

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM MOORE, ¹	§
	§ No. 619, 2009
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
EMMA MOORE,	§ File No. CN08-01523
	§ Petition No. 09-21759
Respondent Below-	§
Appellee.	§

Submitted: June 11, 2010
Decided: August 3, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This third day of August 2010, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, William Moore (“Father”), filed an appeal from the Family Court’s September 24, 2009 order denying his request for review of the August 5, 2009 order of the Family Court commissioner,² which lifted the suspended enforcement of a support order that was issued by the State of New York and that was registered and

¹ The Court *sua sponte* assigned pseudonyms to the parties by Order dated October 27, 2009. Supr. Ct. R. 7(d).

² Del. Code Ann. tit. 10, §915(d)(1).

confirmed for enforcement and modification in Delaware on March 3, 2008.

We find no merit to the appeal. Accordingly, we affirm.

(2) The record before us reflects the following. Father and respondent-appellee, Emma Moore (“Mother”), have one daughter, Sara, born August 26, 1989. The support order at issue in this case originally was issued in the State of New York. After Father moved to Louisiana, the support order was registered in that State and later modified to provide for a different level of support. After Father moved to Delaware, Mother filed an action in the Family Court to register and confirm the Louisiana support order for enforcement and modification in Delaware under the Uniform Interstate Family Support Act (“UIFSA”).³

(3) On March 3, 2008, a Family Court commissioner registered and confirmed the Louisiana order for \$551 per month current support and \$55 per month in arrears, which at that time totaled \$2,795.40.⁴ Upon determining that Father had filed a timely motion to reopen, however, the matter was reopened by the Family Court commissioner and the arrears portion of the order was vacated, on Father’s representation that the arrears had been satisfied. Father did not raise any objection to the amount of

³ Del. Code Ann. tit. 13, Subchapter VI.

⁴ Del. Code Ann. tit. 13, §513(b)(2)b.

current support and that portion of the order addressing current support remained in place.

(4) On July 8, 2008, the Family Court temporarily suspended Father's current support obligation pending a hearing before a Family Court master on whether Sara was emancipated under New York law. The hearing took place on July 23, 2008. Father argued, unsuccessfully, that his support obligation was terminated because Louisiana had determined that Sara became emancipated on August 26, 2007, at age 18, and had closed its case. The Family Court advised Father that the case was still active in Delaware and that the sole remaining legal issue was whether Sara was emancipated under New York law. In addition, while Father claimed to have made direct support payments to Mother since July 31, 2007, he provided no proof of any such payments. A second hearing was scheduled before the Family Court master so that Father could provide that proof and so that the parties could present legal argument on the emancipation issue.

(5) The second hearing before the Family Court master took place on August 12, 2008. On August 15, 2008, after considering the testimony and submissions of the parties, the Family Court master issued an order ruling that Sara was a full-time college student under the age of 21, the age of emancipation under New York law, and, therefore, was not financially

independent. Moreover, after giving Father credit for some support payments made directly to Mother, the master set the total amount of arrears at \$2,287.00 as of August 31, 2008. Under the support order, Father remained obligated to pay a total of \$660 per month in support, representing \$551 in current support and \$55 in arrears.

(6) Mother subsequently filed an arrears contempt petition and a hearing before a Family Court commissioner was scheduled. At the December 1, 2008 contempt hearing, Father produced an order of the State of Louisiana that raised a question in the mind of the commissioner as to whether Father's support obligation had been terminated. As a result, the commissioner, by order dated December 16, 2008, temporarily suspended enforcement of Father's support obligation. In addition, a motion filed by Father to vacate the master's August 15, 2008 order was dismissed by a Family Court commissioner as moot, in light of the commissioner's December 16, 2008 order.

(7) On June 30, 2009, Mother again sought to register the Louisiana support order. Father objected. However, as noted by the Family Court commissioner in his August 5, 2009 decision, the Louisiana order already had been registered and confirmed in Delaware on March 3, 2008. As a result, by order dated August 5, 2009, the commissioner dismissed as

moot Mother's June 30, 2009 registration of the Louisiana support order as well as Father's objection. The commissioner further determined that his previous suspension of enforcement of Father's support obligation was in error because the law of the State of New York, and not the law of the State of Louisiana, governed the issue of the age of emancipation.

(8) Father requested a review of the commissioner's August 5, 2009 order. He once again argued that the State of Delaware lacked jurisdiction over the matter of child support because Louisiana previously had ruled that Sara had reached the age of emancipation and had closed its case. In its September 24, 2009 order following a *de novo* review of the commissioner's order, the Family Court denied Father's request for review.

(9) In this appeal, Father claims that the Family Court's September 24, 2009 order should be reversed because the commissioner's order a) was obtained by fraud perpetrated by Mother; b) was invalid because Mother never appealed the commissioner's December 16, 2008 order; c) constituted an abuse of discretion because the commissioner's December 17, 2008 order directed him to raise the emancipation issue with the State of Louisiana; d) erroneously failed to acknowledge the closed Louisiana case; and e) violated the United States Constitution by failing to give full faith and credit to the Louisiana order.

(10) The standard and scope of review applicable to an appeal from a decision of the Family Court extends to a review of the facts and the law as well as to a review of the inferences and deductions made by the trial judge.⁵ Where the Family Court's decision involves a ruling of law, this Court's standard of review is *de novo*.⁶ If the Family Court has correctly applied the law, the standard of review is abuse of discretion.⁷ This Court will not disturb the Family Court's factual findings if they are supported by the record and are the product of an orderly and logical deductive process.⁸

(11) The UIFSA permits the registration, enforcement and modification in Delaware of a support order issued by a sister state.⁹ Unless the party objecting to the registration and confirmation of such an order proves one of the limited defenses against registration provided under the statute,¹⁰ Delaware must recognize and enforce the order as a valid order of the issuing state,¹¹ in accordance with the full faith and credit requirement of the federal Full Faith and Credit for Child Support Orders Act

⁵ *Jones v. Lang*, 591 A.2d 185, 186 (Del. 1991) (citing *Solis v. Tea*, 468 A.2d 1276, 1279 (Del. 1983)).

⁶ *Waters v. Division of Family Services*, 903 A.2d 720, 724 (Del. 2006).

⁷ *Jones v. Lang*, 591 A.2d at 186.

⁸ *Id.* at 187 (citing *Solis v. Tea*, 468 A.2d at 1279).

⁹ Del. Code Ann. tit. 13, §§6-601-608; §§6-609-615.

¹⁰ Del. Code Ann. tit. 13, §6-607.

¹¹ Del. Code Ann. tit. 13, §6-603.

(“FFCCSOA”).¹² Confirmation of such an order precludes further contest of the order with respect to any challenge that could have been raised at the time of registration.¹³

(12) The issue of the age of emancipation with respect to registration of a foreign child support order is governed by both the UIFSA and the FFCCSOA. In accordance with both, the duration of current child support payments is controlled by the law of the issuing state.¹⁴ In this case, the law of the State of New York, the issuing state, determines the applicable age of emancipation. The Family Court determined, and the parties have never disputed, that the age of emancipation is 21 years of age under New York law.¹⁵

(13) Father’s first claim is that the registration of the Louisiana support order in Delaware was obtained by fraud. Because the defense of fraud was not raised below, this Court will not consider it in this appeal.¹⁶ Father’s second claim is that the commissioner’s order was invalid because his December 16, 2008 order was never appealed by Mother. However, the commissioner’s December 16, 2008 order did not vacate his prior order, as

¹² 28 U.S.C.A., §1738B.

¹³ Del. Code Ann. tit. 13, §6-608.

¹⁴ 28 U.S.C.A. §1738B(h)(2); Del. Code Ann. tit. 13, §6-604(a)(1) and §6-611(c).

¹⁵ *McKinney’s Family Court Act*, §413.

¹⁶ Supr. Ct. R. 8. Moreover, Father’s fraud claim appears to relate only to Mother’s second registration, which was dismissed as moot.

argued by Father, but merely suspended it, which the commissioner had the inherent authority to do.¹⁷ As such, there was no final order from which Mother could have taken an appeal. Father's third claim is that the Family Court's order constitutes an abuse of discretion because the commissioner's December 17, 2008 order directed him to raise the emancipation issue with the State of Louisiana. The record reflects that the commissioner's December 17, 2008 order ruled that Father's motion to vacate the master's August 15, 2008 support order was moot. Any mention of the emancipation issue was advisory in nature and was rendered irrelevant by subsequent rulings of the court. Father's fourth claim is that the Family Court's refusal to acknowledge Louisiana's closure of the case violates Section 6-607 of the UIFSA. Since Father never timely raised any of the defenses listed in that section of the statute, he is foreclosed from doing so now. Finally, Father's fifth claim is that the Family Court's failure to acknowledge Louisiana's closure of the case violates the Full Faith and Credit Clause of the United States Constitution. Father's argument misapprehends both the nature of the Louisiana support order and the statutory requirements for registration of that order in Delaware under the UIFSA. As such, the argument has no

¹⁷ *Dept. of Nat. Resources v. Front Street Properties*, Del. Supr., No. 398, 2001, Steele, J. (Oct. 29, 2002).

merit. Having thoroughly considered all of Father's arguments, we conclude that they are entirely without merit.¹⁸

(14) Having reviewed *de novo* the legal analysis of the Family Court and having determined that the Family Court properly interpreted and applied the applicable law and, moreover, having reviewed the factual findings of the Family Court and having determined that those findings are fully supported by the record and that there was no abuse of discretion, we conclude that the decision of the Family Court must be affirmed.

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

BY THE COURT:

/s/ Randy J. Holland
Justice

¹⁸ To the extent Father claims that the Family Court lacked jurisdiction to register the foreign support order because it did not have "continuing exclusive jurisdiction" over the matter, that claim also is without merit. The Family Court had subject matter and personal jurisdiction over Father and, therefore, had jurisdiction to register the order. *Linn v. DCSE*, 736 A.2d 954, 959 (Del. 1999).