

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARSON BRILL, <sup>1</sup>	§
	§ No. 286, 2023
Respondent Below,	§
Appellant,	§ Court Below—Family Court
	§ of the State of Delaware
v.	§
	§ File No. CS08-02892
DIVISION OF CHILD SUPPORT	§ Petition No. 22-00746
SERVICES/BIONCA LANG,	§
	§
Petitioner Below,	§
Appellee.	§

Submitted: August 29, 2023  
Decided: September 8, 2023

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

**ORDER**

After consideration of the notice to show cause and the response, it appears to the Court that:

(1) On August 15, 2023, the respondent below-appellant, Carson Brill, filed this appeal from a Family Court Commissioner’s order, dated July 18, 2023, finding him in contempt of court for failing to pay his child support obligations and committing him to Level III probation. The Senior Court Clerk issued a notice directing Brill to show cause why this appeal should not be dismissed for this Court’s

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<sup>1</sup> The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

lack of jurisdiction to consider an appeal directly from a Family Court Commissioner's order.

(2) In his response to the notice to show cause, Brill recites equitable principles. He does not address this Court's lack of jurisdiction to entertain an appeal from a Family Court Commissioner's order.

(3) Under 10 *Del. C.* § 915(d) and Family Court Civil Rules 53.1(a), a party's right to appeal from a Commissioner's order is to a judge of the Family Court.<sup>2</sup> This Court lacks jurisdiction to consider an appeal directly from a Family Court Commissioner's order.<sup>3</sup> Accordingly, this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ N. Christopher Griffiths  
Justice

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<sup>2</sup> 10 *Del. C.* § 915(d)(1), (2) (governing appeals from final and interim orders issued by commissioners); Fam. Ct. Civ. R. 53.1(a) ("An interim or final order of a commissioner may be appealed to a judge of the [Family] Court...").

<sup>3</sup> See, e.g., *Waples v. Div. of Child Support Servs.*, 2005 WL 1653768, at \*1 (Del. June 23, 2005) (dismissing appeal from Family Court Commissioner's order civilly committing appellant for contempt of court).