

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KAREN GRANT, ¹	§
	§ No. 743, 2009
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
WALTER DAVIS,	§ File No. CN98-10853
	§ Petition No. 09-26878
Respondent Below-	§
Appellee.	§

Submitted: May 28, 2010

Decided: July 22, 2010

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 22nd day of July 2010, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Karen Grant ("Mother"), filed this appeal from a judgment of the Family Court dated December 21, 2009. The Family Court's order granted Mother's petition to modify custody to permit her to move to Kansas with the parties' teenage daughter because of her husband's job transfer. The trial court deferred implementing a permanent visitation schedule as the relocation had not yet occurred. The trial court directed the

¹ The Court assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

parties to continue with counseling on an accelerated basis until Mother moved. The court further directed that future visitation between Father and daughter should be based on the counselor's recommendations; however, if Mother moved during the summer of 2010, then Father should receive summer visitation of no less than two non-consecutive weeks. Mother appeals from the Family Court's order regarding the issue of visitation.

(2) A hearing on Mother's petition was held in the Family Court on December 14, 2009. In filing her notice of appeal, Mother stated that a transcript of that hearing was not needed for the appeal. Thus, this Court has no record of the hearing that was held in the Family Court. In her opening brief on appeal, Mother takes issue with the Family Court's factual findings, particularly the Family Court's finding that there was no evidence to support Mother's allegation that Father was abusive to their daughter.²

(3) The Supreme Court Rules state that the appellant is required to provide the Court with "such portions of the trial transcript as are necessary to give this Court a fair and accurate account of the context in which the claim of error occurred [as well as] a transcript of all evidence relevant to

² We note that Mother's petition for modification of custody, which was filed on August 13, 2009, did not allege any abuse by Father as a basis for modification. The only ground set forth in her petition was that her husband's relocation to Kansas required a modification of the Family Court's 2004 custody order

the challenged finding or conclusion.”³ Even an appellant who is *pro se* and is permitted to proceed in forma pauperis on appeal is required to make his or her own financial arrangements to obtain the necessary transcripts.⁴

(4) In this case, Mother has not provided the Court with any portion of the transcript of the Family Court hearing on her motion. Her attempt to supplement the record on appeal by submitting documentation that was not part of the Family Court record below is inappropriate and cannot be considered by the Court on appeal.⁵ Accordingly, the Court has no adequate basis upon which to review Mother’s summary claims of error regarding the Family Court’s factual findings in this case.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

³ Del. Supr. Ct. R. 14(e); *see also Mahan v. Mahan*, 2007 WL 1850905 (Del. June 28, 2007) (*citing Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987)).

⁴ *Mahan v. Mahan*, 2007 WL 1850905 (Del. June 28, 2007).

⁵ *Delaware Elec. Co-op., Inc. v. Duphily*, 703 A.2d 1202, 1207 (Del. 1997) (holding that material not found in the trial court record forms no part of the record on appeal).