

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS LONG and VICTORIA	§	
WRIGHT, ¹	§	
	§	No. 616, 2010
Respondents Below,	§	
Appellants,	§	
	§	Court Below: Family Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
DIVISION OF FAMILY SERVICES,	§	
	§	File No. 10-0601TN
Petitioner Below,	§	Case No. 09-03354
Appellee.	§	

Submitted: April 20, 2011

Decided: May 9, 2011

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

ORDER

This 9th day of May, 2011, on consideration of the briefs of the parties, it appears to the Court that:

1) Thomas Long (Father) appeals from a Family Court decision granting a Division of Family Services (DFS) petition to terminate parental rights in his child, T.W.. He does not challenge the trial court's determination that there is a statutory ground for termination, or that it would be in T.W.'s best interest. Father argues only

¹This Court *sua sponte* assigned pseudonyms to the parties by Order dated September 27, 2010, pursuant to Supreme Court Rule 7(d).

that he was deprived of due process because DFS did not make reasonable efforts at reunification. We find no merit to this argument and affirm.

2) T.W. was born on June 8, 2007. Victoria Wright (Mother) was 15 years old, and was, herself, in the custody of DFS. For the next three months, Father saw T.W. and bought Pampers for her. In November 2007, the Family Court granted an emergency *ex parte* Order giving custody of T.W. to DFS. At about the same time, Father was incarcerated on charges of first degree robbery. He remained in prison until January 2011.

3) The Family Court considered matters relating to T.W.'s custody at ten different hearings between November 2007 and July 2010, when the termination petition was heard. Father attended all hearings, and the trial court repeatedly noted that Father was incarcerated. Despite his incarceration, the Family Court's Orders instructed Father that he could file a motion for visitation. Father never did. Father provided no support for T.W. (other than the Pampers) and never asked for a case plan for reunification.

4) DFS is required to make reasonable efforts to reunite the family "whenever feasible."² When a parent is incarcerated for an extended period, however, it may not

²29 Del. C. § 9003(13).

be feasible to attempt reunification.³ DFS did not prepare a case plan for Father because he was incarcerated for an extended period. But DFS did “explore[] paternal relative resources without success.”⁴ The Family Court decided that DFS met its statutory obligation to attempt reunification under the circumstances. We find no error in its ruling.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

³See, e.g., *Heller v. Division of Family Services*, 669 A.2d 25, 30 (Del. 1995).

⁴Appellee’s Appendix, B-239.