

CHAPTER 97
FORMERLY
SENATE BILL NO. 84

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

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

Section 1. Amend § 8-201 of Title 13, Delaware Code, by deleting the word “or” at the conclusion of paragraph (a)(2), by deleting the “.” at the conclusion of paragraph (a)(3), and then by inserting the following:

“; or

(4) A determination by the Court that the woman is a de facto parent of the child.”

Section 2. Amend § 8-201 of Title 13, Delaware Code, by deleting the word “or” at the conclusion of paragraph (b)(4), by deleting the “.” at the conclusion of paragraph (b)(5), and then by inserting the following:

“; or

(6) A determination by the Court that the man is a de facto parent of the child.”

Section 3. Amend § 8-201 of Title 13, Delaware Code, by adding a new section (c) as follows: “(c) De facto parent status is established if the Family Court determines that the de facto parent:

(1) has had the support and consent of the child’s parent(s) who fostered the formation and establishment of a parent-like relationship between the child and the de facto parent;

(2) has exercised parental responsibility for the child as that term is defined in Section 1101 of this Title; and

(3) has acted in a parental role for a length of time sufficient to have established a bonded and dependent relationship with the child that is parental in nature.”

Section 4. Amend § 2302 of Title 13, Delaware Code, by striking subsection (13), and by inserting in lieu thereof, the following:

“(13) ‘Parent’ is as defined by section 8-201 of this Title.”.

Section 5. The provisions of this Act shall have a retroactive effect.

Section 6. No Court decision based upon a finding that Delaware does not recognize de facto parent status shall have collateral estoppel or res judicata effect.

Approved July 06, 2009