

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CANDY L. SNYDER, ¹	§
	§ Nos. 673, 2009
Respondent Below-	§ 67, 2010
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for Kent County
MATTHEW R. SNYDER,	§ File No. CK05-01326
	§ Petition Nos. 05-10471
Petitioner Below-	§ 05-30019
Appellee.	§ 08-06374

Submitted: July 23, 2010

Decided: September 3, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 3rd day of September 2010, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The respondent-appellant, Candy L. Snyder, filed an appeal from the Family Court's October 15, 2009 order denying her motion to reopen under Family Court Civil Procedure Rule 59 or, in the alternative, Family Court Civil Procedure Rule 60. Snyder subsequently filed a separate appeal from the Family Court's January 14, 2010 order denying her request for review of the Family Court Commissioner's August 27, 2008 child

¹ This Court *sua sponte* assigned pseudonyms to the parties by Orders dated November 18, 2009 and February 15, 2010. Supr. Ct. R. 7(d).

support order under Del. Code Ann. tit. 10, §915(d)(1).² We find no merit to the appeals.³ Accordingly, we affirm.

(2) In this appeal, Snyder claims that a) the Family Court erred and abused its discretion by denying her motion to reopen under Rules 59 and 60; and b) the Family Court erred and abused its discretion by denying her request for review of the Commissioner's child support order.

(3) Rule 59(a) provides that a party may obtain a new trial in the Family Court in the interest of justice. Rule 59(b) provides that the motion requesting a new trial must be served and filed no more than 10 days after the entry of the judgment. The time period for the filing of the motion is jurisdictional and may not be extended.⁴ Rule 60(b) provides that the Family Court may relieve a party from a final judgment on the ground of mistake, inadvertence, surprise, excusable neglect, newly-discovered evidence, fraud, or any other equitable reason justifying relief.

(4) The record before us reflects that Snyder's motion to reopen related to matters that had been decided by the Family Court over the course of approximately 4 years. Moreover, at the time the motion was filed, it had

² The Court remanded the matter to the Family Court by Order dated December 15, 2009 on the ground that Snyder had been deprived of her right to object to the Commissioner's child support order. It is from the Family Court's order following remand that Snyder now appeals.

³ We consider both of Snyder's appeals in this Order in the interests of justice and efficiency.

⁴ *Preform Bldg. Components, Inc. v. Edwards*, 280 A.2d 697, 698 (Del. 1971).

been several months since the final order of the Family Court was entered. Snyder clearly did not comply with the jurisdictional 10-day period for the filing of the motion. As such, the Family Court was compelled to deny the motion on that basis. If viewed under Rule 60(b), Snyder's motion is equally unavailing. Snyder has failed to demonstrate the existence of mistake, inadvertence, surprise, excusable neglect, newly-discovered evidence, fraud, or any other equitable reason justifying relief, as required under the Rule. As such, the Family Court properly denied the motion. Thus, in the absence of any legal error or abuse of discretion on the part of the Family Court in denying Snyder's motion, the judgment of the Family Court must be affirmed.

(5) The Family Court's standard of review of a Commissioner's order is *de novo*, requiring an independent review of the record in order to determine whether the Commissioner's order should be accepted, rejected, or modified, in whole or in part.⁵ This Court's standard of review in an appeal from an order of the Family Court extends to a review of the facts and the law as well as to the inferences and deductions made by the judge.⁶ We will not disturb findings of fact unless they are clearly wrong and justice

⁵ Del. Code Ann. tit. 10, § 915(d)(1).

⁶ *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).

requires that they be overturned.⁷ If the Family Court has correctly applied the law, our standard of review is abuse of discretion.⁸ Errors of law are reviewed *de novo*.⁹

(6) The record before us reflects that, on August 27, 2008, the Commissioner entered a permanent support order based upon the evidence adduced at a child support hearing on that same date. In her request for review of that order, Snyder stated only that the Commissioner had not addressed the issues fairly and that she reserved the right to make “every objection” to the order. The record reflects that the Family Court conducted a proper *de novo* review of the Commissioner’s order and acted within its discretion in adopting the Commissioner’s factual findings regarding Snyder’s child support obligation. Snyder has failed to demonstrate the existence of any legal error or abuse of discretion on the part of the Family Court in denying her request for review of the Commissioner’s child support order. As such, the judgment of the Family Court must be affirmed.

⁷ *Solis v. Tea*, 468 A.2d 1276, 1279 (Del. 1983).

⁸ *Jones v. Lang*, 591 A.2d 185, 186 (Del. 1991).

⁹ *In re Heller*, 669 A.2d 25, 29 (Del. 1995).

NOW, THEREFORE, IT IS ORDERED that the judgments of the Family Court are AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice