

The Family Court of the State of Delaware



ROBERT BURTON COONIN
JUDGE

LEONARD L. WILLIAMS JUSTICE CENTER
500 N. KING STREET, STE 9400
WILMINGTON, DELAWARE 19801-3732

February 19, 2019

N----- V-----
--- Smee Road
Middletown, DE 19709

**LETTER, DECISION
AND ORDER**

Kathryn Laffey, Esquire
1509 Gilpin Ave
Wilmington, DE 19806

RE: N----- V----- v C----- H. P--- IV
File No.: CN18-03088; Petition No.: 18-13218
Petition for Custody: J--- P--- (D.O.B. --/--/16)

Dear Ms. V----- and Ms. Laffey:

This is the Court’s decision regarding the Petition for Custody filed by N----- V----- (hereinafter “Mother”) on May 8, 2018 against C----- P--- IV (hereinafter “Father”) in the interest of their minor child, J--- P---, born --, 2016 (hereinafter “Child”). Mother is self-represented. Father is represented by Kathryn Laffey, Esquire.¹

Procedural History

In Mother’s Petition for Custody, she requested “sole custody” and that Father have daytime visits with Child throughout the week but no overnights. On May 8, 2018, Mother also filed a Motion for Emergency *Ex Parte* Order against Father in the interest of Child wherein she alleged that Father had unstable housing and was using drugs. On May 14, 2018, the Court held a

¹ Ms. Laffey did not enter her appearance on behalf of Father in this matter until December 10, 2018.

hearing with regard to Mother's Motion, attended by the parties, during which the parties disputed where Father was living and whether he was still using drugs. Following the hearing on Mother's Motion, the Court granted the parties joint legal custody of Child, primary residency with Mother, and visitation with Father every Wednesday from 4:00 PM to 8:00 PM and every Saturday from 9:00 AM to 7:00 PM. Pursuant to an Interim Order of Contact issued by the Court on September 4, 2018, following the parties' involvement in Court-ordered mediation, the parties retained joint custody, primary residence with Mother and Father's visitation with Child every Wednesday evening from 4:00 PM to 7:00 PM and every other weekend on Saturdays and Sundays from 9:00 AM to 7:00 PM.

On October 2, 2018, the Court held a case management teleconference with regard to Mother's Petition, participated in by the parties, during which the parties expressed their mutual support for continuing the custodial and visitation arrangement set out in the September 4th Interim Order until this matter could be resolved after a final hearing. However, on November 30, 2018, Father filed a Motion for Emergency *Ex Parte* Order against Mother alleging that Mother was not addressing Child's medical needs and lacked appropriate housing due to her eviction from her residence. On December 10, 2018, the Court held a hearing on the Motion attended by the parties and Ms. Laffey. Although the Court denied Father's Motion, the Court increased Father's visitation to every other weekend from 9:00 AM on Saturday until 7:00 PM on Sunday in light of the improvement in Father's living arrangements since the entry of the May 2018 Order.

Despite the Court's direction in the Order following the October 2, 2018 teleconference that the parties file parenting education course completion certificates on or before the date of the final hearing, neither Mother nor Father has done so.

The Court held a final hearing on the Petition for Custody on January 31, 2019 attended by the parties and Ms. Laffey. Testimony was taken from Mother, maternal grandmother L--- V----- (hereinafter "Maternal Grandmother"), Father, and paternal grandfather C----- P--- III (hereinafter "Paternal Grandfather").

Background Facts

Mother, 32 years old, testified that since December 1, 2018, other than a few days around Christmas 2018, she has been residing with Child in the four-bedroom --- Smee Road, Middletown, DE residence of her boyfriend's mother, S----- T----- (DOB 04/10/62, aka S---- H-----), along

with her boyfriend J---- T----- (DOB 12/06/89) and her boyfriend's 13-year-old sister.² Prior to December 1, 2018, Mother resided in a townhouse on Afton Drive in Middletown, DE that she shared with Father until March 2018. Although Mother reported to the New Castle County Police on November 29, 2018 that she was planning on moving from the Afton Drive townhouse into her grandmother's home the following day, Mother testified at this hearing that she never did so. In contrast to Mother's testimony, Maternal Grandmother testified that Mother resided in Maternal Grandmother's home in Townsend, DE from December 21, 2018 until about January 22, 2019 before returning to Ms. T-----'s home.

Mother testified, without providing any documentation,³ that she has been employed as a medical assistant at Family Medicine of Middletown, located within the Bayhealth Outpatient Center in Middletown, DE, since January 17, 2019. She reported that she works Monday – Friday, three days per week from 8:00 AM to 4:30 PM and two days per week from 8:00 AM to 5:30 PM. She also testified, without providing any documentation, that she previously worked at Upper Bay Counseling in Elkton, MD for two months in 2018. Contrary to her testimony at the December 10, 2018 hearing, when she said she was employed at Upper Bay starting on December 1st, she testified at this hearing that she was no longer employed at Upper Bay as of December 10, 2018. Prior to working for Upper Bay, Mother said she worked at Delaware Orthopedic Specialists for about a year until July 2018.

According to Mother, she has worked an additional job in the evenings for Desiree's Cleaning Service continuously for the last two-and-a-half years.⁴ She testified that, on the nights that she works, she is paid in cash between \$50 and \$100 dollars per night for working from 6:00 PM until about 12:30 AM. From about July 2018 until January 2019, Mother said she worked four nights per week. She also said that she plans to work only two nights per week going forward now that she works until 5:30 PM twice a week at Family Medicine of Middletown, all while admitting that, from her start date at Family Medicine of Middletown on January 19th until this hearing on January 31st, she had not yet worked a single night shift for Desiree's Cleaning Service. The most recent date Mother could document that she had corresponded with Desiree about working was on October 23, 2018 regarding a single night when Desiree needed Mother's help. Pet. Ex. #7. In

² The Court is not certain if either J---- T----- or S----- T----- are employed.

³ Mother testified that she could not provide a paystub because she had not been paid yet due to her recent start date.

⁴ To the contrary, at the December 10, 2018, Mother testified that she only started the nighttime cleaning job after being let go from Delaware Orthopedic Specialists in July 2018.

contrast to Mother's testimony, Maternal Grandmother testified that she believes that Mother is not presently working either during the day or night, but that she believes that Mother is seeking employment. Maternal Grandmother added that she knows that Mother has not worked for Desiree since at least October 2018 because Maternal Grandmother watches Desiree's child and Desiree stopped inviting Mother in for cleaning jobs because Mother did not report to work on dates requested.

Mother also testified that, while she does not currently have an active nursing license, she said she was a nurse at the time of the December 10, 2018 hearing because she continues to think of herself as a nurse even though her license expired last year. She said she earned an associate's degree in nursing at some time between 2007 and 2009, but she could not provide any documentation to demonstrate that she held such a degree or that she ever had an active license. Her only evidence of having any certification related to nursing was a Certificate of Completion from November 2014 showing she completed a two-hour course in Clinical Compliance – Skilled Staffing organized by the Maryland Nurses Association. Pet. Ex. #5. In contrast to Mother's testimony, Maternal Grandmother testified that Mother never earned a college degree in nursing or any certification to enable her to become a licensed practical nurse, and that the only certification Mother has received is for such things that are required for work, such as completing a CPR course.

Father, 25 years old, presently resides in Paternal Grandfather's (DOB 8/16/68) home in Townsend, DE along with Paternal Grandfather's wife, D----- P--- (8/30/66). Father added that his brother, G--- P--- (hereinafter "Paternal Uncle," DOB 6/12/95), also resides there from "time to time." Father testified that he has resided in the home since he separated from Mother. Although the Court is not certain how many rooms there are in the home, Father reported that Child has his own room. Father reported, without any corroborating documentation, that he has been employed as a heavy equipment operator at Diamond Materials for the last five months. Although Mother argued that Father is away from home from 6:00 AM until 7:00 PM on work days, Father responded that he only works from 7:00 AM to 3:00 PM. Paternal Grandfather, his wife and Paternal Uncle are all also employed, according to Father.

Mother and Father were never married and have no other children in common. Mother does however have another child, a nine-year-old son, L----. The parties have not resided together since about March 2018 when Father vacated the townhome he was sharing with Mother. After that

time, Father continued to have regular contact with Child pursuant to the May 16, 2018 and September 4, 2018 Orders, but he did not begin having any overnights with Child in his home until the middle of December 2018. Since that time, Father has been exercising his every other weekend contact with Child from Saturday morning until Sunday evening.

As to L----, Mother initially testified that she has L---- “full-time” in her care except every other weekend, but she later admitted that L---- is under a shared 2-2-3 residential arrangement with L----’s father. Mother also reported having a daily routine of either waking up early to drop off L---- at Maternal Grandmother’s house before school or spending the night at Maternal Grandmother’s house with L----. In contrast to Mother’s testimony about caring for L----, Maternal Grandmother said that, at least of late, L---- primarily stays with her when he is not in his father’s care, when the child is to be with Mother, which calls into question how often, if ever, Mother is actually taking L---- to and from Maternal Grandmother’s home.

Custody

The Court has not previously entered a final custody order for Child.⁵ Therefore, in making its determination the Court must consider the best interests of Child guided by an analysis of the factors under 13 *Del. C.* § 722.⁶ The Court has held that some factors may be given more weight than others in the Court’s analysis.⁷ The factors are as follows:

⁵ According to Mother, there is no final custody order in place in Maryland.

⁶ 13 *Del. C.* § 722(a) provides:

The Court shall determine the legal custody and residential arrangements for a child in accordance with the best interests of the child. In determining the best interests of the child, the Court shall consider all relevant factors including:

- 1) The wishes of the child's parent or parents as to his or her custody and residential arrangements;
- 2) The wishes of the child as to his or her custodian(s) and residential arrangements;
- 3) The interaction and interrelationship of the child with his or her parents, grandparents, siblings, persons cohabiting in the relationship of husband and wife with a parent of the child, any other residents of the household or persons who may significantly affect the child's best interests;
- 4) The child's adjustment to his or her home, school and community;
- 5) The mental and physical health of all individuals involved;
- 6) Past and present compliance by both parents with their rights and responsibilities to their child under § 701 of this title;
- 7) Evidence of domestic violence as provided for in Chapter 7A of this title; and
- 8) The criminal history of any party or any other resident of the household including whether the criminal history contains pleas of guilty or no contest or a conviction of a criminal offense.

⁷ See *Fisher v. Fisher*, 691 A.2d 619, 623 (Del. 1997) (noting that “[t]he amount of weight given to one factor or combination of factors will be different in any given proceeding. It is quite possible that the weight of one factor will counterbalance the combined weight of all other factors and be outcome determinative in some situations.”)

(1) The wishes of the child's parent or parents as to his custody and residential arrangements;

Mother is now seeking joint legal custody and primary residency, with no overnights for Father. Although she supports Father having contact with Child, she testified that letting Child have overnights with Father continues to make her nervous because she finds it hard to communicate with Father when Child is in Father's care, and because Father and Paternal Uncle have a history of issues with substance abuse. Mother later admitted that the presence of the no contact order that has been in place between Mother and Father since December 10, 2018 might be the cause of their recent communication challenges. Mother also stated that she wants primary residency with Child in order to provide him with the stability that she believes Child would lack in Father's care, and because Child has always been in her primary care since the parties separated.

Father seeks joint legal custody and primary residency, with Mother having visitation with Child every other weekend. Father also seeks shared holidays and an arrangement for extended vacation periods in the summer so that Child can travel with him. In support of his requests, Father testified that he believes that Child would have more stability with Father because Father has one residence whereas Mother has recently been going between living with her boyfriend's family and with Maternal Grandmother.

Therefore, the Court finds this factor supports joint legal custody, but is neutral as to residence because the parties have taken opposing positions.

(2) The wishes of the child as to his custodian(s) and residential arrangements;

Due to his very young age, the Court did not speak with Child about his wishes. In addition, neither Mother nor Father testified about Child's stated preferences regarding custody and visitation. As a result, the Court finds this factor to be inapplicable.

(3) The interaction and interrelationship of the child with his parents, grandparents, siblings, persons cohabiting in the relationship of husband and wife with a parent of the child, any other residents of the household or person who may significantly affect the child's best interests;

Child's Relationship with Mother

Neither the parties nor any relatives of the parties specifically testified as to the quality of Mother and Child's relationship. Mother only testified generally about her routine of taking Child

to and from daycare, and of how she gets him fed, bathed, and in bed before she heads to her evening shift at work. Although Maternal Grandmother testified to Mother's alarming practice of "using [Child and L----] as pawns" to get compliance with her desires, Maternal Grandmother did not comment on how she feels that Mother and Child interact.

Child's Relationship with Father

Both Maternal Grandmother and Paternal Grandfather testified that they have no concerns about Father's ability to care for Child and that it is clear that Child loves Father and enjoys spending time with him. Father added that he loves spending time with Child both in and out of the home and that they have an "awesome" time together. Specifically, he talked about such activities as playing in the snow, going to the mall and visiting an aquarium.

Although Mother testified that she does not desire to withhold Child from interacting with Father, she has in effect done so by continuing to oppose Father having any overnights with Child. For example, Father said Mother has denied his specific requests to take Child to Disney World with Father's family last year and to take Child with his family on a cruise this year.

Additionally, neither the parties nor any relatives of the parties specifically testified as to the quality of Child's relationship with Mother's boyfriend or his family, or the adults residing with Father.

Although the Court is concerned that it has little to no evidence of what kind of relationship Mother has with Child, other than the troubling disclosure about how she uses her children for her own benefit, Father also has had very limited contact with Child since March 2018. In the lifespan of a two-year-old, that is crucial bonding time Father has missed. Therefore, despite the Court's concern about Mother and the positive reports about Father, this factor supports joint legal custody but is neutral as to residence.

(4) The child's adjustment to his home, school and community;

Child is not currently enrolled in any licensed daycare program or extracurricular activities. Other than spending time in the home of the parties and Maternal Grandmother, Child spends considerable time in the Elkton, MD home of Father's cousin. Mother testified that she has been utilizing Father's cousin as Child's caregiver during the weekdays when Mother goes to work. As such, regardless of who has primary residency of Child, the Court presumes that Father's cousin is agreeable to continuing to watch Child until the parties choose to locate another arrangement.

As previously mentioned, Child spent no overnights in Father's care between March 2018 and December 2018. Therefore, prior to December 2018, the Court can conclude that Child was more adjusted to being in either Mother's or Maternal Grandmother's home. However, two-year-olds adapt quickly and the Court is confident that Child is already well-adjusted to Father's home since he started overnights there in the middle of December. Father and Paternal Grandmother both confirmed that Child is already sleeping and eating really well in the home.

Therefore, as there is no evidence that Child has in any way struggled to adjust to his overnights with Father since they started in December 2018 and Child's workday caregiver would not change if Father started getting weekday contact with Child, this factor supports both joint legal custody and shared residential placement.

(5) The mental and physical health of all individuals involved;

There was no evidence presented that Child has any significant physical health concerns that would strain either parent's ability to care for him. All testimony about his health was focused on his infections and illnesses that seem altogether normal for an active child of his age. Likewise, there was no evidence presented that either Mother or any of the adults residing with her have any physical or mental health issues that would weigh in favor of Father having care of the Child under this factor. However, Paternal Uncle has a history of drug use. Father testified that Paternal Uncle completed a 30-day treatment program in Florida almost a year ago and has been sober and excelling since then, as evidenced by his enrollment in an EMT program at Delaware Technical Community College.

Like his brother, Father also has a history of drug use with his former drug of choice being heroin. Father testified that he participated in a drug treatment program in Florida before Child was born but continued to use drugs after he returned necessitating his enrollment in Maryland's drug court program in 2015 rather than face incarceration on a theft charge. Father added that since his entry into that program he has not used heroin and he has completed his other drug court requirements, such that he believes that his participation in the program should be closed as of July 2018 other than his payment of a few hundred dollars in outstanding fines. In contrast, Mother testified, without providing any corroborating documentation, that she believes that Father's drug court case is still open in Maryland. Paternal Grandfather praised Father for the "180-degree" turnaround he has made as to his health and sobriety in recent years.

Therefore, as there is no evidence to support that either Father or Paternal Uncle utilized

illicit substances in the last year, this factor supports joint legal custody with a very slight preference toward Mother having primary residency.

(6) Past and present compliance by both parents with their rights and responsibilities to their child under § 701 of this title;

Pursuant to 13 Del. C. § 701, even without a Court Order, parents are responsible for the support, care, nurture, welfare, and education of their children. As to financially caring for Child, Mother presented evidence that, in the past, Father has been opposed to discussing how much he would pay Mother in informal child support. Pet. Ex. #3. Father responded that his main opposition has been that he has not wanted to pay for everything for Child all while Mother denies him from having reasonable contact with Child. However, he clarified that he has made a practice of paying his cousin \$100 per week to watch Child, and that he has made sure to provide Mother with whatever clothes, diapers, wipes, shoes and other such essentials that Child needs. Father added that he is willing and able to financially support Child going forward, but that he has stopped giving money directly to Mother recently because he doubts that Mother will use the money on Child.

As to providing Child with day-to-day care, Mother testified that she shoulders the entire burden of transporting Child to and from Father's cousin's house each workday and that Father has, on at least one occasion, declined Mother's request to help with transportation. Pet. Ex. #6. Father responded that if he is granted weekday time with Child that he, or one of his family members, would have no problem getting Child to and from Father's cousin's house.

As to providing Child with stable housing, the parties had a landlord/tenant hearing scheduled for the morning hours before this hearing involving \$3000 in back rent that the parties allegedly owe on the --- Afton Drive home. Although Mother testified that she notified the Court that she could not attend the 10:30 AM landlord/tenant hearing and that she was informed the case was continued, Father testified that he attended the hearing and that the case was not continued. Father believes that the rent was fully paid while he resided there, and that Mother only fell behind after Father moved out in March 2018. Father further placed the responsibility for the unpaid rent on Mother because he does not believe he ever signed the lease and that his signature was forged.

As to caring for Child's medical needs, the parties disputed whether Mother was providing adequate care for Child at the December 10, 2018 hearing specifically as it related to Child's bout with Hand, Foot and Mouth Disease and Child's immunization record. Although at that hearing

Mother said she would be getting Child's remaining immunizations within a month of that hearing, Mother testified that she again refused to have the vaccines administered at a January 2, 2019 medical appointment because Child had a double ear infection at that time, for which he was prescribed amoxicillin, and she wanted to wait until Child was healthy before getting his hepatitis and pneumococcal shots. Pet. Ex. #1. Mother added that Child was now scheduled to get those shots on February 8, 2019. In response, Father continued to express general concern about the medical attention Child was receiving in Mother's care and he affirmed that he would be able to carry Child on his work insurance if a Court order so required it. Finally, the parties also disputed whether Father is adequately bathing Child during his visits with Child.

As to Mother's other child, L----, Maternal Grandmother testified that she filed a Petition for Guardianship against Mother and L----'s father in order to provide him with stability since Maternal Grandmother said he has "always" been in her care and Mother has been evicted from three homes in the last three years according to Maternal Grandmother. Although the Court is concerned about Mother's lack of involvement in L----'s life, the Court's ultimate focus is on evidence of Mother's compliance with her rights and obligations as to Child.

As the Court found in December 2018 that Mother had obtained the necessary medical care for Child, the Court finds insufficient evidence that Mother is failing to meet her rights and obligations as to Child at this time. Likewise, the Court declines to hold it against either Mother or Father that Child had a runny nose following a recent visit with Father or that his hair was not combed. Pet. Ex. #4. Therefore, based on the evidence presented, this factors supports joint legal custody and shared residential placement.

(7) Evidence of domestic violence as provided for in Chapter 7A of this title; and

Pursuant to 13 *Del. C.* § 706A, "(a)ny evidence of a past or present act of domestic violence, whether or not committed in the presence of the child, is a relevant factor that must be considered by the court in determining the legal custody and residential arrangements in accordance with the best interests of the child." Father testified that he has no history of domestic violence other than Mother's allegations, which he denies, that he pushed his way into Mother's residence on November 29, 2018 that led to an Offensive Touching charge being filed against Father. Those charges are still pending. Furthermore, Father denies ever pushing Mother in April 2018. Therefore, the Court finds this factor to favor joint legal custody and to be neutral as to residential placement as the Court has no evidence that domestic violence has occurred, only

allegations that Father denies.

(8) The criminal history of any party or any other resident of the household including whether the criminal history contains pleas of guilty or no contest or a conviction of a criminal offense.

The Court has independently reviewed the Delaware criminal histories of the parties. Mother has no criminal record in Delaware other than a long history of 12 speeding infractions and being found guilty of not having a proper child restraint for a passenger in 2011. Despite her vehicular record, Mother denied that her license is presently or has ever been suspended, but she did admit that she has outstanding fines that she still needs to pay off. Father testified that he notified the police in September or October 2018 that Mother had committed fraud against him for purchasing items from Amazon for her personal use, such as bikini straps and hand cream, with Father's credit or bank card. However, there are no criminal charges pending against Mother for this allegation. As previously mentioned, Father has two misdemeanor charges pending from an alleged incident at Mother's home on November 29, 2018, when Father came over to check on Child's well-being, for which he and Mother have an active no contact order. Father also has six speeding infractions, he was extradited in December 2015 as a fugitive from another state, and he pled guilty to Selling Stolen Property under \$1500 in April 2016.

The Court has also independently reviewed the Delaware criminal histories of all the adults who reside in the homes of the parties. Neither Ms. T----- nor her son, Mother's boyfriend, has a criminal record in Delaware of any concern to the Court. Furthermore, Paternal Uncle has no criminal record in Delaware of any concern, and Ms. P--- and Paternal Grandfather's convictions for non-motor vehicle offenses are from 1993 or before.

Therefore, other than Mother's and Father's issues with speeding, the criminal records of the listed individuals are either not recent or not relevant to the Court's consideration as to the well-being of Child in each person's care. This factor supports joint legal custody and is neutral as to residential placement.

In addition to the above express factors listed under 13 *Del. C.* § 722, the Court may consider other relevant factors in determining the legal custody and residential arrangements for Child. As a result, the Court also notes that Mother and Father have demonstrated a very poor communication record since they separated in March 2018 both in the language they use to

communicate and in the convenience with which they are able to communicate. For example, Mother presented two messages wherein Father used demeaning language in reference to Mother. Additionally, Father testified that they are only able to correspond by text or email, because the application on Mother's phone only permits outgoing calls.

Conclusion

Based on the evidence presented, the Court finds that all of the factors support granting joint legal custody to the parties, except for factor two (2) which is inapplicable. As to Child's residential placement, factors one (1), three (3), four (4), six (6), seven (7), and eight (8) all either support shared residency or are neutral. Only factor five (5) slightly favors primary placement with Mother. Upon consideration and weighing of the above factors and the evidence presented, the Court finds overwhelming support for maintaining joint custody and significantly increasing Father's contact from one overnight every other weekend to shared residential placement. Although Father did not have any overnights with Child from March 2018 to December 2018, all the evidence suggests that Child has adjusted very well to resuming overnight contact with Father and that he is happy in Father's care. Furthermore, Mother presented insufficient evidence that Father's and Paternal Uncle's past drug use should be a barrier to Father's ability to care for Child going forward under a shared placement arrangement. Finally, the Court finds Mother's credibility to be highly suspect such that the Court is forced to draw negative conclusions about Mother's present circumstances as to the stability of her housing and employment and whether Mother's actions on behalf of her children are motivated by altruism or self-benefit. However, Mother's credibility alone, without more, in this case, is not enough for the Court to grant Father primary residency. At this time, the Court believes it is in Child's best interest to have considerable residential time with both parents.

In addition, due to the communication challenges that currently exist between Father and Mother, the Court strongly encourages Mother and Father to find a method by which they can civilly communicate by spoken word and to engage in co-parent counseling as the Court believes it may help to repair some of the strain evident in their present attempts at co-parenting Child. It is clearly in the best interest of Child that his parents maintain open and civil and trusting communication channels about Child, especially at this early stage in Child's development.

ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. Mother, N----- V-----, and Father, C----- P--- IV, shall have joint legal custody and shared residential placement of the minor child, J--- P---. This Order comes into effect immediately.
2. **Residential arrangement:** While Child is preschool age in order to minimize the amount of time he is away from one of his parents, Mother and Father shall have a three days/nights on and three days/nights off shared arrangement. This schedule shall begin Sunday evening, February 24, 2019. When Child is old enough to begin kindergarten, Mother and Father shall have a week on and week off shared arrangement beginning every Friday afternoon after school, and also a Wednesday night dinner from 5:00 PM to 8:00 PM with Child every week on their non-residential weeks.
3. **Summer Vacations:** Each party shall be permitted two weeks of vacation time with Child. The two weeks may be consecutive or non-consecutive as each parent chooses. The parties shall notify each other by May 15th of the dates they have selected for their two weeks. The parties shall strive to coordinate their vacation plans such that Father's two weeks and Mother's two weeks do not interfere.
4. The exchange location will continue to be the Delaware State Police Troop 9 station in Odessa, DE. Either the parties or persons designated by the parties may assist in facilitating these exchanges, especially while the no contact order between the parties remains active. The parties may agree in writing to alter the exchange location to, for example, the child care provider or school when Child is old enough to attend. The parties shall also set an exchange time as mutually agreed. In the absence of an agreed upon time, exchanges shall occur at 6PM.
5. The parties may split the holidays (and winter and spring school recesses when Child is school age), on a mutually agreed upon schedule.
6. **Holidays:** If the parties cannot reach agreement, regardless of whose day it is supposed to be, Father shall have Child on holidays in Column 1 in odd-numbered years and holidays in Column 2 in even-numbered years. Mother shall have Child on the holidays in Column 1 in even-numbered years and the holidays in Column 2 in odd-numbered years:

Column 1

Easter or other religious holidays
 Fourth of July
 Halloween
 Christmas Day

Column 2

Memorial Day
 Labor Day
 Thanksgiving Day
 Christmas Eve

With the exception of Christmas and Halloween, Holiday contact shall be from 9AM until 6PM the day of the holiday (unless the holiday falls on your normal residential custody, then there is no change). Halloween contact shall begin at 5 PM until 9PM. Christmas Eve contact shall begin at 6PM on December 24th and end at noon on December 25th. Christmas Day contact shall begin at noon on December 25th and end at 6PM on December 26th.

7. ***Mother's Day/Father's Day***: On Mother's Day and Father's Day, regardless of whose day it is supposed to be, the parent whose holiday is being celebrated shall be entitled to spend the day with Child from 9AM until 6PM.
8. The parties may modify Child's residential visitation schedule by mutual agreement in writing.
9. Mother and Father shall file certificates of completion of a Court-approved co-parenting course within 60 days of the issuance of this Order, and provide the other party with a copy of the same.

The Court reminds the parties that each parent is entitled by statute to have reasonable access to his or her child by telephone, mail, and other means of communication and to receive all material information concerning the child.⁸ Each party shall foster a feeling of affection and respect between the child and the other parent. Moreover, neither party shall do anything that may estrange the child from the other party, injure his or her opinion of the other party, or hamper the free and natural development of his or her love and respect for each party.

IT IS SO ORDERED.

/s/ **Robert Burton Coonin, Judge**

RBC/plr
Cc: File, parties
Mail Date:

⁸ See 13 Del. C. § 727(a):

Whether the parents have joint legal custody or 1 parent has sole legal custody of a child, each parent has the right to receive, on request, from the other parent, whenever practicable in advance, all material information concerning the child's progress in school, medical treatment, significant developments in the child's life, and school activities and conferences, special religious events and other activities in which parents may wish to participate and each parent and child has a right to reasonable access to the other by telephone or mail. The Court shall not restrict the rights of a child or a parent under this subsection unless it finds, after a hearing, that the exercise of such rights would endanger a child's physical health or significantly impair his or her emotional development.