Relocation Act drafted by the American Academy of Matrimonial Lawyers.

(3) Upon careful review of the record, we have determined that, to the extent the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; to the extent the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions;

²(...continued)
residential parent. We also ruled that “[a]s the child grows older or circumstances change, Mother should be free to seek a relocation without automatic loss of the child's primary residence.” The child was approximately two years old at the time of the prior Order and is now approximately four years old.

and to the extent the issues on appeal are legal, the trial judge committed no errors of law. Therefore, we conclude that the judgment of the Family Court should be affirmed.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/Maurice A. Hartnett, III

Justice