IN THE SUPREME COURT OF THE STATE OF DELAWARE

ETHAN J. RAYMOND,[1]	§	
	§	No. 508, 2012
Respondent Below,	§	
Appellant,	§	Court Below: Family Court of
	§	the State of Delaware, in and for
v.	§	Kent County
	§	
KELLY A. RAYMOND,	§	Case No. 11-39351; 11-39354
	§	File No. CK11-03242
Petitioner Below,	§	
Appellee.	§	

Submitted: January 16, 2013
Decided: February 5, 2013

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

O R D E R

This 5th day of February 2013, upon consideration of the briefs of the parties and the record in this case, it appears to the Court that:

1. Ethan J. Raymond, the respondent-below ("Father"), appeals from a Family Court order granting primary placement of his minor child ("Child") to Kelly A. Raymond, the petitioner-below ("Mother"). On appeal, Father claims that the Family Court erred by failing to analyze the best interest factors and to grant him primary placement of Child. We disagree and affirm.

[1] This Court *sua sponte* assigned pseudonyms to the parties by Order dated September 14, 2012, pursuant to Supreme Court Rule 7(d).

2. After Child was born in June 2011, Child lived with Mother and Father in Father's house for seven months, after which Mother and Child moved in with Mother's parents. After the parties' negotiations for a custody arrangement collapsed, Father filed a Petition for Visitation. In January 2012, Father filed a Protection From Abuse petition against Mother, who later consented to an Order of Protection From Abuse ("PFA"). The Family Court order granted Father temporary custody of Child.

3. Therafter, the parties filed cross Petitions for Custody. On September 2, 2012, the Family Court issued an order providing for joint custody, primary placement with Mother, and visitation to Father. This appeal followed.

4. Our review of a Family Court custody order includes a review of the facts and law, as well as the inferences and deductions that the Family Court has made.[2] If the issues implicate rulings of law, our review is *de novo*.[3] If the issues implicate findings of fact, we review the Family Court's factual findings to assure that they are sufficiently supported by the record and are not clearly wrong.[4] If the

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[2] *Powell v. Dep't of Servs.*, 963 A.2d 724, 730 (Del. 2008).

[3] *Id.* at 730-31.

[4] *Id.* at 731.

Family Court has correctly applied the law to the facts, our review is limited to abuse of discretion.[5]

5. In deciding a petition for custody, the Family Court must decide what is in the best interests of the child by considering the eight factors enumerated in 13 *Del. C.* § 722.[6] Although the Family Court must balance all the relevant factors, it may weigh each factor differently.[7]

6. On appeal, Father claims that the Family Court failed to make explicit determinations of the weight accorded to each factor under Section 722, and whether Father or Mother had prevailed on any given factor. This Court has held that Section 722 does not require the Family Court to proceed in that precise step-by-step manner when weighing the best interest factors.[8]

7. The Family Court analyzed each of the Section 722 factors and described in detail the evidence applicable to each factor. The court's opinion shows a clear and orderly reasoning process leading to the court's disposition. The court found that both parents were able to provide a nurturing home for Child, and awarded them joint custody. But the court also found that the factors indicated that

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[5] *Id.*

[6] *D.K. v. I.T.*, 2006 WL 3197443, at *1 (Del. Fam. Aug. 31, 2006).

[7] *Powell*, 963 A.2d at 735 (internal citation omitted).

[8] *Harper v. Div. of Family Servs.*, 953 A.2d 719, 725 (Del. 2008).

giving primary placement of Child to Father "may not create an inclusive relationship with the Mother[]." Therefore, the Family Court properly awarded primary custody to Mother with "maximum" visitation for Father.

8. Father next claims that the Family Court made three erroneous factual findings, and that therefore, the court's grant of primary placement to Mother was erroneous. Specifically, Father argues that Child's primary placement with Mother would not give Child the maximum amount of time with Child's parents and extended family. He further contends that Mother has not been Child's primary caretaker during Child's life. Finally, Father argues that an award of Child's primary placement with Father would create an inclusive relationship with Mother and her family. For the reasons set forth in the Family Court's opinion, the evidence of record does not support Father's claims. To the contrary, we find that the Family Court's factual findings were sufficiently supported by the record and were not clearly wrong.[9]

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice

[9] *See Powell*, 963 A.2d at 731.