

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JASPER RICHARDSON,¹

Petitioner Below,
Appellant,

v.

DAWN DAVIS-REED,

Respondent Below,
Appellee.

§

§ No. 471, 2024

§

§ Court Below—Family Court
§ of the State of Delaware

§

§ File No. CN08-02364

§ Petition Nos. 23-20572

§

§

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Submitted: June 20, 2025

Decided: August 5, 2025

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

ORDER

After careful consideration of the 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 October 16, 2024, deciding the petitioner-appellant’s (Father’s) petition alleging that the respondent-appellee (Mother) violated the court’s 2019 order regarding custody of and visitation with the parties’ children. Factual findings will not be disturbed on appeal unless they are clearly erroneous, and when the determination of facts turns on a question of the credibility of the witnesses appearing before the trial court, we will not substitute our opinion for that of the trier

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

of fact.² Father had the burden of establishing, by clear and convincing evidence, that Mother violated the 2019 order.³ The Family Court’s determination that he did not meet that burden is not clearly wrong.⁴ As to Father’s argument that the Family Court’s order does not specify for how long the children must engage in therapy before his visitation with them resumes, he may seek relief if visitation does not resume after a reasonable therapeutic period, such that he can demonstrate that resuming visitation is in the children’s best interests.⁵

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

BY THE COURT:

/s/ Karen L. Valihura
Justice

² *Holmes v. Grant*, 2023 WL 2768914 (Del. Apr. 3, 2023).

³ *Thomas v. Thomas*, 102 A.3d 1138, 1149 (Del. Oct. 1, 2014).

⁴ *Cf. Layton v. Layton*, 2018 WL 5291968, at *5 (Del. Oct. 23, 2018) (holding that Family Court’s conclusions as to contempt were not “clearly wrong”).

⁵ *See* 13 Del. C. § 729(a) (“An order concerning visitation may be modified at any time if the best interests of the child would be served thereby in accordance with the standards set forth in § 728(a) of this title.”).