

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAKOTA HUNT-WALKER, ¹	§
	§ No. 88, 2022
Petitioner/Respondent Below,	§
Appellant,	§ Court Below—Family Court
	§ of the State of Delaware
v.	§
	§ File No. CK17-03959
SCOTT MURPHY,	§ Petition Nos. 21-19764
	§ 21-19772
Petitioner/Respondent Below,	§
Appellee.	§

Submitted: August 26, 2022
Decided: September 27, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

After careful consideration of the parties’ briefs and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Family Court’s order dated February 18, 2022, deciding the parties’ cross-petitions seeking to modify the residential arrangements for the parties’ child. To the extent that the appellant argues that the residential arrangements established in the February 18, 2022 order should be modified based on events that have occurred since the Family

¹ The Court previously assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

Court entered that order, that claim must be presented to the Family Court in the first instance.²

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

² See *Price v. Boulden*, 2014 WL 3566030, at *2 (Del. July 14, 2014) (“[T]his evidence was not available to the Family Court in the first instance, is outside of the record on appeal, and cannot properly be considered by this Court.”); *Del. Elec. Coop., Inc. v. Duphily*, 703 A.2d 1202, 1206 (Del. 1997) (“It is a basic tenet of appellate practice that an appellate court reviews only matters considered in the first instance by a trial court.”).