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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 151

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROTECTION FROM ABUSE
PROCEEDINGS.

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

1 Section 1. Amend § 1041, Title 10 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1041. Definitions.

4 The following terms shall have the following meanings:

5 (1) "Abuse" means conduct which constitutes any of the following:

6 a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined
7 in § 761 of ~~Title 11~~; Title 11.

8 b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of
9 physical injury or sexual offense to such person or ~~another~~; another.

10 c. Intentionally or recklessly damaging, destroying or taking the tangible property of another ~~person~~;
11 person, including legal documents that are the property of another person.

12 d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or
13 emotional distress or to provoke a violent or disorderly ~~response~~; response.

14 e. Trespassing on or in property of another person, or on or in property from which the trespasser has
15 been excluded by court ~~order~~; order.

16 f. Child abuse, as defined in Chapter 9 of ~~Title 16~~; Title 16.

17 g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in ~~Title 11~~; ~~or~~
18 Title 11.

19 h. Intentionally causing or attempting to cause an adult to be financially dependent by doing either or
20 both of the following:

21 1.Restricting an adult's access to economic resources, without justification, resulting in a significant
22 or ongoing impediment to the adult's financial autonomy, access to financial resources, ability to pay for basic
23 needs, or a combination thereof.

24 2. Stealing or defrauding of money or assets, exploiting the victim's resources for personal gain, or
25 withholding physical resources such as food, clothing, necessary medications, or shelter.

26 h. i. Any other conduct which a reasonable person under the circumstances would find threatening or
27 harmful.

28 Section 2. Amend § 1045, Title 10 of the Delaware Code by making deletions as shown by strike through and
29 insertions as shown by underline as follows:

30 § 1045. Relief available; duration of orders, modification and termination.

31 (a) After consideration of a petition for a protective order, the Court may grant relief ~~as follows:~~ in the form of any
32 of the following:

33 (1) Restrain the respondent from committing acts of domestic violence, as defined in § 1041 of this ~~title;~~ title.

34 (2) Restrain the respondent from contacting or attempting to contact the ~~petitioner;~~ petitioner.

35 (3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of
36 in whose name the residence is titled or leased. Such relief shall not affect title to any real ~~property;~~ property.

37 (4) Order that the petitioner be given temporary possession of specified personal property solely or jointly
38 owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal
39 ~~effects;~~ effects.

40 (5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either
41 party may request visitation at any time during the proceeding. The Court may provide for visitation by separate
42 interim visitation order pursuant to Title 13, which order shall be binding upon and enforceable against both parties.
43 Such interim visitation order may include third-party supervision of any visitation, if necessary, in accordance with
44 Chapters 7 and 19 of ~~Title 13;~~ Title 13.

45 (6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with
46 Chapter 5 of Title 13, including temporary housing ~~eests;~~ costs.

47 (7) Order the respondent to pay to the petitioner or any other family member monetary compensation for
48 losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and
49 counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property
50 damaged or taken, moving or other travel expenses and litigation costs, including attorney's ~~fees;~~ fees.

51 (8) Order the respondent to temporarily relinquish to a police officer or a federally-licensed firearms dealer
52 located in Delaware the respondent's firearms and to refrain from purchasing or receiving additional firearms for the
53 duration of the order. The Court shall inform the respondent that he or she is prohibited from receiving, transporting, or
54 possessing firearms for so long as the protective order is in ~~effect~~; effect.

55 (9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified
56 property owned or leased by ~~parties~~; parties.

57 (10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to
58 participate in treatment or counseling ~~programs~~; programs.

59 (11) Issue an order directing any law-enforcement agency to forthwith search for and seize firearms of the
60 respondent upon a showing by the petitioner that the respondent has possession of a firearm, and

61 a. Petitioner can describe, with sufficient particularity, both the type and location of the firearm or
62 firearms; and

63 b. Respondent has used or threatened to use a firearm against the petitioner, or the petitioner expresses a
64 fear that the respondent may use a firearm against ~~them~~; them.

65 (12) Order the respondent to return specified legal documents, such as passport, immigration papers, or social
66 security card.

67 ~~(12)~~ (13) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of
68 future domestic violence.

69 Section 3. This Act takes effect 90 days after its enactment.

SYNOPSIS

This Act expressly adds the intentional restriction of another adult's access to economic resources resulting in a loss of financial autonomy to the definition of abuse for protection from abuse proceedings. This Act also specifies that tangible property of the petitioner includes legal documents belonging to the petitioner. In addition, this Act codifies the existing practice of Family Court to allow relief by ordering respondents to return specific legal documents. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.