



SPONSOR: Rep. Lynn & Sen. Henry  
Reps. Keeley, Kowalko, Matthews, Mulrooney, Osienski;  
Sens. Hansen, Hocker

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 141

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT PROCEDURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend § 1042, Title 10 of the Delaware Code by making deletions as shown through strike through and  
2     insertions as shown by underline as follows:

3           § 1042. Commencement of action; procedure.

4           (f) The Court may examine a child outside the presence of the parties for the purpose of obtaining the child's  
5     testimony and ascertaining the truth of a matter asserted by a party to the proceeding. The Court may permit counsel to be  
6     present at the examination, and to also examine the child. The Court may permit a party who is not present for the  
7     examination to submit questions of fact for the Court to use in ascertaining the testimony of the child. The Court shall cause  
8     a record of the examination to be made and it shall be made a part of the record in the case.

SYNOPSIS

This Act authorizes the Family Court to interview a child outside the presence of the parties for the purpose of obtaining the child's testimony and ascertaining the truth of a matter asserted by a party to a Protection from Abuse proceeding. The Court may permit counsel to be present during the interview and ask the child questions. The Court may also permit a party who is not present for the interview to submit questions of fact for the Court to use in interviewing the child. Interviews under this Act must be made a part of the record.