

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TRACY MARKER and	§
ARTHUR DRAKE,	§
	§
Respondents Below,	§
Appellants,	§ Nos. 162/165, 2003
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
DIVISION OF FAMILY SERVICES,	§ in and for New Castle County
	§ File No. 02-06-09TN
Petitioner Below,	§ Petition No. 02-19392
Appellee.	§

Submitted: October 27, 2003

Decided: October 28, 2003

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

O R D E R

This 28th of October 2003, the Court having considered this matter on the briefs, has determined that it is manifest on the face that the appeal is without merit because: to the extent the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; to the extent the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; and to the extent that the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied. Therefore, this Court has concluded that the judgment of the final judgment of the Family Court should be affirmed on the basis of and for the

reasons assigned by the Family Court in its decision dated February 27, 2003.

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

BY THE COURT:

/s/ Randy J. Holland
Justice