

SUPREME COURT OF THE STATE OF DELAWARE

Hill v. Gonzalez

Hill · No. No. 252, 2025 · Decided December 18, 2025

SUMMARY

The Delaware Supreme Court affirmed the Family Court’s dismissal of Luciana Hill’s petition to modify custody and denial of her motion for reargument. The Court held that Hill was not entitled to summary judgment because a genuine factual dispute existed regarding the child’s well-being, and that her refusal to affirm the truthfulness of her testimony prevented the Family Court from finding the statutory basis required for custody modification.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr., Chief Justice; Valihura, Justice; Traynor, Justice
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	December 18, 2025
DOCKET	No. 252, 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the Family Court's dismissal of her petition to modify custody and denial of her motion for reargument, as well as denial of her motion for summary judgment.
STANDARD OF REVIEW	The Supreme Court reviews the Family Court's factual and legal determinations, inferences, and deductions. It will not disturb factual findings supported by the record when the court's explanations, deductions, and inferences reflect orderly and logical reasoning. Legal rulings are reviewed de novo; when the Family Court correctly applied the law, the ruling is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published
PARTIES	Luciana Hill v. Diego Gonzalez

TOPICS

- child custody
- summary judgment
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

family law

appellate procedure

evidence

civil procedure

QUESTIONS PRESENTED

1. Whether the Family Court properly denied Mother's motion for summary judgment when Father had filed an answer denying allegations that he harmed the child.
2. Whether the Family Court properly dismissed Mother's custody-modification petition when she refused to take an oath or affirmation concerning the truthfulness of her testimony.
3. Whether the Family Court's rulings exhibited bias or discrimination against Mother's religious beliefs.

HOLDINGS

1. The Family Court properly denied Mother's motion for summary judgment because Father's answer created a genuine issue of material fact concerning the child's well-being in Father's care.
2. A witness's religious beliefs do not exempt the witness from the requirement to take an oath or affirmation before testifying; a witness with conscientious scruples against an oath may instead declare and affirm.
3. The Family Court properly dismissed Mother's custody-modification petition because her refusal to affirm the truthfulness of her testimony left no basis for finding the statutory condition required for modification: that continued enforcement of the existing custody order might endanger the child's physical health or significantly impair the child's emotional development.
4. The Family Court did not exhibit bias or discriminate against Mother's religious beliefs in denying summary judgment and dismissing the custody-modification petition.

KEY QUOTATIONS

“if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” (¶ 9)

“give an oath or affirmation to testify truthfully...in a form designed to impress that duty on the witness’s conscience” (¶ 10)

FACTUAL BACKGROUND

The parties are the parents of a child born in May 2020, and the Family Court previously awarded them joint legal custody and shared residential placement. Mother filed multiple custody-modification petitions alleging that the child had suffered injuries, psychological distress, and a hospitalization, and sought sole custody and primary residential placement. At the custody hearing, Mother declined to affirm the truthfulness of her testimony and asked the court to revoke its jurisdiction based on her belief that she and the child were not subject to the court’s jurisdiction.

PROCEDURAL HISTORY

The Delaware Family Court awarded the parents joint legal custody and shared residential placement. Mother later filed emergency and non-emergency petitions seeking sole custody and primary residential placement, a motion for summary judgment, and a motion for reargument. The Family Court denied the emergency requests and summary-judgment motion, dismissed the custody-modification petition after a hearing, and denied reargument. The Supreme Court of Delaware affirmed.

DISPOSITION

affirmed

CASES CITED

- Wife (J.F.V.) v. Husband (O.W.V., Jr.), 402 A.2d 1202, 1204 (Del. 1979)
- Forrester v. Forrester, 953 A.2d 175, 179 (Del. 2008)
- CASA v. Department of Services for Children, Youth and Their Families, 834 A.2d 63, 66 (Del. 2003)
- Rocker v. State, 240 A.2d 141, 144 (Del. 1968)