

SUPREME COURT OF THE STATE OF DELAWARE

Roberts v. Blocker

Roberts v. Blocker · No. No. 305, 2019 · Decided September 29, 2020

SUMMARY

The Delaware Supreme Court affirmed a Family Court order granting the father sole custody and primary residence of the parties’ child and restricting the mother’s contact. The Court rejected challenges concerning the timing of the custody hearing, representation of the child, the sufficiency of the evidence, alleged parental alienation, and the mother’s asserted parental and human rights. The Court also upheld the admission and consideration of psychological expert testimony regarding the mother’s mental health.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Tamika R. Montgomery-Reeves; Chief Justice Seitz; Justice Traynor; Justice Montgomery-Reeves
JURISDICTION	Delaware
DECIDED	September 29, 2020
DOCKET	No. 305, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed a Family Court order granting the father's petition to modify custody, awarding him sole custody and primary residence of the child, and restricting the mother's contact with the child.
STANDARD OF REVIEW	The Supreme Court reviews both the law and the facts. Legal conclusions are reviewed de novo. Factual findings are reviewed for clear error and will not be disturbed unless justice requires reversal; credibility determinations are reviewed deferentially. The admission or exclusion of expert testimony is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; precedential status is not expressly stated in the opinion text.
PARTIES	Daela M. Roberts v. Jarrett Blocker

TOPICS

child custody

visitation

daubert standard

appellate procedure

standard of review

PRACTICE AREAS

family law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the Family Court erred by resolving the custody petition before the mother's criminal charges were finally resolved.
2. Whether the Family Court improperly appointed the child's attorney from the prior dependency proceeding to represent the child in the custody proceeding.
3. Whether the evidence supported the Family Court's findings concerning the mental health of the mother and father and the physical and emotional health of the child.
4. Whether the Family Court improperly admitted and relied on the psychologist's diagnosis of the mother under the Daubert reliability standard.
5. Whether the custody order unlawfully impaired the mother's parental or other rights by restricting her contact with the child.

HOLDINGS

1. The Family Court did not err by deciding the custody petition before final resolution of the mother's criminal charges.
2. The Family Court acted within its authority in appointing the attorney who represented the child in the dependency proceeding to represent the child in the custody proceeding.
3. The evidence supported the Family Court's award of sole custody and primary residence to the father and its present restriction of the mother's contact with the child.
4. The Family Court did not abuse its discretion by admitting and relying on the psychologist's opinion diagnosing the mother with Factitious Disorder Imposed on Another.
5. The Supreme Court would not consider documents attached to the mother's opening brief that were not part of the record below, while it could consider documents from other Family Court proceedings that the Family Court had considered and referenced.

KEY QUOTATIONS

“The Family Court did not err in resolving the custody petition before final resolution of the Mother’s criminal charges.” (8)

“The Family Court did not err in accepting the psychologist’s opinion.” (13)

“Moreover, the Family Court properly applied the law to the facts in concluding that the Mother should not have contact with the Child at the time of the custody order.” (15)

FACTUAL BACKGROUND

Roberts and Blocker are the parents of a child born in 2006 and had a history of custody, visitation, and protection-from-abuse litigation. In 2017, the child was removed from the mother's care after allegations concerning the child's mental and physical health, and an interim stipulation placed the child primarily with the father while limiting the mother's contact to supervised visitation. After a custody hearing involving testimony from the parents, mental-health professionals, counselors, and the child, the Family Court found that the child's health and welfare favored the father having sole custody and primary residence and that contact with the mother would presently endanger the child's physical health or significantly impair his emotional development.

PROCEDURAL HISTORY

The parties had longstanding custody and visitation disputes. In 2017, after the child was placed temporarily in the custody of the Department of Services for Children, Youth and their Families, the parties entered an interim custody stipulation giving the father primary residence and the mother supervised visitation. After a two-day hearing in March 2019, the Family Court granted the father's petition to modify custody. The mother moved for reargument, and the Family Court issued an amended order eliminating restrictions on her ability to seek modification of visitation. She then appealed to the Delaware Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Mundy v. Devon, 906 A.2d 750, 752 (Del. 2006)
- Wife (J.F.V.) v. Husband (O.W.V., Jr.), 402 A.2d 1202, 1204 (Del. 1979)
- Delaware Elec. Coop., Inc. v. Dumphily, 703 A.2d 1202, 1206 (Del. 1997)
- Ponce v. Potter, 2013 WL 842520, at *1 (Del. Mar. 5, 2013)
- Spencer v. Wal-Mart Stores East, LP, 930 A.2d 881, 888 (Del. 2007)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)

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