

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DOUGLAS E. THOMPSON, SR.,	§
	§
Respondent Below-	§ No. 312, 2002
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
SHERRY L. GUY,	§ in and for New Castle County
	§ Petition No. 02-01544
Petitioner Below-	§ File No. CN98-07026
Appellee.	§

Submitted: October 25, 2002

Decided: December 13, 2002

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

**ORDER**

This 13<sup>th</sup> day of December 2002, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The respondent-appellant, Douglas E. Thompson, Sr., filed an appeal from the Family Court's May 1, 2002 order denying his motion for an extension of time in which to challenge a New Jersey support order registered in the State of Delaware. We find no basis for the appeal. Accordingly, we **AFFIRM**.

(2) On August 18, 1999, the Superior Court of New Jersey, Chancery Division, Family Part, Gloucester County, entered an order requiring Thompson to pay child support to petitioner-appellee, Sherry L. Guy, in the amount of \$219.00 per week, plus arrearages of \$25.00 per week, beginning as of April 12, 1999, for the benefit of the parties' minor child. The order stated that the New Jersey court had communicated with the Delaware court and confirmed that there was a custody action pending in Delaware, but no current child support order in effect in Delaware. On that basis, the New Jersey court determined that it had authority to enter a child support order.

(3) It appears that, on December 13, 1999, the same New Jersey court entered an order setting Thompson's child support obligation at \$159.00 per week, plus arrearages in the amount of \$25.00 per week. On March 8, 2000, the court issued a 5-page decision on Thompson's application for reconsideration of that order, finding that: a) it had jurisdiction to enter a child support order pursuant to New Jersey's long arm statute; b) it properly utilized the income information available to it at the time of the child support calculation; and c) the "other child" credit it applied to the support calculation was appropriate. The court further noted that Thompson could file a renewed application for a

reduction in his child support obligation based on his year-end income information.

(4) On January 14, 2002, a Registration of Foreign Support Order was filed on behalf of Guy by the Delaware Division of Child Support Enforcement.<sup>1</sup>

On January 18, 2002, the Family Court sent Thompson notice of the registration of the foreign support order, with a copy of the order attached. The notice stated as follows: “If you have reason to contest the validity and enforcement of the registered order, you must file a response to the Court, within 30 days after the mailing date of this notice, to vacate the registration.”<sup>2</sup>

The notice further stated: “If you do not file a response with the Court to vacate the registration, the order and any alleged arrears shall be confirmed and enforced as a Delaware order, and you may not contest the order at a later date.”<sup>3</sup>

The record does not reflect that Thompson filed any response to this notice.

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<sup>1</sup>DEL. CODE ANN. tit. 13, § 661 (1999).

<sup>2</sup>DEL. CODE ANN. tit. 13, § 664 (1999).

<sup>3</sup>DEL. CODE ANN. tit. 13, § 665 (1999).

(5) On March 20, 2002, a Confirmation of Registration for Enforcement of Foreign Support Order was filed in the Delaware Family Court. The confirmation was signed as an order by a Family Court commissioner and stated that, thereafter, it would be enforced in the same manner as a support order issued by the Delaware Family Court.<sup>4</sup> Also on March 20, 2002, a Notice of Order of Income Attachment for Support was issued by the Delaware Family Court notifying Thompson's employer of its obligation to withhold a portion of his income for child support.<sup>5</sup>

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<sup>4</sup>DEL. CODE ANN. tit. 13, § 667 (1999).

<sup>5</sup>DEL. CODE ANN. tit. 13, § 664(c) (1999).

(6) On March 28, 2002, Thompson filed a petition in the Delaware Family Court for “review de novo” claiming that the New Jersey court had wrongly assumed jurisdiction over the matter of child support and had erred in calculating the child support owed, and requesting that the Delaware Family Court conduct an audit to determine whether he had overpaid child support. On April 3, 2002, the Family Court issued an order denying the relief requested by Thompson, stating as follows: “To the extent that movant challenges the New Jersey order, he cannot do it in Delaware. Delaware is merely enforcing the New Jersey order as written.”<sup>6</sup> On April 5, 2002, the Family Court issued an amended Confirmation of Registration for Enforcement of Foreign Support Order. The amended confirmation adjusted the amount of weekly child support and arrearages in conformity with the New Jersey court’s latest support order.

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<sup>6</sup>The Family Court also remanded the matter to the commissioner to recalculate, and thereby decrease, the arrearages owed by Thompson, in conformity with the New Jersey court’s latest certification of arrears.

(7) Thompson's claims are without merit. The Family Court's May 1, 2002 denial of Thompson's motion for an extension of time in which to challenge the New Jersey child support order was proper, as was its April 3, 2002 order denying Thompson relief. The record reflects that the Family Court followed the statutory requirements for notice of registration for enforcement of a foreign support order<sup>7</sup> and confirmation of registration for enforcement of a foreign support order.<sup>8</sup> Indeed, Thompson does not present any argument to the contrary. Nor does Thompson contend that he did not receive notice of the registration of the New Jersey support order in Delaware. The record reflects that Thompson failed to file any objection to the New Jersey support order until after the confirmation had been issued. At that point, the Delaware Family Court no longer had jurisdiction to consider any objections to the support order as registered<sup>9</sup> and properly denied Thompson's request for relief. In the absence of any abuse of discretion or error of law on the part of the Family Court, the Family Court judgment must be affirmed.

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<sup>7</sup>DEL. CODE ANN. tit. 13, §§ 664, 665 (1999).

<sup>8</sup>DEL. CODE ANN. tit. 13, § 667 (1999).

<sup>9</sup>As the Family Court correctly noted, any further objection to the order now had to be made in New Jersey. *Linn v. DCSE*, 736 A.2d 954, 968-69 (Del. 1999).

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

BY THE COURT:

/s/ Carolyn Berger  
Justice