

SUPREME COURT OF THE STATE OF DELAWARE

McDonald v. Paige

No. 458, 2018 (Del. Apr. 30, 2019) · No. No. 458, 2018 · Decided April 30, 2019

SUMMARY

The Delaware Supreme Court affirmed Family Court orders concerning joint legal custody, shared residential placement, and the mother’s final decision-making authority. The Court held that the Family Court properly applied the child’s best-interest factors, deferred to its factual and credibility determinations, and did not abuse its discretion. It also held that the father could not raise a collateral-estoppel argument for the first time in a motion for reargument.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr.; Vaughn, Justice; Seitz, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	April 30, 2019
DOCKET	No. 458, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed Family Court custody and reargument orders following an evidentiary hearing.
STANDARD OF REVIEW	The Supreme Court reviews custody appeals as to the facts, the law, and the inferences and deductions drawn by the Family Court from the evidence. Legal rulings are reviewed de novo; factual findings are reviewed for clear error and will be overturned only when justice requires. The judgment is affirmed when its underlying inferences and deductions are supported by the record and result from an orderly and logical deductive process.
PRECEDENTIAL VALUE	published
PARTIES	Michael McDonald v. Karen Paige

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review
- preservation of error

PRACTICE AREAS

family law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the Family Court abused its discretion or applied an incorrect legal standard in awarding the parties joint legal custody and shared residential placement while granting Mother final decision-making authority.
2. Whether the Family Court was biased against Father.
3. Whether the Family Court erred by considering evidence concerning the child's private-school enrollment and the parties' roles in that decision after related evidence had been presented at an earlier child-support hearing.
4. Whether Father could raise a collateral-estoppel argument for the first time in a motion for reargument when he had not objected to the evidence at the custody hearing.

HOLDINGS

1. The Family Court did not abuse its discretion because it reviewed the statutory best-interest factors, made factual findings, applied the correct legal standard, and reasonably determined that Mother should have final decision-making authority in light of the parties' inability to work together.
2. Father's claim that the Family Court was biased against him lacked a factual basis and reflected only his disagreement with the court's conclusion.
3. The Family Court properly denied reargument because Father did not object to the private-school evidence at the custody hearing and could not use reargument to raise an argument that could have been presented before the court's decision.

KEY QUOTATIONS

“The judgment below will be affirmed “when the inferences and deductions upon which [the decision] is based are supported by the record and are the product of an orderly and logical deductive process.”” (at 2)

“Under Delaware law, parties may not use a motion for reargument to raise new arguments that could have been raised before the court’s decision.” (at 3)

FACTUAL BACKGROUND

After an evidentiary hearing at which both parties appeared with counsel, the Family Court awarded joint legal custody and shared residential placement of the parties' daughter. Because the parties were unable to work together, the court gave Mother final authority to make important decisions for the child when the parties could not agree. Father challenged the Family Court's credibility determinations and its consideration of evidence concerning the child's enrollment in private school during the 2016-2017 school year.

PROCEDURAL HISTORY

The Delaware Family Court entered a custody order awarding the parties joint legal custody and shared residential placement of their daughter, while granting Mother final decision-making authority if the parties could not agree on important issues. Father moved for reargument, arguing in part that the court improperly considered evidence concerning the child's private-school enrollment and that collateral estoppel barred new factual determinations. The Family Court denied reargument, and Father appealed both orders.

DISPOSITION

affirmed

CASES CITED

- Devon v. Mundy, 906 A.2d 750, 752-53 (Del. 2006)
- Stuart v. Stuart, 2018 WL 3688589 (Del. Aug. 1, 2018)
- S.F. v. R.F., 2006 WL 2388945, at *2 (Del. Fam. Ct. June 17, 2006)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE MICHAEL MCDONALD,¹ § § No. 458, 2018 Petitioner Below, § Appellant, § Court Below—Family Court § of the State of Delaware v. § § File No. CN16-04806 KAREN PAIGE, § Petition No. 16-32733 § Respondent Below, § Appellee. § Submitted: March 15, 2019 Decided: April 30, 2019 Before VAUGHN, SEITZ, and TRAYNOR, Justices.

ORDER Upon consideration of the parties' briefs and the record on appeal, it appears to the Court that: (1) The appellant ("Father") filed this appeal from a Family Court order regarding custody of the parties' daughter (the "Custody Order") and a Family Court order denying Father's motion for reargument of the Custody Order.

The Family Court entered the Custody Order after an evidentiary hearing during which both parties were present and represented by counsel. Among other things, the Custody Order awarded the parties joint legal custody and shared residential placement of 1 The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d). their daughter. It further provided that if the parties cannot agree regarding important decisions in the child's life, the appellee ("Mother") shall have authority to make a final decision.

(2) Our review of an appeal from a custody decision extends to both the facts and the law, as well as to the inferences and deductions made by the Family Court after considering the weight and credibility of the testimony.² To the extent the Family Court's decision implicates rulings of law, our review is de novo.³ Findings of fact will not be disturbed unless they are found to be clearly erroneous and justice requires that they be overturned.⁴ The judgment below will be affirmed

“when the inferences and deductions upon which [the decision] is based are supported by the record and are the product of an orderly and logical deductive process.”⁵ (3) Under Delaware law, the Family Court is required to determine legal custody and residential arrangements for a child in accordance with the best interests of the child.⁶ The Custody Order reflects that the Family Court carefully reviewed all of the best interest factors under 13 Del.

C. § 722. On appeal, Father challenges the credibility of the witnesses and evidence upon which the Family Court based its 2 *Devon v. Mundy*, 906 A.2d 750, 752 (Del. 2006). 3 Id. 4 Id. 5 Id. at 752-53. 6 13 Del. C. § 722. 2 decision and argues that the Family Court should have given more or less weight to various facts when reaching its decision.

After careful review of the record, including the transcripts of the custody hearing and the earlier child support hearing, we find no abuse of the Family Court’s discretion. Under the circumstances, we defer to the Family Court’s factual findings and its credibility determinations. It is apparent from the Custody Order and its order denying Father’s motion for reargument that the Family Court reviewed the evidence, made factual findings, and applied the correct legal standard in determining that it was in the child’s best interest that, because of the parties’ inability to work together, it was appropriate for Mother to have final decision-making authority.

Moreover, Father’s contention that the Family Court was biased against him has no basis in fact—rather, it arises from his disagreement with the Family Court’s conclusion.⁷ (4) Father also argues that the Family Court erred by considering testimony regarding the child’s enrollment in a private school during the 2016-2017 school year and the parties’ respective roles in deciding to enroll the child there.

Father contends that, because evidence regarding that subject had been presented at an earlier hearing relating to the matter of child support, the doctrine of collateral estoppel barred the Family Court from “establishing new fact determinations” based 7 Cf. *Stuart v. Stuart*, 2018 WL 3688589 (Del. Aug. 1, 2018) (“Father’s contention that the Family Court was biased against him because it relied upon perjured testimony has no basis in fact.”).

3 on evidence concerning the private school issue. We find no basis for reversal on this issue. As the Family Court correctly observed in its decision denying Father’s motion for reargument, Father’s counsel did not object at the custody hearing to the presentation of testimony or evidence relating to the private school issue.⁸ Indeed, Father was the first witness during the custody hearing, and he testified on direct examination regarding the private school issue.⁹ Under Delaware law, parties may not use a motion for reargument to raise new arguments that could have been raised before the court’s decision.¹⁰ The Family Court therefore did not err by denying the motion for reargument, and we need not address the merits of Father’s collateral estoppel argument.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED. BY THE COURT: /s/ Collins J. Seitz, Jr. Justice 8 McDonald v. Paige, File No. CN16-04806, Petition No. 16-32733, Decision on Motion for Reargument, at 8 (Del. Fam. Ct. Aug. 16, 2018). 9 E.g., Tr. of Mar. 27, 2018 Custody Hearing, at 17-19. 10 S.F. v. R.F., 2006 WL 2388945, at *2 (Del. Fam. Ct. June 17, 2006). 4