IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD HINES,[1]	§	
	§	No. 24, 2012
Petitioner Below-Appellant,	§	
	§	
	§	Court Below–Family Court
v.	§	of the State of Delaware
	§	in and for New Castle County
KRISTEN WILLARD,	§	File No. CN02-07746
	§	Petition No. 11-26087
Respondent Below-Appellee.	§	
	§	

Submitted: October 5, 2012
Decided: November 15, 2012

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

O R D E R

This 15th day of November 2012, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The petitioner-appellant, Richard Hines ("Father"), filed an appeal from the Family Court's January 11, 2012 order dismissing his request for review of the Family Court Commissioner's order.[2] We find no merit to the appeal. Accordingly, we affirm.

[1] The Court *sua sponte* assigned pseudonyms to the parties by Order dated January 20, 2012. Supr. Ct. R. 7(d).

[2] Although Father's notice of appeal states that he is appealing the Family Court's December 28, 2011 order, our review of the record does not reflect that any Family Court order in this matter was issued on that date. Father attached a copy of the Family Court's January 11, 2012 order to the notice of appeal.

(2) The record reflects that the parties have been litigating child support and visitation matters in this case since at least 2005. In August 2011, Father filed a petition for a rule to show cause in the Family Court requesting that the respondent-appellee, Kristen Willard ("Mother"), be held in contempt of an order of the Family Court regarding child support arrears owed by Father. In September 2011, Mother responded by filing a motion to dismiss or to consolidate the petition with the proceedings on Father's petition to modify child support, which was scheduled for a hearing before the Family Court on November 2, 2011.

(3) In the meantime, on August 25, 2011, the Family Court Commissioner entered an order finding that Father had failed to comply with a deadline of August 1, 2011, which had been set by the Family Court, to respond to a Mother's request for production of documents in connection with Father's petition to modify child support. On August 25, 2011, the Commissioner continued the matter to give Father one final opportunity to produce the requested documents. On September 27, 2011, the motion to consolidate was granted. On November 2, 2011, the Commissioner dismissed Father's petition for a rule to show cause and his petition to modify child support on the ground that he had failed to comply with the deadline to produce the requested documents.

(4) On November 10, 2011, Father filed a request for review of the Commissioner's order pursuant to Family Court Rule of Civil Procedure 53.1. On

January 11, 2012, the Family Court judge dismissed Father's request for review stating that, "[t]he fee for the Request for Review was not paid in time. Therefore, the Request for Review is hereby dismissed."

(5) In his appeal, Father claims that the Family Court's calculation of his child support obligation is incorrect. He cites to a number of orders of the Family Court involving child support that are not before this Court in this appeal. Father further takes issue with the Commissioner's finding that he has not provided the documentation requested by Mother regarding his child support obligation. Nowhere, however, does Father contest the Family Court's finding that the fee in connection with his request for review was "not paid in time."

(6) In an appeal from an order of the Family Court, this Court reviews the facts and the law, as well as the inferences and deductions made by the trial judge.[3] Conclusions of law are reviewed *de novo*.[4] If the law was correctly applied, we review for an abuse of discretion.[5] Family Court Rule of Civil Procedure 53.1(i) provides as follows: "A party appealing an order of a commissioner who fails to comply with the provisions of this rule or with the direction of the Court as to the appeal shall be subject to dismissal of said appeal."

[3] *Wife J.F.V. v. Husband O.W.V., Jr.*, 402 A.2d 1202, 1204 (Del. 1979).
[4] *Mundy v. Devon*, 906 A.2d 750, 752 (Del. 2006).
[5] *W. v. W.*, 339 A.2d 726, 727 (Del. 1975).

(7) Father has not addressed the issue of his apparent failure to pay the Family Court's filing fee. In the absence of any argument by Father in that respect, we conclude that the filing fee, in fact, was not paid. As such, we conclude that there was no error or abuse of discretion on the part of the Family Court in dismissing Father's request for review of the Commissioner's order on that ground.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice