

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 96  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 91

AN ACT TO AMEND TITLE 10 AND TITLE 13 OF THE DELAWARE CODE RELATING TO PUBLICATION.  
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1065 of Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1065. Obtaining personal jurisdiction.

(a) Jurisdiction ~~shall be~~ is acquired over a party in any civil action by transmitting to the party a copy of the summons and the petition or complaint (the papers) by any of the following methods:

(1) By personal ~~service; or~~ service.

(2) By leaving a copy at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing ~~there; or~~ there.

(3) By any form of ~~mail; or~~ mail.

(4) In the manner prescribed by court ~~rule; or~~ rule.

(5) In the manner directed by the Court, including publication in print or on a legal notices website established by the Court, if other methods of service have failed or are deemed to have been inadequate.

Section 2. Amend § 1107, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1107A. Notice of hearing to terminate and transfer parental rights.

(f)(1) If the Court ~~shall find~~ finds that personal service within the State cannot be accomplished upon the parent or parents, person or ~~persons~~ persons, or organization holding parental rights, the Court shall then cause notice of the time, ~~place~~ place, and purpose of the hearing to be published ~~once a week, for 3 successive weeks, in at least 1 of the following methods:~~

a. On a legal notices website established by the Court, for at least 3 successive weeks.

b. in such newspaper of the county, 1 or more, as the Court ~~In a newspaper of 1 or more counties, as the Court~~ may judge best for giving the parent or parents, or person or ~~persons~~ persons, or organization holding parental rights ~~notice,~~ notice. The notice must be published once per week, for 3 successive weeks.

(2) ~~the formal wording of said notice to~~ The formal wording of a notice under this section must be approved by the Court.

(3) Publication shall also be made in the locality in which the parent or parents, person or ~~persons~~ persons, or organization holding parental rights is believed to be located if different from the county where the publication just described has been caused.

(4) The Court may, upon ~~request by the petitioner~~, the petitioner's request, order that personal service and publication occur simultaneously.

Section 3. Amend § 1508, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1508. Obtaining jurisdiction over respondent.

(d)(1) When service is to be made upon respondent by mailing and publication, the Clerk of the Family Court shall do all of the following:

(1) ~~a.~~ a. Send a copy of the summons, ~~petition~~ petition, and any affidavit to respondent by registered or certified mail, return receipt requested, to the address that petitioner had averred it is most likely that mail will be received by ~~respondent~~, and respondent.

(2) ~~b.~~ b. Cause a notice in the form ~~prescribed by subsection (e) of this section~~ that the Court approves to be published on a legal notices website established by the Court or once in a newspaper of general circulation in the county where the action is pending.

(2) If petitioner has averred that he or she knows of no address where it is most likely that mail will be received by respondent there shall be no mailing.

(3) No further notice shall be required unless the Court, deeming the circumstances exceptional, requires further notice.

(e) ~~The form of notice shall be as follows:~~

NOTICE OF DIVORCE (OR ANNULMENT) ACTION

TO: ~~(John R. Doe), Respondent~~

FROM: CLERK OF THE FAMILY COURT, (NEW CASTLE) COUNTY, DELAWARE

~~(Mary C. Doe), petitioner, has brought suit against you for divorce (or annulment) in the Family Court of the State of Delaware in and for (New Castle) County, in Civil Action No. . . . ., 20 . . . . If you do not serve a response to the petition on petitioner's attorney (John C. Dodge, 400 Delaware Avenue, Wilmington, Delaware) within 20 days after the day of publication of this notice as required by statute, the action will be tried without further notice by the Family Court in (Wilmington). [Repealed.]~~

Section 4. Amend § 1908, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1908. Notice to persons outside State.

(a) Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication in print or on a legal notices website established by the Court if other means are not effective.

Section 5. Amend § 2325, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2325. Hearing procedure and notice requirements.

(b) If the Court ~~shall find~~ finds that personal service within the State cannot be accomplished upon the parent or parents, person or persons, or organization holding parental rights, the petitioner shall cause notice to be published either on a legal notices website established by the Court or in a newspaper of general circulation in the county where the respondent is most likely to be residing.

Section 6. Amend § 2404, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2404. Hearing procedure and notice requirements.

(c) If the Court ~~shall find~~ finds that personal service within the State cannot be accomplished upon a party, the petitioner shall cause notice to be published either on a legal notices website established by the Court or in a newspaper of general circulation in the county where the respondent is most likely to be residing.

Section 7. Amend § 2504, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2504. Hearing procedure and notice requirements.

(c) If the Court ~~shall find~~ finds that personal service within the State cannot be accomplished upon a party, the petitioner shall cause notice to be published either on a legal notices website established by the Court or in a newspaper of general circulation in the county where the respondent is most likely to be residing.

Approved July 30, 2021