

IN THE SUPREME COURT OF THE STATE OF DELAWARE

M. GERARDINE HENDRIX,	§	
	§	No. 102, 2004
Respondent Below-	§	
Appellant,	§	Court Below: Family Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
LESTER E. HENDRIX,	§	No. CN03-06382
	§	
Petitioner Below-	§	
Appellees.	§	

Submitted: January 6, 2005  
Decided: January 27, 2005

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

**ORDER**

This 27th day of January 2005, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The respondent-appellant, M. Gerardine Hendrix (“Mother”), appeals from a decision of the Family Court granting joint and equal custody of her two minor children to the petitioner-appellee, Lester E. Hendrix (“Father”). Mother contends that the Family Court considered the best interest factors under 13 *Del. C.* § 722(a) in a cursory manner and ignored certain aspects of her testimony regarding the children’s best interest. We conclude that the Family Court properly applied the best interest factors. Accordingly, we affirm.

(2) The general background of this case was set forth in this Court's opinion addressing Mother's direct appeal.<sup>1</sup> In that appeal, we ordered the Family Court to perform "[a] complete best interest analysis [as] required by 13 *Del. C.* § 722(a)."<sup>2</sup> Mother's instant appeal concerns the Family Court's custody decision rendered upon remand from this Court.

(3) The scope of this Court's review of a Family Court judgment includes a review of both law and facts.<sup>3</sup> If the Family Court correctly applied the law, we review under an abuse of discretion standard.<sup>4</sup> The Family Court's factual findings will not be disturbed on appeal if they are supported by the record and are the product of an orderly and logical deductive process.<sup>5</sup> To the extent the Family Court's judgment implicates rulings of law, this Court's review is *de novo*.<sup>6</sup>

(4) The Family Court complied with this Court's mandate on remand by performing a best interest analysis as required by 13 *Del. C.* § 722(a). The present record shows that the Family Court properly applied the best interest factors in

---

<sup>1</sup> *Hendrix v. Hendrix*, No.102, 2004, 2004 Del. LEXIS 383 (Del. Aug. 30, 2004).

<sup>2</sup> *Id.* at \*4.

<sup>3</sup> *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).

<sup>4</sup> *Jones v. Lang*, 591 A.2d 185, 186-87 (Del. 1991) (citing *W. v. W.*, 339 A.2d 726, 727 (Del. 1975)).

<sup>5</sup> *Solis v. Tea*, 468 A.2d 1276, 1279 (Del. 1983).

<sup>6</sup> *In re Heller*, 669 A.2d 25, 29 (Del. 1995).



