

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY THOMPSON,	§	
	§	
Respondent Below-	§	No. 337, 2003
Appellant,	§	
	§	
v.	§	Court Below – Family Court
	§	of the State of Delaware,
	§	in and for New Castle County
DIANE THOMPSON,	§	File No.: CN01-10332
	§	Petition Nos.: 02-25049;
Petitioner Below-	§	02-31087
Appellee.	§	

Submitted: November 21, 2003

Decided: February 4, 2004

Before **VEASEY**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This fourth day of February 2004, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The respondent-appellant, Jeffrey Thompson (“Father”),¹ filed an appeal from the Family Court’s June 2, 2003 order accepting a Family Court commissioner’s order. The order confirmed a Maryland support order registered in Delaware, which requires Father to pay monthly support, plus arrears, on behalf of the three minor children of Father and petitioner-appellee, Diane Thompson (“Mother”). We find no merit to the appeal. Accordingly, we affirm.

¹ The Court sua sponte has assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

(2) Father and Mother were divorced on December 5, 2001 by order of a Maryland court.² In addition, Father was ordered to pay child support in the amount of \$2,124 per month and support arrears in the amount of \$1,720 per month at the rate of \$300 per month until paid in full,³ as well as alimony and attorney's fees.⁴

(3) In July 2002, the Delaware Division of Child Support Enforcement filed a petition in the Delaware Family Court for the support arrears owed by Father. By order dated November 19, 2002, a Family Court master confirmed and registered the Maryland child support order. On December 11, 2002, Father filed an answer contesting the validity of the Maryland child support order⁵ and requesting a hearing date in the Family Court. On February 11, 2003, following a hearing, a Family Court commissioner confirmed the Maryland child support order. A Family Court judge subsequently accepted the commissioner's order.

(4) The transcript of the hearing before the Family Court commissioner reflects that Father made three principal arguments. First, he claimed that the Maryland court calculated the amount of arrears without considering documents

² *In the Circuit Court for Harford County*, Case No. 12-C-00-002281 DL.

³ As of December 5, 2001, the arrears amounted to \$13,760.

⁴ It appears that Father was a resident of the State of Delaware at that time.

⁵ Del. Code Ann. tit. 13, § 666 (1999).

reflecting his earnings that Mother's counsel fraudulently misrepresented he had never been given.⁶ Second, Father claimed that Mother's counsel fraudulently misrepresented the parties' custodial arrangement in order to increase the amount of Father's support obligation. Finally, Father claimed that he should be given credit for payments in excess of the \$27,319.63 Mother admitted had been made to her, even though those payments were not specifically designated as child support. Father stated that his claims were currently on appeal in a Maryland appellate court.

(5) Based on the testimony presented, the Family Court commissioner found that Father owed net arrears to Mother in the amount of \$13,336.37. The commissioner also found that Father had failed to prove by a preponderance of the evidence that the December 5, 2001 Maryland child support order had been based upon fraudulent misrepresentations by Mother's counsel.⁷ Finally, the commissioner found that the payments in excess of \$27,319.63 which Father claimed to have made towards his child support obligation could not be credited as such because no supporting documentation had been presented. The commissioner

⁶ Father claimed that the documents were produced at the deposition of Father's fiancé and business partner and attached to the deposition transcript and that all parties received a copy of the transcript. It appears that the Maryland court did not permit the deposition transcript with the attached documents to be admitted into evidence, since the deponent was not present in court to be cross examined.

⁷ The commissioner noted that Father could have presented evidence of his earnings to the Maryland court through his own witnesses and documents.

noted that, while the Uniform Interstate Family Support Act⁸ provides a number of defenses to the registration of a foreign support order, its purpose is not to provide a means to “scrutinize the proceedings” that led to the support order, particularly where, as here, the matter is on appeal in the foreign jurisdiction.

(6) A support order issued by a court in a foreign jurisdiction may be registered in the State of Delaware for enforcement.⁹ Such an order is registered when it is filed in the Family Court¹⁰ and is enforceable in the same manner as an order issued by the Delaware Family Court.¹¹ A party contesting the validity or enforcement of a registered order has the burden of proving one of several enumerated defenses, one of which is that the order was obtained by fraud.¹² The Family Court reviews de novo a final order of a Family Court commissioner.¹³

(7) We find no basis for concluding that the Family Court used an improper standard of review of the commissioner’s order or abused its discretion in weighing the evidence in this case. The findings of the Family Court

⁸ Del. Code Ann. tit. 13, § 601 et seq. (1999).

⁹ Del. Code Ann. tit. 13, § 660 (1999).

¹⁰ Del. Code Ann. tit. 13, § 662 (1999).

¹¹ *Id.*

¹² Del. Code Ann. tit. 13, § 666(a) (2) (1999).

¹³ Del. Code Ann. tit. 10, § 915(d) (1) (1999).

commissioner clearly were supported by the evidence and we conclude that the Family Court properly accepted those findings.

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

BY THE COURT:

/s/ Randy J. Holland
Justice