



# THE COUNCIL ON RACIAL EQUITY

—  
(CORE)



# The Family Court of the State of Delaware

LEONARD L. WILLIAMS JUSTICE CENTER  
500 N. KING STREET, SUITE 9445  
WILMINGTON, DELAWARE 19801-3703

400 COURT STREET  
DOVER, DELAWARE 19901

22 THE CIRCLE  
GEORGETOWN, DE 19947

MICHAEL K. NEWELL  
CHIEF JUDGE

June 11, 2020

## **Family Court Statement of Unity**

Dear Family Court:

The Family Court of Delaware is a unified court where one court hears all cases related to parents, families, and children. Today, we, the Judges, Commissioners, and Administration, write you about our unified purpose to state that we, as individuals and collectively, are against racism. The mistreatment and murder of black and brown human beings is something that we must renounce absolutely. But we must do more than renounce it, we must begin conversations to bring about change. The recent peaceful protests across our country show in painful detail how we have failed our fellow citizens of color. Our first order of business is to acknowledge that racism still exists and that we are all committed to change.

We know that many of you are hurting, whether it is the disproportionate effects of COVID-19 on minorities, treatment by a justice system that raises a question as to fairness, or just watching the senseless taking of life so graphically displayed on social media and television.

Family Court's mission statement is "to provide equal access to justice for the families and children under its jurisdiction in a manner that is fair and efficient and that maintains the public's trust and confidence in an independent and accountable judiciary." To be true to our mission statement we must ensure that we remain independent and accountable to the people we serve but we must recognize that you, as dedicated and hardworking employees, are suffering too.

Challenges face us every day and, in this time, we have what appear to be insurmountable challenges to our health and to what we want to be as a society, a court, a state, and a country.

You will be receiving further communication about our next steps in the coming days and weeks.

The Family Court Judges, Commissioners, and Administration are committed to this challenge and change. Today is the beginning of a long overdue discussion to say we hear you, we see you, we empathize with you, and we stand with you.

Respectfully,

*/s/ Micheal K. Newell*  
\_\_\_\_\_  
Chief Judge Michael K. Newell

*/s/ Kenneth M. Millman*  
\_\_\_\_\_  
Judge Kenneth M. Millman

*/s/ Mark D. Buckworth*  
\_\_\_\_\_  
Judge Mark D. Buckworth

*/s/ Peter B. Jones*  
\_\_\_\_\_  
Judge Peter B. Jones

*/s/ Mardi F. Pyott*  
\_\_\_\_\_  
Judge Mardi F. Pyott

*/s/ Robert B. Coonin*  
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Judge Robert B. Coonin

*/s/ Arlene Minus Coppadge*  
\_\_\_\_\_  
Judge Arlene Minus Coppadge

*/s/ Joelle P. Hitch*  
\_\_\_\_\_  
Judge Joelle P. Hitch

*/s/ Paula Ryan*  
\_\_\_\_\_  
Judge Paula Ryan

*/s/ Felice G. Kerr*  
\_\_\_\_\_  
Judge Felice G. Kerr

*/s/ Jennifer B. Ranji*  
\_\_\_\_\_  
Judge Jennifer B. Ranji

*/s/ Natalie J. Haskins*  
\_\_\_\_\_  
Judge Natalie J. Haskins

*/s/ Janell S. Ostroski*  
\_\_\_\_\_  
Judge Janell S. Ostroski

*/s/ Louann Vari*  
\_\_\_\_\_  
Judge Louann Vari

*/s/ James G. McGiffin, Jr.*  
\_\_\_\_\_  
Judge James G. McGiffin, Jr.

*/s/ Mary S. Much*  
\_\_\_\_\_  
Judge Mary S. Much

*/s/ Michael W. Arrington*  
\_\_\_\_\_  
Judge Michael W. Arrington

*/s/ Sonja Wilson*  
\_\_\_\_\_  
Commissioner Sonja Wilson

*/s/ Loretta Young*  
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Commissioner Loretta Young

*/s/ Andrew Southmayd*  
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Commissioner Andrew Southmayd

*/s/ DeSales Haley*  
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Commissioner DeSales Haley

*/s/ David Jones*  
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Commissioner David Jones

/s/ Jennifer Mayo

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Commissioner Jennifer Mayo

/s/ Para Wolcott

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Commissioner Para Wolcott

/s/ Kim DeBonte

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Commissioner Kim DeBonte

/s/ Theresa A. Sedivec

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Commissioner Theresa A. Sedivec

/s/ Samantha Lukoff

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Commissioner Samantha Lukoff

/s/ S. Michelle Hoffman

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S. Michelle Hoffman,  
Court Administrator

/s/ Addie P. Asay

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Addie P. Asay, Esquire,  
Director of Legal Affairs

/s/ Lisa Greene

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Lisa Greene,  
Director of Fiscal Services

/s/ Constance Turner

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Constance Turner,  
Director of Operations for New Castle

/s/ Trina Gumbs

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Trina Gumbs,  
Director of Operations for Sussex

/s/ Melissa Kucharski

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Melissa Kucharski, Deputy Director of  
Operations for New Castle

/s/ James J. Maxwell

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Commissioner James J. Maxwell

/s/ Danielle Blount

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Commissioner Danielle Blount

/s/ Gretchen C. Gilchrist

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Commissioner Gretchen C. Gilchrist

/s/ Craig R. Fitzgerald

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Commissioner Craig R. Fitzgerald

/s/ Emily Farley

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Commissioner Emily Farley

/s/ Eleanor B. Torres

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Eleanor B. Torres, Esquire,  
Counsel to Chief Judge

/s/ Rachel DeColli

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Rachel DeColli  
Director of Case Flow Management

/s/ Andre M. Boggerty

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Andre M. Boggerty,  
Director of Human Resources

/s/ Chiara Fox-Molock

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Chiara Fox-Molock,  
Director of Operations for Kent

/s/ Martin Rosenthal

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Martin Rosenthal, Deputy Director of  
Operations for New Castle

# THE CREATION OF THE COUNCIL ON RACIAL EQUITY (CORE)

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In June 2020, in response to national protests following the murder of George Floyd, the Chief Judge issued a Statement of Unity signed by all judicial officers and administration to state that the leaders of Family Court were against racism and to renounce the mistreatment and murder of black and brown persons. It was imperative that conversations had to start in order to bring about change. As a result, the Chief Judge established the Council on Racial Equity (CORE or the Council) co-chaired by Judge Arlene Minus Coppadge and Judge Natalie Haskins and composed of judicial officers and Court staff statewide.

CORE's mission, as developed by the Council's membership, is to eliminate systemic and institutional racism that serves as a barrier to accessing and achieving justice for litigants of color, and to promote a supportive and inclusive environment for employees dedicated to celebrating diversity by removing any social, cultural, or other inequities that stifle professional development. The primary goal is racial equity and equal justice for all. The Council examined the Court's policies and procedures to strive for racial equity and elimination of systemic and institutional racism; create an environment where litigants and families are valued, heard, and respected; increase racial diversity and promotion in the Court's hiring practices; collect, examine, and maintain race-specific data; and provide cultural competency and educational opportunities for all employees. CORE has established Subcommittees to examine each of the goals and charged the Subcommittees with providing recommendations to the full Council. The work of CORE and its Subcommittees provides an important opportunity for judicial officers and staff to dialog about improving the environment of the Court for both litigants and employees now and into the future.



# COUNCIL ON RACIAL EQUITY (CORE) REPORT AND RECOMMENDATIONS

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A photograph of a woman with dark, curly hair, smiling broadly. She is wearing a light-colored button-down shirt under a dark blazer. The background is slightly blurred, showing another person's hand and glasses. The overall lighting is soft and professional.

## **HIRING, RETENTION & PROMOTION**

The CORE Hiring, Retention & Promotion Subcommittee Report

Members: Danielle Blount (Chair), Michelle Hoffman, Bill Carpenter, Joseph Leister, Mary Caulder, Temple Jefferson, Heavenly Doran

The Hiring, Retention and Promotion Subcommittee was charged with examining Family Court’s employment policies in an effort to increase diversity in the hiring, retention, and promotion of qualified employees. The Subcommittee focused on the identification and elimination of intentional bias and awareness of unintentional bias. Additionally, the Subcommittee reviewed the 2020 CORE survey of Family Court staff, focusing on issues that relate to workplace practices that may negatively impact productivity.

## **FAMILY COURT AS A MODEL EMPLOYER<sup>1</sup>**

The Subcommittee recognized that the development and implementation of a results-focused diverse and inclusive employment policy relies heavily on factors outside of the Subcommittee’s control. The focus was geared towards developing recommendations that would further Family Court’s aim to be a model employer in the hiring, retention, and promotion of a diverse and inclusive workforce.<sup>2</sup> The Subcommittee submits these recommendations based upon our review of Family Court’s procedures and policies:

### **I. HIRING**

#### ***Establish Clear Expectations in the Interview Process Regarding Advancement Opportunities***

While the content of job postings is controlled by the State, Human Resources shall continue to explain how the salary range works at the very beginning stages of the interview process. Also, some employees believe that after a period of service, their salary would increase to the maximum of the range. Transparent discussion of the position’s actual salary should clearly indicate that salary increases are approved by the General Assembly. During the interview, a discussion about promotions (i.e., career ladder) and internal opportunities for advancement for a job classification should be added to the brief overview of the position that occurs at the beginning of face-to-face interviews.

#### ***Referral Sources / Participation in Career Days and Employment Fairs***

The Delaware Department of Human Resources (“DHR”) provides Family Court with the applications of qualified individuals to fill vacancies. Job vacancies are posted on the Delaware Employment Link webpage, the career opportunity page of the Delaware Courts website, and other employment websites. Efforts were made to identify the sources of the job referrals for applicants and new hires, but our attempts have been unsuccessful. We will continue to request information from DHR. Once the sources of job referrals are known, Family Court can focus its efforts to expand our search for qualified applicants. Family Court should participate in employment and career fairs at local high schools, alternative and vocational schools, as well as colleges, especially ones that serve a racially diverse population.<sup>3</sup> This will include efforts to conduct recruitment efforts at adult secondary schools.<sup>4</sup>

<sup>1</sup> Most of these recommendations were submitted to the Director of Human Resources and have been implemented.

<sup>2</sup> Diversity refers to political beliefs, race, culture, sexual orientation, religion, class, and/or gender identity differences. In the workplace, diversity means your staff consists of individuals who bring perspectives and backgrounds to the table. Inclusion means that everyone in the workplace feels involved, valued respected, treated fairly, and embedded in your culture. Empowering all employees and recognizing their special talents is part of creating an inclusive company.” Accessed on 1/22/2022 at <https://www.achievers.com/blog/diversity-and-inclusion>.

<sup>3</sup> Job Fairs at local Community and Private colleges (i.e., Springfield, Wilmington, Delaware Technical College, Strayer University, Goldey-Beacom College, Delaware Skills Center, James H. Groves Adult High School, Poly Tech Adult Education, and other state-approved adult secondary schools)

<sup>4</sup> Career Team, EDSI, Hire Autism, and Recruit Disability regarding employment opportunities.

***Diverse Interview Panels***

Family Court began diversifying interview panels with employees from different units and counties to represent the diversity of the Court and the litigants we represent. Family Court has committed to having racially diverse individuals on each panel.

***Statement of Commitment to Diversity During Interviews by Panelists***

The Court should consider the implementation of a statement signed by all panelists before interviews are conducted. The statement would ensure the panelists' commitment to Family Court's mission statement "to provide equal access to justice for the families and children under its jurisdiction", the commitment to identify known biases, and to be aware of unintentional biases. If the person is unable or unwilling to commit to the above terms, they may voluntarily step down from the panel. This statement should include language requiring the disclosure of any type of relationship or prior knowledge of the applicant before the interview commences to avoid nepotism.

***Onboarding***

Onboarding, the process of integrating or familiarizing new hires with Family Court, should be reviewed to ensure that time is allocated to understanding the culture and expectations of Family Court. Focus should be given on the new hires understanding of how their work will flow to different units and how vital their role is to the Court. After onboarding is complete, there will be a commitment to training and staff development opportunities. This should include a process to obtain feedback and input from current staff about gaps in knowledge or types of questions received from new hires during their first few weeks of employment.

***Law Clerk Questionnaire Edited to Add Diversity/Inclusion Question***

The Subcommittee added the following diversity and inclusion question to the Law Clerk Questionnaire: What could we do to improve diversity and inclusion in our agency? What additional feedback do you have on our agency's diversity and inclusion? The feedback would allow judges to enhance the program to attract diverse talent.

**II. RETENTION**

Provide ongoing education and training to all employees through:

***Unit Meetings & One-on-Ones***

Unit meetings and one-on-ones with staff should be a requirement of all supervisors on a regularly occurring schedule. These tools can be a way to provide all employees with a safe venue to voice concerns regarding diversity, equity, and inclusion in our workplace. Supervisors and staff can ask questions and share perspectives. Staff should be asked to identify agenda items for both meeting settings. Supervisors should continue to have discussions about flexible work schedules in accordance with the needs of the unit under Family Court procedures to ensure a diverse and inclusive culture.

***Attendance at Training Opportunities Outside of the Court***

The Court should increase live training opportunities for staff of Family Court. Trainings should be tailored to the development of work skills to better understand and communicate with the communities we serve. Opportunities to attend training should be for all staff members, and not solely for judicial officers or administrative staff. Key examples include de-escalation skills and training for the Intake and Records Department on how to better interact with the public we serve regardless of their race or class. Another example is safety and security de-escalation techniques for Court Security Officers.

***Annual Dissemination of Information***

Administration should continue to educate our staff regarding the total compensation offered by the State of Delaware, not just salary. Compensation materials should include an information sheet outlining the current state benefits (i.e., annual, and sick leave, medical, dental, and vision benefits, prescription plans, deferred compensation, pension, union membership, flexible healthcare and childcare savings plans, life insurance, disability insurance, accident, and critical illness insurance, pretax commuter benefit, guidance resources, Surgery Plus). This information would be shared with individuals at Career Days and Employment Fairs. Also, a plain language visual of the interplay of the Merit Rules, Judicial Branch Rules, and the Collective Bargaining Agreement and which document covers specific employees was developed by Human Resources and reviewed and approved by this committee. This visual is available on our intranet page, included in orientation materials for new staff, and is displayed in common areas throughout our courthouses.

***Referral/Retention Program***

Creation a recognition program for employees who refer someone for a vacant full-time position, who is hired, and remains with Family Court for more than nine months. Absent a DHR approved referral program, the referring employee would be placed in a drawing eligible to win a monetary gift card. This would require funding from a private source such as donations from Judicial Officers or Administration.

**III. PROMOTION*****Creation of a Formal Policy to Provide Internal Candidates Feedback from Interviews***

As promotional opportunities become available, internal employees often apply, and may not be selected, for the position. The selection of another candidate may leave the employee feeling unappreciated, inadequate, or motivated to leave Family Court. While this is currently a practice of Human Resources, we recommend the creation of a formal policy to provide feedback to internal candidates based on their interview performance, application quality and recommended opportunities to enhance their skills. Implementing this policy may increase racial diversity at upper administration levels by encouraging racially diverse applicants to continue to apply for positions.

***Performance Reviews Update***

Updates to the Performance Development Plan (“PDP”) now includes goals and expectations related to the diversity and inclusion competency. This committee developed recommended goals for use in this section and explained the importance of incorporating them into the 2022 goals for each employee. Goals and expectations should be developed on a statewide level and will be specific to job titles (i.e., Mediator, JCM, and JCP). The Director of Human Resources should provide trainings to Judges and Commissioners regarding the PDP process. Goals should include clear expectations on the steps employees should take to continue succeeding in a diverse and inclusive workplace. Additionally, supervisors should promote the trainings offered by the Delaware Learnings Center (DLC) to enhance employees development.

***Exit and Stay Interviews/Questionnaires***

There is a valuable opportunity to ask departing employees in exit interviews about diversity, inclusion, and the work culture in Family Court. There may be unknown barriers that prevent Family Court from retaining diverse talent. Stay interviews focus on what motivates an employee to stay and what might cause them to leave. The Subcommittee forwarded recommended questions to be included in both the exit and stay questionnaires.

***Formal Procedure for Employees to Request Career Ladder Advancement***

Judicial Case Managers (JCM) and Judicial Case Processors (JCP) are positions that have career ladder advancement opportunities. Our current procedure should be updated to include an avenue for the employee to request a meeting with their supervisor to discuss advancement. The request should be logged, and the meeting should take place within 30 days of the request. PDP goals for JCMs and JCPs, should reflect the skills necessary to enable them to be eligible for career ladder advancement.

***Self-assessments***

During the annual review process, employees should be encouraged to conduct a self-assessment or add comments in the appropriate section of the PDP form to reflect their assessment of their job performance. The section should include free form text where the employees can list their accomplishments as they relate to the diversity equity and inclusion competency in their respective positions and this self-review will be a part of their employee file.

A woman with dark hair pulled back, wearing a dark graduation cap and gown over a white collared shirt. She is looking off to the right with a thoughtful expression. The background is softly blurred, showing vertical light patterns.

# CULTURAL COMPETENCY RACIAL EQUITY TRAINING

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The Cultural Competency/Racial Equity Training Subcommittee of CORE (hereafter “Subcommittee”) members were Commissioner Gretchen Gilchrist (Chair), Michelle Mendoza, Sharon Page, Lisa Greene, and Eric Stephenson.

The Subcommittee was charged with exploring enhanced training to staff and identifying specific trainers.

Lisa Greene and Eric Stephenson joined the Subcommittee to assist with identifying training vendors. Eric met with Allison Gallo to discuss various Administrative Office of the Courts and Department of Human Resources training. Subcommittee members reviewed Delaware Learning Center Programs to determine if any training programs on biases or racial equity existed for the State of Delaware.

The Subcommittee reviewed potential training vendors. Eric Stephenson reviewed information regarding training providers and resources, identified diversity training and the ComPsych catalog of training. Eric reviewed the types of training available based on the suggested training topics.

The Subcommittee finalized suggested training topics to be divided into three categories:

1. How to identify and address/respond to Implicit and Explicit Bias;
2. Cultural stereotypes and cultural humanity – identify and respond; and
3. Identify Systematic Racism in Family Court and how to address it (tools/ strategies to address situations involving both litigants and employees).

The Subcommittee identified Lori Tarke as a potential trainer, based on her training experience with the AOC.

Lisa Greene met with Allison Gallo to discuss the various AOC and DHR trainings that we were seeing on Delaware Learning Center. Allison Gallo recommended the following training ideas:

- Project Implicit Assessments (Unconscious Bias) – this is a link to the Harvard Implicit Bias tests.
- Unconscious Bias – this is a 10-minute online course – It covers an explanation of unconscious bias, micro-inequities and their effect and how to incorporate micro-affirmations to make a positive impact.
- Hidden Bias – This is a 3-minute video – It is about the benefit of knowing what your biases are and being aware of them.
- When and how to respond to micro-aggressions – This is an article from Harvard Business Review.

- How Was Your Day? – This is a 30-minute online class that includes a series of 5 videos that include some re-enactments that tell a story.
- DHR offers a Diversity Food For Thought course, and it is available virtually.
- There is the Diversity Crossword Puzzle
- There is a 30-minute AA/EEO online course for supervisors that speaks to affirmative action and why diversity is valuable as a leadership tool.
- A Respectful Workplace is a 45-minute online course on harassment and discrimination.
- ADA Accommodation: Supervisors and the ‘Interactive Process’ is a 10-minute online course.

The Subcommittee reviewed these sites and determined that the training should be interactive to ensure active participation and not passive engagement. The above resources could be used in conjunction with any in-person training.

The Subcommittee received two recommendations for Lori Tarke as a trainer, and spoke with her to discuss her training experience and our training needs. Lori is interested in providing training to Family Court. She has two decades of training experience in areas of diversity, inclusion, cultural humanity, and cultural competency. Lori has provided staff training for AOC. Lori indicated she could tailor a presentation to meet the needs of Family Court.

Lori suggested the ideal seminar would be in person with between 20-30 people with a maximum of 40 individuals to ensure active participation.

On January 21, 2022, Lori provided a short presentation on Imposter Syndrome for the CORE Chairs and Subcommittee. Lori suggested beginning with topics of conflict, topics of race and topics of trauma to establish awareness. She prefers an open discussion during trainings. The presentation was recorded on Zoom and a copy can be provided for review.

The Subcommittee met with Jennifer Daniels by Zoom on November 22, 2021. She discussed her qualifications and ability to provide the requested training. She provided the Subcommittee with potential training topics and a link to the Ted Talk she conducted.<sup>5</sup> Jennifer indicated she could tailor a presentation to meet the needs of Family Court.

The Subcommittee received recommendations from the Enhancing Customer/ Litigation Experience Subcommittee regarding training on microaggressions and racial comments and humor. Data Subcommittee provided additional training recommendations regarding Hispanic/ Latin American cultural differences i.e., Spanish, Mexican, Puerto Rican, Dominican and Guatemalans, etc. These topics were added to the suggested training topics.

The Subcommittee attached the Understanding Bias: A Resource Guide prepared by the U.S. Department of Justice, Community Relations Service (CRS) for additional information.

## RECOMMENDATIONS:

### ***The Subcommittee recommends:***

- a. Family Court staff, supervisors and judicial officers should be divided into cohorts consisting of 20-30 members. The smaller the group the more interactive the training.
- b. Supervisors, front-line staff and judicial officers should be in different cohorts and not mixed together. Their training will be from different perspectives. The Subcommittee suggests group cohorts, so the groups go through several trainings together.
- c. Training topics should be divided into two 3-hour training sessions.
- d. Each topic session should occur every 4-6 months over the requisite number of days for each county with each cohort.
- e. Method of training delivery to be determined as appropriate for each topic, i.e., in-person, virtual, online etc.
- f. Identify the time frame to complete training, i.e., number of topics per year for X number of years. The training should be on-going and topics added based on the needs of the communities we serve.

### ***These issues should be determined later:***

- How new hires will be integrated into the cohorts.
- Procedure to schedule missed training sessions.
- “After” training expectations and outcomes.
- Identify follow-up or sustainability options for ongoing training.

The Subcommittee suggests a separate committee plan, coordinate and facilitate the training by selecting a trainer and identifying training topics based on the final CORE report.



# REVIEW OF FORMS, POLICIES, PROCEDURES, AND PRACTICES TO ELIMINATE BIAS

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The Review of Forms, Policies, Procedures, and Practices to Eliminate Bias Subcommittee of CORE first met on January 11, 2021. Throughout 2021, the Subcommittee reviewed the results of the CORE survey, conducted research, met virtually, communicated with other Subcommittee chairs, and surveyed colleagues. The Subcommittee included Judge Ranji (Co-Chair), Judge Pyott (Co-Chair), Francine Piper, and Addie Asay.

Following a review of the 2020 CORE survey of Family Court staff, the Subcommittee identified a number of topics for consideration. The Subcommittee quickly recognized that, given the volume of Family Court forms, policies, and procedures, it would be necessary to create a way to receive ongoing feedback regarding possible bias reflected in Court documents, as opposed to going through each form to review for bias. In terms of specific forms and policies, extrapolating from the survey, the Subcommittee felt that the Court's dress code required review as did the Contact Guidelines. The dress code policy was identified by staff as being arbitrarily applied while staff questioned the Christian focus of the holidays referenced in the Contact Guidelines. In addition, the Subcommittee determined based on the members' experiences that the oath that is administered during court proceedings should be reviewed to see if changes could be made to avoid any perceived religious bias.

The following summarizes the work and conclusions of the Subcommittee:

### **I. CONTINUAL FEEDBACK ON FAMILY COURT FORMS, POLICIES, AND PROCEDURES**

The Court's forms, policies, and procedures number into the high hundreds. Given this, it quickly became apparent that it would be nearly impossible for the Subcommittee to review each one individually. The Subcommittee; however, believes that it is imperative that the Court create a way for staff and customers to share their feedback regarding any bias they perceive in a Court form, policy, or procedure. Staff and customers could also be given the means to suggest language that would be more inclusive or welcoming of our diverse population.

The Subcommittee suggests that this be accomplished through the creation of a feedback portal accessible through the Court's intranet and internet sites. We would suggest that staff and customers be permitted to leave anonymous feedback. This would create a safe space within which staff and customers can share their perspectives without discomfort or fear. In working with the Director of Caseflow Management, the Subcommittee understands that a CORE webpage will be created. We suggest that the forms, policies, and procedures feedback portal be incorporated into that webpage.

The Subcommittee also considered one discreet issue related to the use of gendered language in Court materials. The Subcommittee recognized the importance of respectful and inclusive language. Gender inclusive language creates a more welcoming environment for individuals of all gender identities and is one way in which the Court can evidence its respect for all individuals. In furtherance of this goal and in recognition of the volume of existing Court materials, the Subcommittee recommends that when a form, policy, or procedure is drafted or updated that an emphasis be placed on using gender inclusive language.

## II. DRESS CODE

The staff survey identified concerns related to the Court’s dress code policy being arbitrarily applied. The survey results did not specify whether employees felt it was being arbitrarily applied to litigants or employees. While respect for the Court and decorum are important, the Subcommittee was concerned about the possibility that litigants could be excluded from the courthouse because of their attire. The Subcommittee recognized that a strict application of a dress code would disproportionately affect poor and disadvantaged litigants, while subjective determinations regarding attire could be affected by cultural, gender, race, or class biases.

## III. DRESS CODE FOR LITIGANTS

With this as a backdrop, the Subcommittee reviewed the practices of judicial officers, Court Security Officers, and Capitol Police in all three counties. The Subcommittee did not find that any litigant was denied access to a hearing due to their clothing. Both Family Court security and Capitol Police confirmed that they did not bar people from entering the courthouse based on attire. The Subcommittee did note that some judicial officers inform litigants of specific attire issues when they appear, to discourage or encourage specific attire at subsequent hearings.

The Subcommittee recognized that access to justice should not be dependent upon one’s attire and recommends that a reminder be provided at upcoming judicial statewide meetings regarding the challenges some litigants may experience in terms of obtaining appropriate clothing. The Subcommittee also suggested sharing information on Delaware’s passage of the Crown Act. *“The Crown Act expands Delaware’s law regarding prohibited discrimination on the basis of race. The Act does this by making clear that discrimination would include treating people differently based on traits historically associated with race, including hair texture, and protective hairstyles. Protective hairstyles include braids, locs and twists.”*<sup>6</sup>

## IV. DRESS CODE FOR EMPLOYEES

After confirming that the Hiring, Retention & Promotion Subcommittee would not be reviewing the Court’s Staff Dress Code Policy, the Subcommittee took up its review. The Subcommittee discussed that while the policy seems neutral on its face, staff concerns may have been raised regarding inconsistent enforcement. To better understand the general concerns raised by staff in the survey, the Subcommittee recommends that staff be encouraged to provide more detailed information. The Subcommittee felt that this type of feedback could be provided via the previously referenced intranet CORE portal. The Subcommittee felt that to the extent the issue was inconsistent enforcement of the policy by supervisors, Administration should address that at county supervisor meetings and future supervisor trainings.

## V. SWEARING AN OATH OR AFFIRMING

The Subcommittee recognized the difficult situation that can arise when an individual is asked to swear an oath or affirm. While the religiosity of swearing an oath is long standing, many individuals nonetheless may be unclear on what the difference is between swearing an oath and affirming. An individual may then seek guidance from the judicial officer regarding these options. The Subcommittee also was cognizant of the discomfort that some individuals may feel in requesting to affirm rather than swear. In so doing, individuals may feel as though they have been compelled to share information deeply personal to them.

<sup>6</sup> SB32, 151<sup>st</sup> Gen. Assemb., Reg. Sess. (Del. 2021)

Based on these concerns, the Subcommittee considered whether the Court could do away with the choice between swearing and affirming and instead default to affirming. The Subcommittee researched this possibility and found that Delaware law would not support such a shift. Specifically, in relation to giving testimony, the statute provides that persons who are “conscientiously scrupulous of taking an oath may be permitted, instead of swearing, solemnly, sincerely and truly to declare and affirm to the truth of the matters to be testified.” 10 *Del. C.* § 5324. Section 5324 further permits a non-Christian person to be sworn in “according to the peculiar ceremonies of such person’s religion.”

The Subcommittee recommends that the Court create informational material regarding the distinction between swearing an oath and affirming. The materials should make clear that swearing an oath or affirming are equally valid and have the same legal effect. By demystifying the terms and making clear that neither option has a negative consequence, the Court can create a more welcoming space for all.

## **VI. HOLIDAYS IN DELAWARE’S CONTACT GUIDELINES**

Staff expressed concern that Delaware’s Contact Guidelines lacked inclusivity given that only Christian religious holidays are specifically referenced. Of the eight holidays included in the Guidelines, three appear overtly religious – Christmas, Christmas Eve, and Easter. It should be noted that Easter also includes “or other religious holiday.”

Understanding the concern raised, the Subcommittee reviewed contact guidelines from many other jurisdictions. The Subcommittee discovered that in those jurisdictions that included a more extensive list of religious holidays, including both Christian and non-Christian, the contact guidelines were also more complex with litigants having to make choices from provided options. The Subcommittee felt that given the purpose of Delaware’s Guidelines, to provide a parenting plan for parents who are unable to reach an agreement themselves, making the Guidelines more complex would be counterproductive. Additionally, the Subcommittee recognized that Christmas, while certainly a Christian holiday, is also a cultural holiday in the United States. The Subcommittee took notice of research finding that a very large majority of people in the United States celebrate Christmas in some way, regardless of their religious faith. Given that, the Subcommittee is not recommending the removal of Christmas or Christmas Eve. In contrast, the Subcommittee recognized that Easter is a religious holiday, but the more inclusive language of “other religious holiday” is in the contact guidelines. After speaking with judicial officers, the Subcommittee felt that judicial officers tailor the guidelines to fit the litigants before them and permit families to include any holidays important to their family.

**CONCLUSION**

The Review of Forms, Policies, Procedures, and Practices to Eliminate Bias Subcommittee of CORE makes the following recommendations:

1. When the CORE webpage is created, that the forms, policies, and procedures feedback portal be incorporated into that webpage for employees and the general public to use.
2. When a form, policy, or procedure is drafted or updated, an emphasis be placed on using gender inclusive language.
3. That careful consideration is given to cultural differences as well as the financial challenges faced by some litigants prior to any litigant being addressed regarding their attire. Judicial officers shall address inappropriate attire in their discretion.
4. The Administration should address the employee dress code policy at county supervisor meetings and future supervisor trainings to support uniform application of the policy.
5. The Court should create informational material regarding the distinction between swearing an oath and affirming. Those materials should make it clear that swearing an oath or affirming are equally valid and have the same legal effect. This material should be included on our website.
6. Judicial officers should tailor the holidays listed in the Contact Guidelines to fit the litigants before them and permit families to include any holidays important to their family.

# ENHANCING CUSTOMER/LITIGANT EXPERIENCE SUBCOMMITTEE

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The Enhancing Customer/Litigant Experience Subcommittee of CORE began its work in the fall of 2020 and continued discussing topics throughout 2021. Members were Judge Peter Jones (Chair), Nicole Gosa, Eleanor Torres, Esq., and Dale Johnson.

Initially, the Subcommittee reviewed the 2020 CORE survey of Family Court staff, focusing on issues that related directly to the experiences of our customers.<sup>7</sup> Special attention was paid to whether people are being treated differently, based on race, language, and poverty. Subcommittee members considered difficulties faced by customers as they maneuver their way through a Family Court case, realizing that what is easily understood by Court staff may be totally foreign to others. The following are the conclusions reached by the Subcommittee.

## I. SIGNAGE

The Subcommittee recognized that a difficulty experienced by many visitors to the courthouse, especially those who come to a courthouse for the very first time, is to understand what they are supposed to do and where they are supposed to go. This problem can be amplified if a person does not speak English. Coming to court can be a traumatic experience. Matters involving divorce, custody, domestic violence, and crime are stressful enough. The Subcommittee believes that clear signage is important to assist our customers. Signage should be directional, as well as informative.

Signs are currently located throughout our three courthouses. Since Kent and Sussex County courthouses only handle Family Court business, signage in those buildings relates directly to Family Court matters. However, the current signage was installed over time, based on need. There is no indication that a master plan of signage, based on a study of what was needed and what was effective, was ever done. Fortunately, in a few short years, there will be new Family Courthouses constructed in both Kent and Sussex Counties. It is anticipated that new signage in those buildings will be installed after careful consideration of not only need, but effectiveness.

New Castle County presents a more complicated scenario. The Leonard L. Williams Justice Center located in New Castle County is shared by several courts. Therefore, much of the signage, especially as litigants first enter the building, is necessarily generic in nature. However, in areas that are mostly devoted to Family Court, the signage is more specific. It is unknown how much of the signage was present when the Leonard L. Williams Justice Center was constructed in 2002, and how much has been added over time. One idea is for a group of persons familiar with the building, as well as those not familiar with the building, to inspect the current signage and determine how helpful it is and what else may be needed. Another idea would be for a firm that designs signage to canvas the Leonard L. Williams Justice Center and determine whether the signage meets the needs of our customers.

Many signs in all buildings are in both English and Spanish, which is a good thing. It would be impossible, though, for all signs to be in every language that is spoken by every customer. If a third language becomes prevalent amongst our visitors, then consideration should be given to creating additional signs.

<sup>7</sup> The Subcommittee chose to use the general term “customer” when referring to those who visit our Family Courthouses, recognizing that those individuals may be litigants, witnesses, other participants, observers, and persons who are seeking information.

The Subcommittee believes that consideration should be given to expanding the use of electronic displays in each courthouse, containing information about individual cases and general information about our Court.

## **II. ASSISTANCE TO CUSTOMERS**

In addition to information that can be obtained from signage, it is important that customers be able to rely on information that they obtain verbally from employees. Certainly, if a customer approaches Family Court staff with a question, every effort should be made to assist the person, or direct them to another resource who can provide accurate information. In New Castle County, it may be that the person who is approached actually works for a different court or works for the AOC. It is hoped that person will provide whatever information that they possess and do their part to direct the customer to other resources.

As customers enter the building and walk through the corridors, or as they wait for a proceeding to begin, staff should be on the lookout for people who seem lost or confused or otherwise appear to need help. Our Subcommittee has heard of employees who are willing to not only advise a customer where they need to go, but walk them to that location, or at least partway. Advising a litigant that they need to “go up to the third floor” might not be enough. We believe that professional customer service training could enhance the Court experience for customers.

## **III. VIDEOS/PODCASTS**

The Subcommittee recognizes that for many people, the most effective method of obtaining information is visually. There should be videos prepared to explain various Court processes, which can be included on our Court website, available on YouTube, and even shown on monitors in the courthouses. That way, customers in Family Court can obtain information prior to coming to Court, as well as while they are waiting for Court proceedings to begin. Videos could also assist Court staff in providing information in our Centers for Self-Represented Litigants.

Videos should be tailored specifically to Family Court. Some examples of topics might be: how to file a particular petition; how to prepare for a hearing; how to present evidence in a hearing; and how to proceed following the issuance of a Court order. Each video should be relatively short, possibly just a few minutes in length. The idea would be to present highlights of a topic, referring people to other more in-depth resources, if desired. Possibly, the Digital Media Department of a local high school or college could become involved in the production of the videos.

Another resource for presenting information to customers would be podcasts, again allowing access to information in a manner that is convenient to the user. Delaware’s Court Appointed Special Advocate Program is successfully using podcasts as a method of sharing relevant information with its volunteers. There is no reason why Family Court could not do something similar.

Whether information is provided through videos or podcasts, it is important that the medium used can be modified easily, to take into consideration changes in the law and Court procedures. Consideration should also be given to presenting information in languages other than English.

## **IV. LANGUAGE ISSUES**

For a significant number of customers visiting Family Court, English is not their primary language. Fortunately, Delaware’s Administrative Office of the Courts maintains a robust Court Interpreter Program. Interpreters for many languages are available to assist during Court hearings, often in person, but sometimes virtually. Many Court forms and instruction materials are available in both English and Spanish. The Family Court website presents information in both English and Spanish. Likewise, many signs are in both English and Spanish.

When a customer visits a Family Court building in person to obtain information or to file a pleading, access to interpreter services, either in person or by phone, is available. Court staff also have language identification cards that assist them in discerning what language a visitor understands.

The Subcommittee has not identified significant improvements that need to be made to address language issues. However, coordination of efforts with the Court Interpreter Program will allow the Court to remain current in this area. The Court should continue to review its signage, the information contained on its website, and information contained in written materials.

## **V. LEGALESE/TRAUMA-INFORMED LANGUAGE**

The law has a language of its own. Judges and lawyers, as well as Court staff, become used to that language. Legal terminology is found throughout statutes, Court forms, and Court orders. Those terms are frequently uttered during Court proceedings, often without consideration as to whether a litigant actually understands what the legal term means.

The Subcommittee believes that it is important to give consideration as to whether the language that is used in Family Court proceedings could be simplified. For instance, rather than refer to a litigant as “pro se”, it would be just as easy to refer to the individual as “self-represented”. Even when it is necessary to use a formal legal term, Court staff and judicial officers could take an extra step to ensure that the term used is actually understood.

Another topic for consideration is the use of trauma-informed language. Court staff and judicial officers should consider the effect certain words have on the individuals who come to Court. A word such as “visitation” could be replaced with the word “family time”. Or, instead of discussing a “mental health/competency evaluation”, there could be “a referral to professionals who may be able to help us better understand how to support you”.

Training is available both in utilizing plainer language, as well as using trauma-informed language.

## **VI. MICRO-AGGRESSIONS AND RACIST HUMOR/IMPLICIT BIAS**

While the Subcommittee initially discussed these topics, it became clear that they were going to be considered by the Cultural Competency/Racial Equity Training Subcommittee. In order to avoid duplication of efforts, the Subcommittee did not further consider them.

## **VII. DRESS OF LITIGANTS**

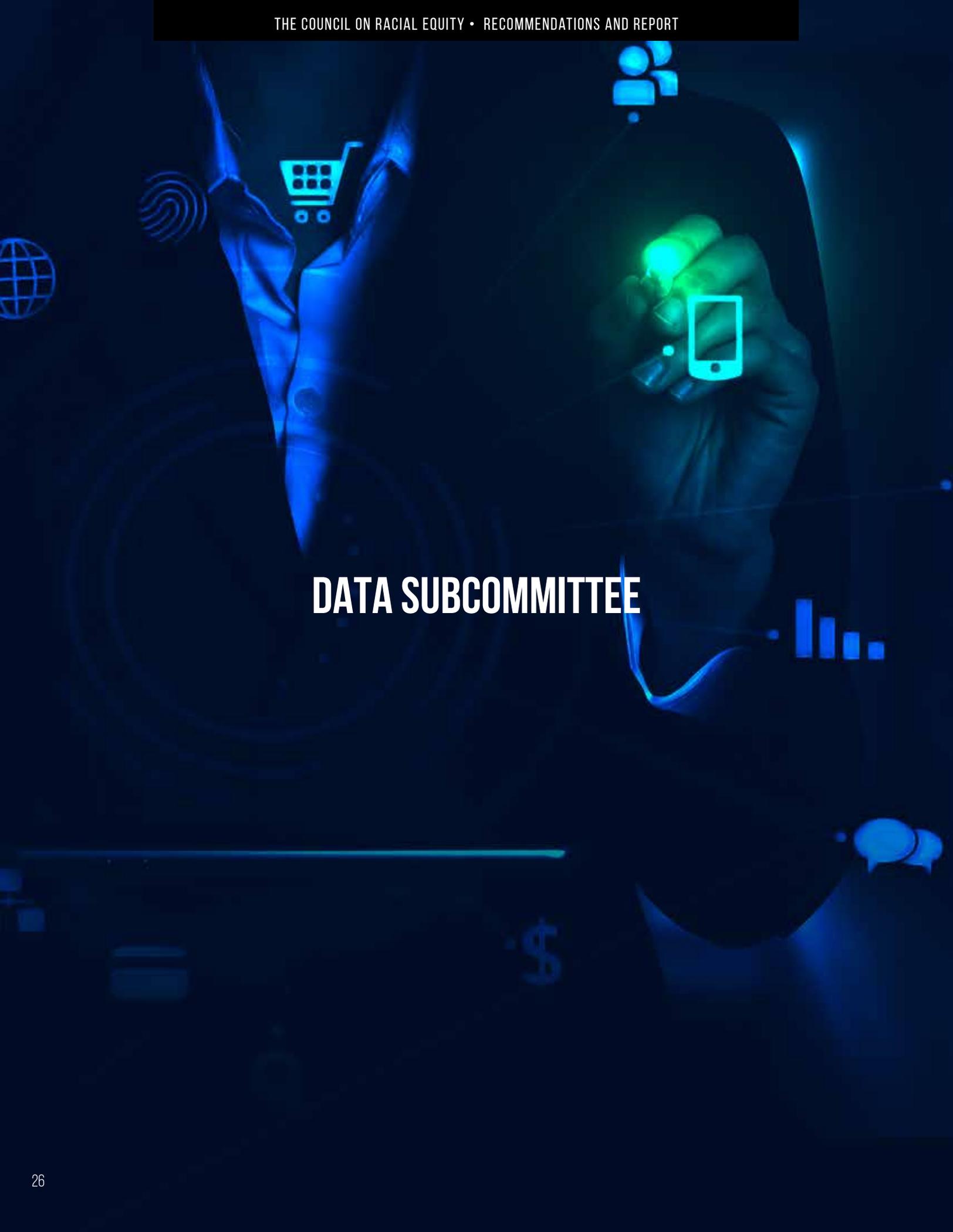
One of the early topics that the Subcommittee discussed was the dress of litigants and whether this was an issue for litigants, especially low-income litigants. Some written materials issued by the Court discuss how litigants are to dress for their hearings. A review of judicial officers, however, indicates that this is rarely an issue and there is no current evidence to suggest that hearings are delayed due to litigant dress. In addition, it is the understanding of the Subcommittee that the Review of Forms Subcommittee will be addressing what the Court's written materials will state concerning litigant dress.

## **VIII. LITERACY**

The Subcommittee recognizes that a certain percentage of our customers are not literate. This can be problematic, especially when assumptions are being made that individuals can read materials that are provided to them. The Subcommittee believes that Court staff and judicial officers could benefit from training on identifying those situations where a customer cannot read and therefore requires additional assistance.

## **IX. CONCLUSION**

The Enhancing Customer/Litigant Experience Subcommittee of CORE is hopeful that the implementation of these suggested changes will result in more equal treatment for the customers of Family Court, as well as a better understanding of Court processes. By recognizing the differences in those who come to Court and by striving to assist them, Court staff can do their part to ensure the fair administration of justice.



**DATA SUBCOMMITTEE**

## THOSE WHO CANNOT REMEMBER THE PAST ARE CONDEMNED TO REPEAT IT <sup>8</sup>

The Data Subcommittee was established to study, from a statistical perspective, the role of race and ethnicity in the business of the Family Court. It was first necessary to determine the overall profiles of the State and the individual counties. Each of Delaware's counties have unique racial, ethnic, and cultural profiles which constantly evolve. The Subcommittee also studied the profile of the current staff, the languages for which interpreters have been needed, and the ex-patriot communities of other nations found in Delaware.

Prior to European settlement, Delaware was inhabited by indigenous people such as the Lenape and the Nanticoke, the ancestors of whom are present in Sussex County today. European colonization initially came from Scandinavia but was later absorbed as "the lower counties" of Pennsylvania under the leadership of the famous Quaker and British subject, William Penn. By 1704, interests between the upper and lower counties diverged including the reliance of the future Delaware colony on slave labor from Africa.

In 1790, African Americans represented 22% (12,786) of Delaware's population, 70% (8,887) of which were enslaved. The African American population as a percentage peaked at 25% in 1840, to which it has never returned (23.5% in 2020). By 1860, African Americans made up only 19% (21,627) of Delawareans, of which 13% (1,798) were enslaved.<sup>9</sup> Following Nat Turner's slave rebellion in 1832, the Delaware General Assembly passed the "Black Codes" strictly limiting the movement and privileges of black Delawareans<sup>10</sup> which led Delaware to be described as "the least hospitable place in the Union for freedmen prior to the Civil War."<sup>11</sup> The proportion of African Americans in Delaware who were enslaved decreased steadily to 24% in 1820 and 8% in 1860.

### AFRICAN AMERICANS IN DELAWARE, 1860

	<u>ENSLAVED</u>	<u>FREE</u>	<u>TOTAL</u>
New Castle	254	8,188	8,442
Kent	303	7,271	7,474
Sussex	1,341	4,370	5,711
Statewide	1,798	19,829	21,627

The Emancipation Proclamation of 1863 only freed enslaved persons in southern states controlled by the Union Army. Freedom would come to Delaware's residents in bondage only after the ratification of the 13th Amendment of the Constitution in 1865,<sup>12</sup> at which time 525 Delawareans were still recorded as enslaved.<sup>13</sup> Delaware itself rejected the amendment in 1865 and the General Assembly did not vote to ratify it until 1901. While the African American population grew following the Civil War, it stalled by the turn of the century, and by 1920, only 13.6% of Delaware residents were African American, a proportion that would not change until after 1960.

<sup>8</sup> George Santayana, *The Life of Reason*, 1905.

<sup>9</sup> Census Bureau.

<sup>10</sup> *Slavery in the North*, Douglas Harper (2003)

<sup>11</sup> William H. Williams, *Slavery and Freedom in Delaware, 1639-1865*, Wilmington Del., Scholarly Resources, 1996.

<sup>12</sup> Mark Eichmann, *Juneteenth did not mean Freedom for Delaware Slaves*, WHYY, June 19, 2020.

<sup>13</sup> Archivist unearths document listing last Sussex slave owners, Molly Murray, *The News Journal*, May 12, 2016.

In 1901, Wilmington elected its first African American City Councilman (Thomas Postles), and the State hired its first African American employee (John Barclay). Fourteen hundred (1400) Black Delawareans served in World War I and 4,000 in World War II. African American unemployment reached 60% during the Great Depression.<sup>14</sup>

In 1954, Delaware was part of *Brown v. Board of Education*<sup>15</sup> which famously struck down desegregation in public schools, but few are aware that the last Delaware school to desegregate did so in 1967. It was William Jason Comprehensive School in Georgetown and, until then, Sussex County’s only school for African American children in grades 7 to 12.<sup>16</sup> While Pennsylvania outlawed corporal punishment in 1683 (which still included the lower counties – Delaware), the First State became the final State to outlaw the use of a whipping post in 1972 for the punishment of crimes.<sup>17</sup> While less than one-sixth of Delawareans were Black, two-thirds of those sentenced to whippings were Black.<sup>18</sup>

## DELAWARE RACE AND HISPANIC ETHNICITY - 2020



<sup>14</sup> James E. Newton, Blacks in Delaware: An Overview, University of Delaware, June 27, 1997.

<sup>15</sup> 347 U.S. 483 (1954)

<sup>16</sup> Henry Evans, In Delaware, school segregation persisted until 1967, The Cape Gazette, May 28, 2014.

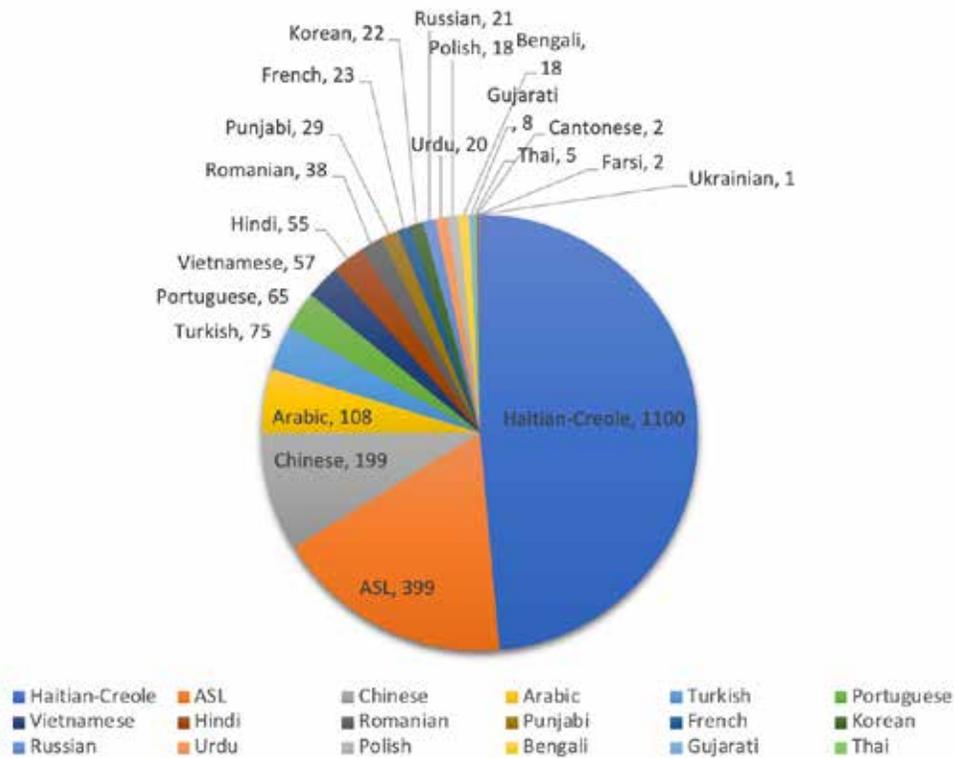
<sup>17</sup> Cassie Owens, Delaware just removed its last public whipping post, The Philadelphia Inquirer, July 2, 2020.

<sup>18</sup> Robert Graham Caldwell, Red Hannah: Delaware’s Whipping Post, University of Pennsylvania Press, 1947.

## FAMILY COURT AS A MELTING POT

Diversity means more than race and whether one has Hispanic ancestry. The United States has been described as a “melting pot” of different ethnicities through migration. One way the melting pot manifests in the courts is the need for court interpreters to assist litigants not sufficiently fluent in English. Interpreters are also needed for persons who communicate with American Sign Language (ASL). Eighty-seven percent (87%) of interpretation requests for FY2019 and FY2020 were for Spanish. However, the need for assistance with other languages is significant and growing.

### INTERPRETATION SERVICES OTHER THAN SPANISH FY2019-FY2020



In addition to a language barrier and whether a person speaks English or not, litigants from another country may also be disadvantaged by cultural differences. The government and judicial systems in their country of origin may be very different or may be dysfunctional or corrupt. Their trust of government and willingness to be forthcoming may pose a challenge in attempting to assist them or in providing helpful testimony. Further, immigration status may impede foreign residents’ willingness to come forward or to access services.

**REQUESTS FOR INTERPRETATION SERVICES - FY2019 & FY2020**

<b>LANGUAGE</b>	<b>ALL COURTS</b>	<b>FAMILY COURT</b>	<b>WHERE PREDOMINANTLY USED</b>
Spanish	15198	4028	Spain, Mexico, Central America, South America, Caribbean, Philippines
Haitian-Creole	1100	292	Haiti
ASL	399	110	United States and other English speaking countries
Chinese	199	32	China
Arabic	108	33	North Africa, Middle East
Turkish	75	22	Turkey
Portuguese	65	21	Brazil, Portugal, Angola, Sao Tome, Principe
Vietnamese	57	22	Vietnam
Hindi	55	21	Northern India
Romanian	38	21	Romania, Moldova
French	23	7	France, Luxembourg, eastern Canada
Korean	22	4	Korea
Russian	21	13	Russia, Belarus, Kazakhstan
Urdu	20	9	Pakistan, northeast India
Polish	18	5	Poland
Bengali	18	11	Bangladesh
Punjabi	15	15	Pakistan, northwest India
Gujarati	8	3	Gujarat province of India
Thai	5	4	Thailand
Cantonese	2	1	southeast China, Honk Kong, Macau
Farsi	2	2	Iran (also known as Persian)
Ukrainian	1	0	Ukraine

While over 300 of the interpreter requests over the last two (2) years came regarding persons originating in Asia, many Asian immigrants come from India, Korea, Japan, and Singapore which were former British colonies or have significant economic and political ties to the United States. English may be their first language, or a very strong second language, often taught in secondary school and college. But even though a person may be fluent in English, they may still face cultural barriers and bias. According to the Pew Research Center as of 2018, there were nearly 30,000 immigrants from Asia residing in Delaware, and 9,000 from Europe, 4,300 from South America, 9,400 from Africa.

### NATIVE ANCESTRY OF HISPANIC DELAWAREANS, 2014



## FAMILY COURT AS A MODEL EMPLOYER

The statewide Family Court as it is known today was created in 1971 but it had predecessors dating back to 1911. In 1945 the new Family Court of New Castle County opened, in which separate staff provided services for white and "colored" citizens as it would have been intolerable for any white citizen to be supervised or dictated to by a black official. Indeed, the first administrator of the Court resigned in part over the County's refusal to racially integrate the services.<sup>19</sup> In FY1946, it had 3,702 petitions filed, approximately one-third of which were referred to the "Colored Division".

**TABLE I**  
**Intake - New Cases - Cases Heard by Judge**  
**January to June, 1946**

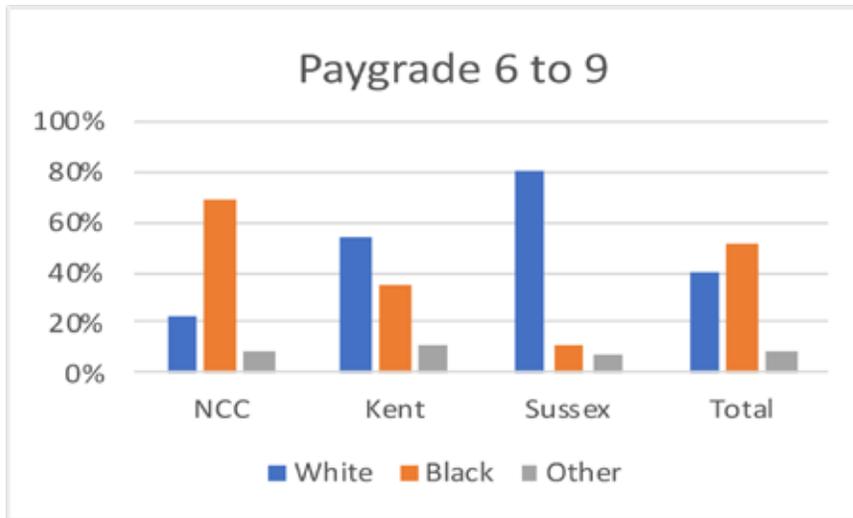
Totals and Breakdowns by Types of Cases	Jan.	Feb.	Mar.	April	May	June	Tot.	% All Cases
<b>Total Cases</b>	341	215	252	260	267	225	1560	100
<b>White Cases</b>	259	146	169	171	144	172	1061	68
<b>Col. Cases</b>	82	69	83	89	123	53	499	32
<b>Juv. White</b>	82	63	71	49	38	51	354	68.3 <sup>1</sup>
<b>Juv. Col.</b>	32	19	31	28	30	24	164	31.6
<b>Sup. White</b>	86	43	59	72	57	64	381	73.1 <sup>2</sup>
<b>Sup. Col.</b>	19	17	22	35	31	16	140	26.9
<b>Adult White</b>	91	40	39	50	49	57	326	62.5 <sup>3</sup>
<b>Adult Col.</b>	31	33	30	26	62	13	195	37.5
<b>Juv. Del.</b>	67	60	81	66	63	52	389	75 <sup>4</sup>
<b>Juv. Neg.</b>	17	7	6	3	1	12	46	8
<b>Juv. Dep.</b>	30	15	15	8	4	11	83	16
<b>Tot. Juv.</b>	114	82	102	77	68	75	518	33.2 <sup>4</sup>
<b>Tot. Sup.</b>	105	60	81	107	88	80	521	33.3
<b>Tot. Adult</b>	122	73	69	76	111	70	521	33.3
<b>Tot. Heard by Judge</b>	177	136	142	151	261	231	1098	70 <sup>4</sup>

**July to December, 1945**

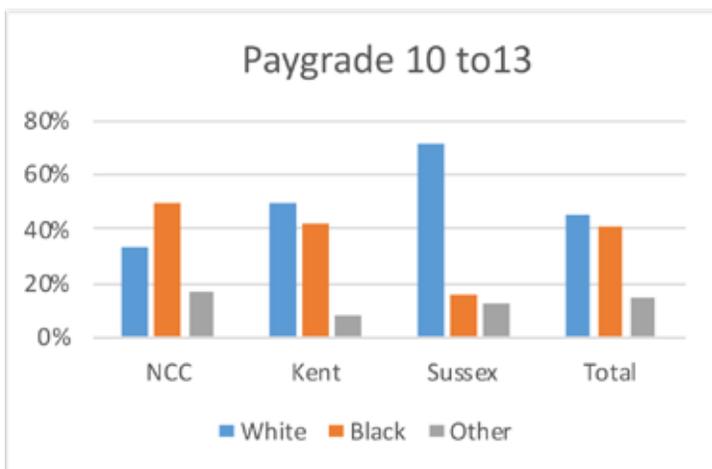
All Cases	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
	502	598	376	302	228	136	2142

\* For footnotes see following page.

From a perspective of racial and ethnic equity and fairness, Family Court should strive to be a model employer. The Subcommittee has compared the demographic profile of all Family Court non-judicial employees to the profile of the areas in which each courthouse is located. Statewide administrative staff has been included in



the New Castle County assessment. Staff profiles were drawn from Equal Employment Opportunity Commissioner (EEOC) information provided at time of hire.

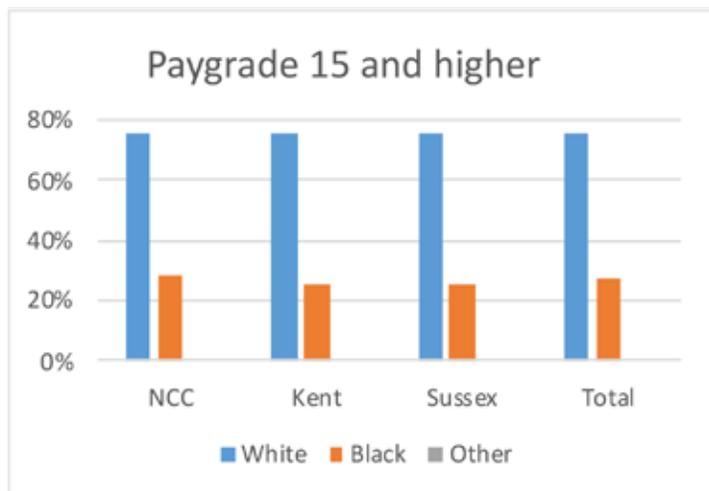


At the time of the count, Family Court had 308 staff members. For this analysis, staff have been separated into three (3) groups which, for discussion purposes, have been named line staff, middle management, and upper management. Paygrades 6 to 9 represent the lowest paygrades at Family Court and almost one-half of the total staff. Paygrades 10 to 13 represent the middle group and about one-third of the total.

Finally, staff at paygrade 15 or higher represent the highest paid employees and one-sixth of the total.

Analysis of the data reveals significant diversity and minority representation overall statewide especially in New Castle and Kent Counties with 46% of staff statewide identifying as African American. This is a tectonic shift from the “white” and “colored” divisions prior to the establishment of a statewide court. Despite being only 23.2% of the State’s population, African Americans represent over 30% of adult criminal defendants, over 40% of civil litigants, and over 50% of juvenile defendants. Therefore, it is good this disproportionately nonwhite litigant base is served by staff who may reflect a similar racial and ethnic profile. However, staff of color are gathered disproportionately at lower pay grades with limited opportunities for advancement especially beyond paygrade 15. Efforts are needed to create career pathways for all employees and to recruit a more diverse management team.<sup>20</sup>

<sup>20</sup> For the Statewide percentages of persons by race and ethnicity, see the chart on page 28.



As between white and non-white, Sussex County appears to be representative of the general population, 75% white and 25% non-white, at all 3 staff levels. However, Sussex County has been subject to a great migration of retirees from the northeast and mid-Atlantic United States, the vast majority of whom are white. Also, young adults with children and starting families are immigrating to Sussex County from

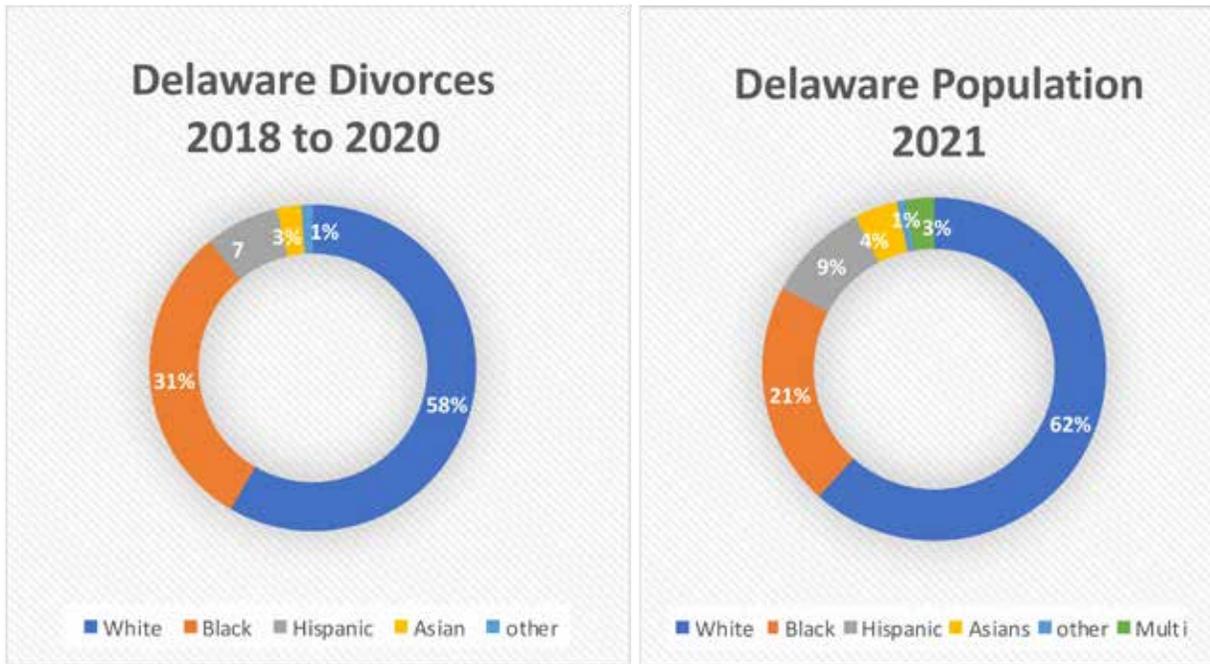
Guatemala, Mexico, and Haiti. The Census Bureau estimated as of 2019 that 90% of Sussex Countians age 65 and older are white, but only 73% ages 20 to 64, and only 56% under age 20. This is a fast moving phenomenon and is occurring Statewide with the numbers of white and non-white residents under age 20 already being very close to equal. This is the workforce of tomorrow.

There are shortcomings in the data used in this analysis. The EEOC data is collected at time of hiring and the hiring of our current staff spans 30 years. Standards and forms for collecting the data have evolved. For example, older versions of the forms would not allow a person to select more than one race or ethnicity. The willingness of individuals to truthfully disclose racial, ethnic, and gender identity has grown. The whole concept of self-identity is evolving. While filling out a job application is not necessarily a time one seriously ponders such questions. Much of our analysis does include ethnic status because the available data was often unclear and ambiguous. Some of the available Census Bureau data only presented Hispanic as a comparable category starting in 2012. Therefore, it may be advisable to regularly survey staff about racial and ethnic identity in accordance with contemporary standards. Also, rather than looking at total population, keep in mind the working age population and those who will soon be in the workforce.

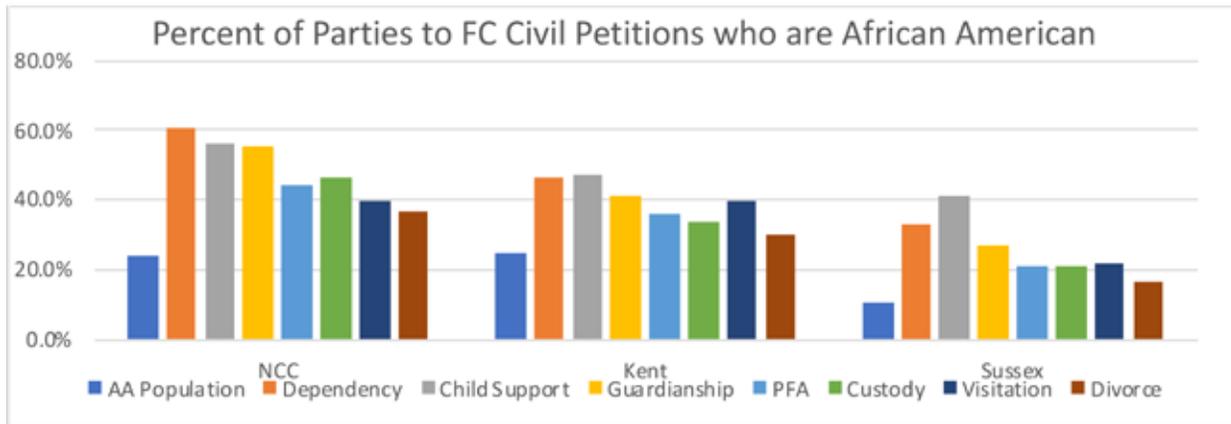
Nonetheless, this data tends to support that greater effort is needed to diversify upper management through recruitment and creating pathways into and through middle management. A clear measure of ethnicity, specifically Hispanic, needs to be undertaken. There also appears to be a vacuum of representation of Asian-Americans. Westerners often think of Asia as Japan and China but Asia spans from Turkey and the Middle East through India, Laos, Thailand, and Vietnam among others. Men are also conspicuously absent from the court's workforce representing only 21% of total employees (27% of line staff, 13% of middle management, and 24% of upper management), half of whom work in security.

## DEVELOPMENT OF CIVIL AND CRIMINAL DASHBOARDS

At the direction of the Subcommittee, Court staff created a comprehensive spreadsheet to break down most civil case types with a focus on the litigants’ racial, ethnic, and gender identity. This was a monumental task which upon completion has allowed ready access to such data for the calendar years of 2018 through 2020. The data can be examined both from a statewide perspective and in reference to the individual counties. For example, the “dash-board” reveals the following data regarding divorce in Delaware for the period 2018 through 2020, and as compared to the general population.



This comparison shows that African Americans are 1.5 times over-represented amongst parties involved in divorce litigation. The statewide over-representation of African Americans continues throughout the case types selected for the Dashboard. Those case types are Child Support, Divorce, Custody, Visitation, Guardianship, Dependency and Protection from Abuse. Indeed, at 31%, Divorce has the lowest disproportion of African American participation. By county and case type, the proportion of African Americans parties to civil petitions filed in 2018 through 2020 is as follows:



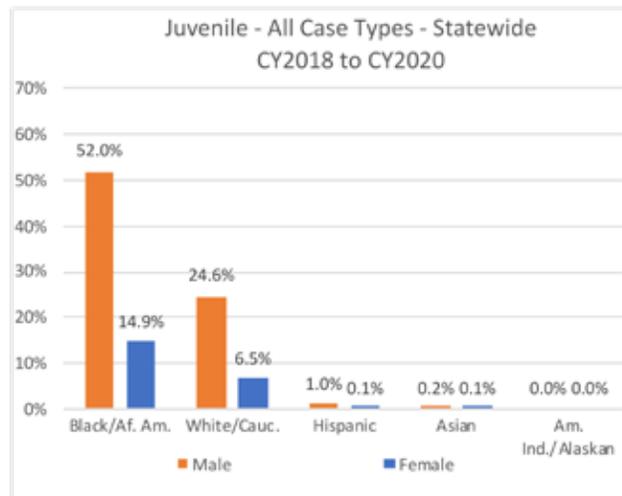
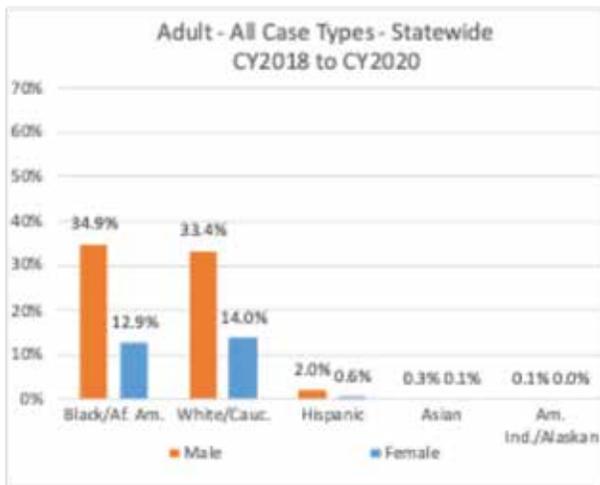
What does across the board over-representation as parties to civil litigation foretell? As to dependency and child support, those are consistent with disproportionate poverty and lack of economic opportunity. Despite the disproportions of dependency, it is a relatively small number of persons involved. Statewide, approximately 2,500 parents were parties to dependency petitions from 2018 to 2020. In contrast over the same three years, over 110,000 persons were parties to child support petitions, half of which were African Americans. Numerically, that equates to over 43% of all African American residents of Delaware between the ages of 20 and 65.

The Dashboard also reveals increasing access of the court by same-gender couples, from 62 divorcing couples in 2018 to 87 in 2020. It provides the number of children involved in litigation by race, gender, ethnicity, county, and case type. We now know there were over 80,000 children listed in petitions from 2018 to 2020, and over 60% were children of color. But this is not as disproportionate as adult parties of color since we also know 44% of Delawareans under 20 year of age or either nonwhite or Hispanic.

	Count	%
<b>Total Cases</b>	57,469	
<b>No Child Listed</b>	34	0.1%
<b>Total Children</b>	80,377	
<b>Black/African American</b>	36,956	46.0%
<b>White/Caucasian</b>	31,569	39.3%
<b>Hispanic</b>	5,756	7.2%
<b>Asian</b>	385	0.5%
<b>American Indian/Alaskan</b>	116	0.1%
<b>Hawaiian/Pacific Islander</b>	0	0.0%
<b>Other</b>	122	0.2%
<b>Unknown</b>	5,473	6.8%

The new Civil Dashboard also illustrates the need to improve our data collection. For example, it reveals that the race and ethnicity of 9% of divorcing parties is not captured and that value is also unknown in approximately 5% in custody, guardianship, and Protection from Abuse cases. Forms may need improvement in prompting the data, and staff may need more training in the importance of loading data correctly into operating systems. Additionally, some individuals are reluctant to provide accurate information for fear its use may somehow prejudice them.

Family Court staff has also created a Criminal and Delinquency Dashboard which identifies the race and Hispanic status of all adults and juveniles charged with offenses referred to Family Court. Family Court adult defendants are 71% male, 48% Black, 48% White, and less than 3% identified as Hispanic. However, the current data protocol only captures “White-Caucasian” Hispanic. Family Court juvenile respondents 78% male, 67% Black, 31% White, and 1.1% White-Caucasian Hispanic.



Select Case Type											
Divorce											
Select Specific Type		Select County		Select Year							
All		Statewide		All							
<i>Divorce - All Case Types - Statewide - CY2018 to CY2020</i>											
		>=10%	>=1%								
		Respondents									
		Black/ African American	White/ Caucasian	Hispanic	Asian	American Indian/ Alaskan	Hawaiian/ Pacific Islander	Other	Unknown	Agency Primary Respondent	All Petitioners
Petitioners	Black/African American	23.2%	1.8%	0.7%	0.1%	0.0%	0.0%	0.1%	2.2%	0.0%	28.2%
	White/Caucasian	2.3%	45.7%	1.5%	0.6%	0.0%	0.0%	0.4%	3.3%	0.0%	53.9%
	Hispanic	0.7%	1.3%	4.1%	0.0%	0.0%	0.0%	0.0%	0.6%	0.0%	6.7%
	Asian	0.2%	0.5%	0.1%	1.2%	0.0%	0.0%	0.0%	0.2%	0.0%	2.3%
	American Indian/Alaskan	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
	Hawaiian/Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Other	0.1%	0.2%	0.0%	0.0%	0.0%	0.0%	0.3%	0.1%	0.0%	0.8%
	Unknown	1.0%	2.4%	0.2%	0.1%	0.0%	0.0%	0.1%	4.2%	0.0%	8.0%
	Agency Primary Petitioner	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	All Respondents		27.5%	52.1%	6.7%	2.1%	0.2%	0.1%	0.8%	10.6%	0.0%
		30.79%	58.21%	7.49%	0.35%	0.03%	0.01%	0.14%		0.00%	
		Respondents									
		Black/ African American	White/ Caucasian	Hispanic	Asian	American Indian/ Alaskan	Hawaiian/ Pacific Islander	Other	Unknown	Agency Primary Respondent	Total Petitioners
Petitioners	Black/African American	2,178	171	69	8	3	1	6	206	0	2,642
	White/Caucasian	219	4,289	138	58	4	2	33	310	0	5,053
	Hispanic	65	118	389	0	1	1	4	52	0	630
	Asian	16	50	5	116	4	0	3	19	0	213
	American Indian/Alaskan	1	6	0	0	3	0	0	1	0	11
	Hawaiian/Pacific Islander	0	0	1	0	0	1	0	1	0	3
	Other	11	23	3	4	1	1	25	10	0	78
	Unknown	92	224	23	9	0	1	5	392	0	746
	Agency Primary Petitioner	0	0	0	0	0	0	0	0	0	0
	Total Respondents		2,582	4,881	628	195	16	7	76	991	0
<i>Divorce - All Case Types - Statewide - CY2018 to CY2020</i>											
		>=10%	>=1%								
		Respondents									
		Female	Male	Unknown	Agency Primary Respondent	All Petitioner s					
Petitioners	Female	2.0%	60.3%	0.8%	0.0%	63.1%					
	Male	35.3%	0.5%	0.6%	0.0%	36.4%					
	Unknown	0.1%	0.2%	0.2%	0.0%	0.5%					
	Agency Primary Petitioner	0.0%	0.0%	0.0%	0.0%	0.0%					
	All Respondents		37.3%	61.0%	1.6%	0.0%					
		Respondents									
		Female	Male	Unknown	Agency Primary Respondent	Total Petitioner s					
Petitioners	Female	185	5,657	78	0	5,920					
	Male	3,306	47	57	0	3,410					
	Unknown	10	17	19	0	46					
	Agency Primary Petitioner	0	0	0	0	0					
	Total Respondents		3,501	5,721	154	0	9,376				

<b>Statewide Support - All types</b> White 45,875 41.7% Black 55,159 50.1% Hispanic 8,128 7.4% Asian 597 0.5% other 306 0.3% total 110065	<b>NCC Support - All types</b> White 18,460 33.8% Black 30,829 56.5% Hispanic 4,868 8.9% Asian 352 0.6% other 90 0.2% total 54599 49.61%	<b>Kent Support - All types</b> White 11,274 46.9% Black 11,419 47.5% Hispanic 1,091 4.5% Asian 123 0.5% other 124 0.5% total 24031 21.83%	<b>Sussex Support - All types</b> White 16,141 51.3% Black 12,911 41.1% Hispanic 2,169 6.9% Asian 122 0.4% other 92 0.3% total 31435 28.56%
<b>Statewide - New Support</b> White 13,539 41.0% Black 16,084 48.7% Hispanic 3,088 9.3% Asian 245 0.7% other 93 0.3% total 33049	<b>NCC - New Support</b> White 5,745 33.3% Black 9,432 54.6% Hispanic 1,895 11.0% Asian 144 0.8% other 45 0.3% total 17261 52.23%	<b>Kent - New Support</b> White 3,344 44.2% Black 3,745 49.5% Hispanic 401 5.3% Asian 49 0.6% other 27 0.4% total 7566 22.89%	<b>Sussex - New Support</b> White 4,450 54.1% Black 2,907 35.4% Hispanic 792 9.6% Asian 52 0.6% other 21 0.3% total 8222 24.88%
<b>Statewide - Modification</b> White 4,826 41.8% Black 5,791 50.2% Hispanic 801 6.9% Asian 80 0.7% other 40 0.3% total 11538	<b>NCC Support - Modification</b> White 2,133 34.2% Black 3,520 56.4% Hispanic 509 8.2% Asian 67 1.1% other 15 0.2% total 6244 54.12%	<b>Kent Support - Modification</b> White 1,329 49.3% Black 1,210 44.8% Hispanic 135 5.0% Asian 9 0.3% other 15 0.6% total 2698 23.38%	<b>Sussex - Modification</b> White 1,364 52.5% Black 1,061 40.9% Hispanic 157 6.0% Asian 4 0.2% other 10 0.4% total 2596 22.50%
<b>Statewide Support - Arrears</b> White 9,556 38.5% Black 13,629 54.9% Hispanic 1,492 6.0% Asian 83 0.3% other 79 0.3% total 24839	<b>NCC Support - Arrears</b> White 3,705 31.8% Black 6,983 59.8% Hispanic 915 7.8% Asian 50 0.4% other 16 0.1% total 11669 46.98%	<b>Kent Support - Arrears</b> White 1,816 43.3% Black 2,171 51.8% Hispanic 160 3.8% Asian 17 0.4% other 30 0.7% total 4194 16.88%	<b>Sussex Support - Arrears</b> White 4,035 45.0% Black 4,475 49.9% Hispanic 417 4.6% Asian 16 0.2% other 33 0.4% total 8976 36.14%
<b>PFA - Statewide</b> White 11,996 52.1% Black 8,840 38.4% Hispanic 1,772 7.7% Asian 231 1.0% other 207 0.9% total 23046	<b>PFA - New Castle</b> White 5,735 43.9% Black 5,826 44.6% Hispanic 1,225 9.4% Asian 178 1.4% other 112 0.9% total 13076 56.74%	<b>PFA- Kent</b> White 3,573 58.0% Black 2,198 35.7% Hispanic 295 4.8% Asian 45 0.7% other 49 0.8% total 6160 26.73%	<b>PFA - Sussex</b> White 2,688 70.6% Black 816 21.4% Hispanic 252 6.6% Asian 8 0.2% other 46 1.2% total 3810 16.53%

<b>Statewide Divorce</b> White 9,934 58.4% Black 5,224 30.7% Hispanic 1,258 7.4% Asian 408 2.4% other 191 1.1% total 17015	<b>New Castle Divorce</b> White 4,758 50.5% Black 3,444 36.6% Hispanic 804 8.5% Asian 305 3.2% other 104 1.1% total 9415 55.33%	<b>Kent Divorce</b> White 2,343 61.6% Black 1,137 29.9% Hispanic 203 5.3% Asian 67 1.8% other 54 1.4% total 3804 22.36%	<b>Sussex Divorce</b> White 2,833 74.6% Black 643 16.9% Hispanic 251 6.6% Asian 36 0.9% other 33 0.9% total 3796 22.31%
<b>Custody - Statewide</b> White 9,048 51.3% Black 6,724 38.2% Hispanic 1,550 8.8% Asian 149 0.8% other 151 0.9% total 17622	<b>Custody - New Castle</b> White 4,201 42.3% Black 4,585 46.2% Hispanic 976 9.8% Asian 108 1.1% other 55 0.6% total 9925 56.32%	<b>Custody - Kent</b> White 2,366 58.9% Black 1,370 34.1% Hispanic 209 5.2% Asian 25 0.6% other 46 1.1% total 4016 22.79%	<b>Custody - Sussex</b> White 2,481 67.4% Black 769 20.9% Hispanic 365 9.9% Asian 16 0.4% other 50 1.4% total 3681 20.89%
<b>Visitation - Statewide</b> White 1,349 56.5% Black 863 36.1% Hispanic 144 6.0% Asian 16 0.7% other 16 0.7% total 2388	<b>Visitation - New Castle</b> White 621 51.3% Black 481 39.7% Hispanic 90 7.4% Asian 11 0.9% other 8 0.7% total 1211 50.71%	<b>Visitation - Kent</b> White 392 56.2% Black 276 39.5% Hispanic 24 3.4% Asian 4 0.6% other 2 0.3% total 698 29.23%	<b>Visitation - Sussex</b> White 336 70.1% Black 106 22.1% Hispanic 30 6.3% Asian 1 0.2% other 6 1.3% total 479 20.06%
<b>Statewide CDN</b> White 628 42.0% Black 797 53.3% Hispanic 57 3.8% Asian 13 0.9% other 1 0.1% total 1496	<b>New Castle CDN</b> White 325 34.0% Black 580 60.6% Hispanic 42 4.4% Asian 9 0.9% other 1 0.1% total 957 63.97%	<b>Kent CDN</b> White 144 50.3% Black 133 46.5% Hispanic 7 2.4% Asian 2 0.7% other 0 0.0% total 286 19.12%	<b>Sussex CDN</b> White 159 62.8% Black 84 33.2% Hispanic 8 3.2% Asian 2 0.8% other 0 0.0% total 253 16.91%
<b>Guardianship - Statewide</b> White 4,308 47.1% Black 4,153 45.4% Hispanic 597 6.5% Asian 37 0.4% other 46 0.5% total 9141	<b>Guardianship - New Castle</b> White 1,871 38.8% Black 2,660 55.1% Hispanic 263 5.5% Asian 16 0.3% other 14 0.3% total 4824 52.77%	<b>Guardianship - Kent</b> White 1,195 53.6% Black 921 41.3% Hispanic 85 3.8% Asian 14 0.6% other 16 0.7% total 2231 24.41%	<b>Guardianship - Sussex</b> White 1,242 59.5% Black 572 27.4% Hispanic 249 11.9% Asian 7 0.3% other 16 0.8% total 2086 22.82%

## CONCLUSION

Diversity and inclusion are of paramount importance to the Family Court of the State of Delaware. Our employees, litigants, and stakeholders expect and unequivocally deserve equitable and fair treatment. The work and diligence of our five (5) Sub-committees set forth recommendations to proactively deliver uncompromising services as well as create metrics to adequately measure our progress and/or identify any shortcomings.

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We aim to become a Model Employer through our emphasis on the recruitment, retention, and promotion of our diverse workforce. We recognize and appreciate the importance of a diverse body of employees. Our goal is to expand our scope of recruitment, create avenues that reflect our value for our current staffing to enhance retention and develop pathways to promotions within our organization.

Additionally, our cultural competency training will provide relevant educational opportunities for our staff to enhance cultural awareness, as well as identify individual unconscious biases, both implicit and explicit. We will also seek to develop mechanisms to identify and eradicate systemic racism throughout Family Court's interaction with staff, stakeholders and litigants.

With respect to our litigants and stakeholders, we will continuously review our forms, policies, procedures, and practices to ensure the elimination of bias while promoting inclusivity. We will focus to become more adaptable and respectful of religious protocols and various holidays of importance to our litigants when establishing holiday contact schedules.

When the public enters our various courthouses throughout the State of Delaware, we will endeavor to provide useful signage, and develop various videos/podcasts to assist litigants with general information regarding processes related to Family Court. Our goal will be to communicate in plain, trauma-informed language as well as provide professional interpretation for our litigants whose first language is not English.

Last, but certainly not least, will be our continued efforts to collect data to measure our impact, progress, and achievement of our goals.