

IN THE SUPREME COURT OF THE STATE OF DELAWARE

VERA J. PETERSON (f/k/a VERA J. BRANHAM-SIMPLER),	§	
	§	No. 243, 2003
	§	
Respondent Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Family Court
	§	of the State of Delaware
WILLIAM R. SIMPLER,	§	in and for New Castle County
	§	
Petitioner Below,	§	File No. CN99-06664
Appellee.	§	

Submitted: October 22, 2003
Decided: January 15, 2004

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

ORDER

This 15th day of January, 2004, upon consideration of the briefs of the parties, it appears to the Court that:

1) Vera J. Peterson appeals from an order of the Family Court requiring her to take her son to T-Ball practice and games during her visitation on Saturdays. She argues that the trial court erred by interpreting Paragraph 16 of the Family Court's Standard Visitation Guidelines to allow Father to schedule new extra-curricular activities for Son that interfere with Mother's visitation, thereby allowing Father to interfere with Son's right to have a meaningful relationship with Mother.

2) By the terms of a two-year-old Consent Order, Father has primary residential custody of Son, who is almost six. Under that Order, as amended, Mother has visitation every other weekend and all day Saturday on the intervening weekends. Father lives in St. Georges, Delaware, and Mother lives in Bridgeton, N.J.

3) After consulting with Mother, Father enrolled Son in a Delaware T-Ball program that began in April 2003. When Mother learned that the practices and games generally are held on Saturdays, however, she refused to take Son to the first practice. Father responded by filing a Petition for Rule to Show Cause asking that the Court require Mother to take Son to T-Ball. The Family Court granted the requested relief.

4) On appeal, Mother contends that she should not have to use part of her visitation time taking Son to T-Ball. As authority for her position, Mother cites to Paragraph 16 of the Family Court's Standard Visitation Guidelines, which provides:

16. Extracurricular Activities. Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, should not be interrupted. The parent with whom the children are visiting shall be responsible for providing transportation to activities scheduled during visitation with that parent....

She contends that Paragraph 16, read in conjunction with a child's right to a continuing relationship with both parents, only requires participation in those extracurricular activities that are agreed upon by both parents.

4) We find no merit to this claim. The trial court correctly concluded that it is in the Son's interest to participate in constructive activities, like T-Ball. Nothing in the Guidelines requires that Son's activities be approved by both parents, and the fact that T-Ball takes some time away from Mother's visitation does not mean that Son is being deprived of a continuing relationship with Mother. The Family Court acted well within its discretion.¹

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹*Jones v. Lang*, 591 A.2d 185 (Del. 1991).