

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KELVIN D. REESE, SR.,	§
	§
Petitioner Below-	§ No. 301, 2004
Appellant,	§
	§
v.	§
	§ Court Below—Family Court
STATE OF DELAWARE,	§ of the State of Delaware,
DIVISION OF CHILD SUPPORT	§ in and for Kent County
ENFORCEMENT/THELMA J.	§ File No. CK88-09046
REESE,	§ CPI No. 04-09046
	§
Respondent Below-	§
Appellee.	§

Submitted: April 25, 2005

Decided: June 21, 2005

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

**ORDER**

This 21<sup>st</sup> day of June 2005, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant, Kelvin Reese, filed this appeal from an order of the Family Court, dated June 21, 2004, which accepted a Commissioner's recommendation to deny Reese's motion to revoke child support. After considering the parties' respective briefs, the Court requested the State to file a supplemental memorandum regarding Reese's claim for a credit due toward his child support arrearages. After considering the parties' positions

carefully, we find no merit to this appeal. Accordingly, we affirm the judgment of the Family Court.

(2) The record reflects that the Family Court entered its original support order on September 8, 1989, directing Reese to pay \$91.00 per week for current child support and an additional \$5.00 per week toward his back child support obligation. Since that time, Reese has filed numerous petitions seeking to modify his current and back support obligations, asserting various errors in the original support calculation and claiming his entitlement to child support from his ex-wife for periods of time that the children lived with him.

(3) In February 2004, Reese filed his latest motion to revoke child support. His petition asserted that he was entitled to a credit against his back support obligation of \$8,132.00 that was paid to authorities in New York. Reese also asserted his entitlement to a credit for child support that he never received from his ex-wife during periods of time that the children lived with him. In conjunction with his petition to revoke child support, Reese also filed a motion to “resolve arrears in support order dated August 15, 1989,” which requested a recalculation of the original support order, alleged credit due to him for providing medical coverage to his children, and a modification of past arrears based on his inability to provide support due to a

disability. The Family Court Commissioner ordered that any support payments made to New York authorities should be credited against Reese's arrearages but denied the motion in all other respects on the ground that the issues raised were previously litigated.

(4) Upon review de novo, the Family Court judge accepted the Commissioner's recommendations. The Family Court noted that since his date of disability in 1995, Reese's current support order was suspended and has never been reinstated. The Family Court concluded that all of the Reese's other claims were previously litigated and that no further review was warranted. The Family Court further ordered the Division of Child Support Enforcement to review Reese's account for any credit due as a result of the \$8132.00 payment to the State of New York.

(5) In its supplemental memorandum to this Court on appeal, the Division of Child Support Enforcement has provided an audit report of Reese's account, which reflects that \$8,138.00 was credited to Reese's child support arrearages on November 13, 2003. Reese's appeal with respect to this issue, therefore, is moot. With respect to the other issues raised in Reese's opening brief, we find it manifest that this appeal should be affirmed on the basis of the Family Court's order dated June 21, 2004. The record reflects that Reese's other issues were previously litigated and resolved

against him. The doctrine of res judicata precludes relitigation of these issues.\* Accordingly, we find no error in the Family Court's judgment.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice

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\* See *Bradley v. Division of Child Support Enf'm't*, 582 A.2d 478, 482 (Del. 1990).