IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERRY G. HALL, III,[1]	§	
	§	No. 414, 2012
Petitioner Below-	§	
Appellant,	§	
	§	Court Below—Family Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
DIVISION OF FAMILY SERVICES,	§	File No. CN11-04663
	§	Pet. No. 11-26771
Respondent Below-	§	
Appellee.	§	

Submitted: November 16, 2012
Decided: February 4, 2013

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices

O R D E R

This 4th day of January 2013, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Jerry Hall, filed this appeal from an order of the Family Court concluding that the Division of Family Services (DFS) had substantiated allegations that Hall had committed an act of sexual abuse against his youngest daughter and that Hall should be placed on the Child Protection Registry at Level IV. After careful consideration of the parties' briefs and the record below, we find no merit to Hall's appeal. Accordingly, we affirm the Family Court's judgment.

[1] The Court previously assigned a pseudonym to the appellant pursuant to Supreme Court Rule 7(d).

(2) The Child Advocacy Center interviewed the child[2] on July 12, 2011 after receiving a report of possible abuse. During that interview, which was videotaped, the child stated that Hall had "touched her pee pee with his pee pee" and had "touched her pee pee with his hand." She stated that Hall "left a hole in my pee pee" after he touched it with his hand. She stated this had happened once when she was two and once when she was four and had occurred at her "old mom's house."[3]

(3) Based on its investigation, DFS notified Hall of its intent to substantiate him for an act of child abuse and to enter his name on the Child Protection Registry.[4] Hall requested a hearing. Following Hall's request, DFS filed a petition on August 31, 2011, seeking to substantiate Hall for sexual abuse.[5] A hearing was held before a Family Court Commissioner on March 28, 2012. DFS presented the testimony of the CAC forensic interviewer, as well as the videotaped interview with the child. DFS also presented the testimony of a DFS case worker who had been involved with the family's case and who made the decision to substantiate Hall for abuse. Hall appeared at the hearing. He denied the child's allegations but otherwise presented no evidence or testimony in his own defense.

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[2] The child was four-years-old at the time of the CAC interview.

[3] The child was living with a guardian at the time of the interview.

[4] *See* DEL. CODE ANN. tit. 16, §§ 924(a)(2) (2003).

[5] *Id.* § 925.

Based on the evidence presented, the Commissioner substantiated Hall for sexual abuse, finding that the child's statements during her CAC interview were credible.

(4) Hall filed a motion requesting a judge of the Family Court to review *de novo* the Commissioner's order substantiating him for abuse. Upon *de novo* review, the Family Court noted that the child's taped CAC interview reflected testimony that was "age-appropriate, credible, and did not appear to be [given] under the influence of any other person." The Family Court also noted that Hall was given the opportunity to testify and/or to present any other evidence in his own defense but had not done so. The Family Court found that Hall's belated assertions that the child was coached to lie were not credible. The Family Court thus affirmed the Commissioner's order substantiating Hall for abuse and ordered his entry on the Child Protection Registry at Level IV.

(5) This Court's review of a Family Court decision entails consideration of the facts and the law as well as the inferences and deductions made by the Family Court.[6] To the extent that the Family Court's rulings of law are implicated, our review is *de novo*.[7] To the extent that the issues on appeal implicate rulings of fact, we conduct a limited review of the factual findings of the trial court to assure that they are sufficiently supported by the record and are not clearly wrong.[8] If the

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[6] *Wilson v. Div. of Family Serv.*, 988 A.2d 435, 439-40 (Del. 2010).

[7] *Id*. at 440.

[8] *Powell v. Dep't of Serv. for Children, Youth & Their Families*, 963 A.2d 724, 731 (Del. 2008).

trial judge has correctly applied the law, our review is limited to abuse of discretion.[9]

(6) In this case, we have reviewed the parties' positions and the record on appeal very carefully. We conclude that there is sufficient evidence on the record to support the Family Court's finding that Hall had been substantiated for an act of child abuse. We find no abuse of discretion in the Family Court's factual findings and no error in its application of the law to the facts. Accordingly, the judgment below shall be affirmed.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

[9] *Id.*