



SPONSOR: Rep. Dorsey Walker & Sen. Gay
Reps. Griffith, K. Johnson, Spiegelman, Yearick; Sens.
Hansen, S. McBride, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 381

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE FAMILY LAW COMMISSION.

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

1 Section 1. Amend Chapter 20, Title 13 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 20. Family Law Commission. [Repealed.]

4 Section 2. Amend § 2001, Title 13 of the Delaware Code by making deletions as shown by strike through and
5 insertions as shown by underline as follows:

6 § 2001. Creation. [Repealed.]

7 ~~The General Assembly hereby creates a permanent Family Law Commission.~~

8 Section 2. Amend § 2002, Title 13 of the Delaware Code by making deletions as shown by strike through and
9 insertions as shown by underline as follows:

10 § 2002. Composition. [Repealed.]

11 ~~The Commission shall consist of 16 citizens of the State and shall have at least 2 members from each county. At
12 least 2 of the members of the Commission shall be attorneys licensed to practice law in Delaware; at least 1 member shall
13 be a judge of the Family Court of the State; 2 members shall be members of the House of Representatives, with 1 from each
14 of the 2 major political parties represented in the House; 2 members shall be members of the Senate, with 1 from each of
15 the 2 major political parties represented in the Senate; at least 2 members shall be practicing or retired licensed health care
16 professionals with expertise in pediatrics or family medicine; and at least 1 member shall be a practicing mental health
17 professional licensed in this State specializing in the psychology of children when appointed.~~

18 Section 4. Amend § 2003, Title 13 of the Delaware Code by making deletions as shown by strike through and
19 insertions as shown by underline as follows:

20 § 2003. Appointment; terms of office. [Repealed.]

21 The members of the Commission shall be appointed jointly by the President Pro Tempore of the Senate and the
22 Speaker of the House of Representatives who shall designate 1 member of the Commission to serve as Chairperson during
23 his or her term of office.

24 (1) Initial members. Nine members of the Commission shall be appointed to take office on September 1, 1984.
25 Three of them (including the Chairperson) shall be appointed for a term of 3 years; 3 of them for a term of 2 years and
26 3 of them for a term of 1 year.

27 (2) Additional members. Two additional members shall be appointed to take office September 1, 1985, in
28 order to increase the membership of the Commission from the initial 9 members to 11 members. One of the additional
29 members shall be appointed for a term of 2 years and the other shall be appointed for a term of 3 years.

30 (3) Subsequent members. After the initial appointment of members and the additional members of the
31 Commission, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint
32 sufficient new members of the Commission each year for a 3-year term so that the membership totals 16 citizens. They
33 shall also jointly appoint members of the Commission to complete the remaining portion of the term of a member who
34 has resigned or has been removed from the Commission.

35 (4) Term of office. Initial members of the Commission shall serve for the term of office designated in their
36 appointment. Subsequent members shall serve for a term of 3 years. Members of the Commission may be removed by
37 a majority vote in the House and Senate with or without cause.

38 (5) Officers. The Chairperson of the Commission shall appoint a Vice Chairperson and Secretary of the
39 Commission and such other officers of the Commission as the Chairperson deems necessary or desirable to assist the
40 Commission in performing its duties, all to serve at the pleasure of the Chairperson.

41 (6) Compensation. No member shall receive any compensation for his or her service on the Commission, but
42 members may be reimbursed from time to time for their expenses in connection with the Commission's activities.

43 Section 5. Amend § 2004, Title 13 of the Delaware Code by making deletions as shown by strike through and
44 insertions as shown by underline as follows:

45 § 2004. Purpose; powers; duties. [Repealed.]

46 The Commission shall study and evaluate the domestic relations laws of the State and the rules and procedures of
47 the Family Court, review legislation affecting domestic relations law introduced in the General Assembly and Family Court
48 rules and procedures, disseminate information about family law to the citizens of Delaware and engage in such other
49 activities as it may deem appropriate in connection with the study, analysis, review and dissemination of information
50 concerning family law. In furtherance and not in limitation of the foregoing, the Commission may:

51 ~~(1) Conduct public hearings;~~

52 ~~(2) Invite written comments on family law from members of the public;~~

53 ~~(3) Review and comment upon legislation affecting family law introduced in the General Assembly at the~~
54 ~~request of any member of the General Assembly or on its own initiative; and~~

55 ~~(4) Publish and disseminate information concerning family law to the public.~~

56 ~~The Commission shall meet at least 4 times each year and shall report to the General Assembly its activities and~~
57 ~~recommendations at least once every year on or before March 15. The Commission shall not engage in the practice of law,~~
58 ~~shall not give legal advice of any kind to individuals about their rights or responsibilities (other than publishing and~~
59 ~~disseminating comments about existing or proposed legislation or Family Court rules and procedures) and shall not~~
60 ~~intervene, directly or indirectly, in any case pending in any court.~~

SYNOPSIS

Delaware's modern-day, statewide Family Court was established in 1971, unifying what had been multiple family law-related court systems throughout the state. In 1984, the Family Law Commission ("FLC") was created to study and evaluate Delaware's domestic relations, or family, laws and the Family Court's rules and procedures; review legislation relating to family law and the Family Court; disseminate family law-related information to Delawareans; and engage in other related activities that it deemed appropriate.

From its inception, FLC's mandate and authority has been focused, limited to conducting public hearings, inviting written comments from the public, reviewing and commenting on family law-related legislation, and publishing information for the public.

For many years, FLC served an important role in the progress and improvement of Family Court. Thirty-eight years after its creation, however, FLC is no longer serving a public need. Family Court celebrated its 50th anniversary in 2021; countless changes and improvements have been made to Family Court's rules and procedures, as well as Delaware's domestic relations laws. FLC, however, remains tasked with the same, limited duties as it first was tasked in 1984. This Act fulfills the Joint Legislative Oversight and Sunset Committee's conclusion after a thorough review that FLC should be terminated.

FLC's role in the progress of the modern-day Family Court cannot be diminished, and it is a testament to its previous success that it is no longer needed to ensure a working Family Court in the State of Delaware.