

CHAPTER 165  
FORMERLY  
HOUSE BILL NO. 125  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PARENTAL RIGHTS.

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

Section 1. Amend § 1101(5), Title 13 of the Delaware Code by making insertions as shown by underlining as follows:

§ 1101. Definitions.

(5) "Department" or "DSCYF" means the Department of Services for Children, Youth and Their Families of this State.

Section 2. Amend Chapter 11, Title 13 of the Delaware Code by adding a new section to read as follows:

§ 1116. Reinstatement of Parental Rights.

(a) A petition for reinstatement of parental rights may be filed in Family Court on behalf of any child provided:

- (1) the child is at least 14 years of age at the time of the petition is filed;
- (2) parental rights in the child are currently vested in DSCYF regardless of the date parental rights were terminated;
- (3) the child is currently in DSCYF custody;
- (4) adoption of the child is not possible or appropriate;
- (5) the child consents to the reinstatement;
- (6) the parent or parents who are subject to reinstatement consent; and
- (7) at least two years have elapsed since the final termination of parental rights order or the child is 17 years of age.

(b) The Family Court shall retain jurisdiction to reinstate parental rights in any case where the Family Court previously terminated parental rights. A petition for reinstatement shall be filed in the county in which the child's DSCYF custody case is heard.

(c) A petition for reinstatement of parental rights may be filed by the child, the child's attorney, the child's guardian ad litem, or DSCYF against one or both parents. The Court, in its discretion, may also appoint an attorney to represent the child.

(d) Notice and service of the petition shall be provided as set forth in Section 3103 of Title 10 and the Rules of the Court.

(e) Should the elements of subsection (a) be met, the Court shall hold a hearing on the petition for reinstatement of parental rights. The Court may grant the petition if it finds by clear and convincing evidence that reinstatement is in the best interests of the child.

(f) No petition granted under this section shall affect the validity of the underlying order terminating parental rights.

(g) No parent whose rights are reinstated under this section shall be liable for child support for any time period in which parental rights were terminated.

(h) No cause of action shall be created against DSCYF, the licensed agency or any other party concerning the original termination of parental rights. Upon issuance of a final order reinstating parental rights, the effect of such order shall be that all of the rights, duties, privileges and obligations recognized by law between parent and child shall be reinstated, including but not limited to rights of inheritance.

Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 4. This Act becomes effective 90 days after its enactment into law.

Approved August 06, 2013