

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PARKER TINSLEY,¹

Petitioner Below,
Appellant,

v.

TIFFANY TINSLEY,

Respondent Below,
Appellee.

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§ No. 358, 2024

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

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§ File No. CK22-02613

§ Petition No. 22-2968

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Submitted: June 20, 2025

Decided: August 27, 2025

Before **VALIHURA, TRAYNOR**, and **LEGROW**, Justices.

ORDER

Upon consideration of the parties’ supplemental memoranda and the record on remand, it appears to the Court that:

(1) Appellant Parker Tinsley (“Husband”) filed this appeal from a Family Court order resolving ancillary matters. At a November 8, 2023 hearing, Husband and Appellee Tiffany Tinsley (“Wife”) agreed to resolve certain issues related to property division. The terms of this agreement, as set forth in the Family Court’s November 8, 2023 order, were: (i) the parties listing the marital home for sale at the end of the 2023-2024 school year; (ii) each party receiving 30% of the sale proceeds

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

with the remaining 40% held in escrow; (iii) the parties' payment of credit card and homeowner association debts with the sale proceeds; (iv) the parties keeping their respective vehicles; and (v) the parties addressing their life insurance policy as they wished. Division of the escrowed sale proceeds and Husband's request for alimony and a portion of Wife's pension still had to be resolved.

(2) The Family Court scheduled another alimony and property division hearing for August 1, 2024. The hearing notice warned that if either party failed to appear for the hearing the Family Court could enter a default judgment for the relief sought in the petition. The notice also warned that, if the petitioner failed to appear for the hearing, the Family Court could dismiss the petition.

(3) Husband failed to appear for the August 1, 2024 hearing. On August 6, 2024, the court issued a default ancillary order vacating the November 8, 2023 order ("August 6, 2024 Order"). The court found that circumstances had changed since the November 8, 2023 hearing, noting that at a May 15, 2024 rule-to-show-cause proceeding there was evidence that the parties had changed their minds concerning the disposition of the marital home and the court had found that Husband was obligated to contribute to the mortgage. At the August 1, 2024 hearing, Wife testified that Husband never contributed to the mortgage payments and had paid nothing toward the home, including utilities, in more than two years. The court ordered that: (i) if the marital home was sold, the proceeds available after satisfaction

of the mortgage and any liens would be divided so that Wife received 70% and Husband received 30%; and (ii) Husband waived his claim to a portion of Wife's pension based on his failure to appear at the hearing.

(4) On appeal, Husband argued that he did not appear for the August 1, 2024 hearing because he was rendered unconscious by medication for his medical conditions. Because Husband did not present this explanation to the Family Court in the first instance by filing a motion to reopen the judgment under Family Court Civil Rule 60(b), we held that it was outside the scope of the record on appeal and we could not consider it. The Court also held, however, that the scope and effect of the August 6, 2024 Order was unclear. The Court remanded for the Family Court to address the status of: (i) alimony; (ii) the marital home before sale; and (iii) the parties' credit card and homeowner association debts, vehicles, and life insurance policy.

(5) In a remand order dated May 27, 2025 ("Remand Order"), the Family Court dismissed Husband's alimony claim because he failed to appear for the August 1, 2024 hearing. The court again found that Husband waived his claim to a portion of Wife's pension by failing to appear for the hearing. The court awarded ownership of the marital home to Wife, authorizing her to sell the home and require Husband to vacate or allow him to stay in exchange for rent. If the home was sold, the sale proceeds available after satisfaction of the mortgage and any liens would be divided

so that Wife received 70% and Husband received 30%. The court ordered that Wife would be responsible for debt to the homeowners' association and marital credit card debt. Each party would exercise ownership over the life insurance policy insuring that party's life.

(6) This Court directed the parties to submit supplement memoranda addressing the Remand Order. Husband's supplemental memorandum consisted of a motion for clarification he filed in the Family Court after issuance of the Remand Order. In the motion, Husband argued that he was entitled to larger portion of the home's worth than Wife, a portion of Wife's pension and 403(b) retirement account, and alimony. He briefly referred to a medical emergency as the reason for his failure to appear at the previous hearing. The Family Court denied the motion for clarification on July 8, 2025, holding that the Remand Order clearly addressed ownership of the home, Wife's pension, and alimony. As to the 403(b) retirement account, the court declined to address it because the parties had not previously raised it. In her supplemental memorandum, Wife argued that the Family Court's judgment should be affirmed.

(7) With the exception of the parties' vehicles, which neither party raises in their supplemental memoranda, the Family Court addressed the issues identified by this Court in its remand order. Husband should have raised the arguments made in his motion for clarification at the August 1, 2024 hearing. Because he has not

moved under Family Court Civil Rule 60(b) to reopen the Family Court's judgment, he still has not properly presented his explanation for his failure to appear at the August 1, 2024 hearing to the Family Court in the first instance.² Husband has not identified any reversible error in the Family Court's judgment.

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

BY THE COURT:

/s/ Gary F. Traynor
Justice

² See, e.g., *Martin v. Valentine*, 2025 WL 1794047, at *1 (Del. June 27, 2025) (affirming the Family Court's dismissal of the appellant's petition for alimony where he failed to appear for the alimony hearing and failed to move to reopen the Family Court proceeding so that he could present evidence supporting his basis for not appearing); *Ingram v. Chambers*, 2013 WL 6122386, at *1 (Del. Nov. 19, 2013) (affirming the Family Court's entry of default judgment on ancillary matters where the appellant did not appear at the hearing, did not move to reopen the judgment, and did not explain to the Family Court why he failed to appear for the hearing).