



SPONSOR: Rep. Lynn & Sen. Paradee

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 213

AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION RELATING TO THE FAMILY COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend §2, Article IV of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2. Justices of Supreme Court and other State Judges; qualifications; residence; precedence.

4 Section 2.

5 (a) There shall be five Justices of the Supreme Court who shall be citizens of the State and learned in the law. One
6 of them shall be the Chief Justice who shall be designated as such by his or her appointment and who when present shall
7 preside at all sittings of the Court. In the absence of the Chief Justice the Justice present who is senior in length of service
8 shall preside. If it is otherwise impossible to determine seniority among the Justices, they shall determine it by lot and
9 certify accordingly to the Governor.

10 (b) In addition to members of the Supreme Court there shall be other State Judges, who shall be citizens of the
11 State and learned in the law. They shall include: (1) the Chancellor and the Vice-Chancellors; (2) The President Judge and
12 the Judges of the Superior Court, three of whom shall be Resident Associate Judges and one of whom shall after
13 appointment reside in each county of the State; (3) the Chief Judge and the Judges of the Family Court; (4) the Chief Judge
14 and Judges of the Court of Common Pleas, one of whom after appointment shall reside in each county of the State; and (5)
15 the Chief Magistrate of the Justice of the Peace Court.

16 (c) There shall also be such number of additional Vice-Chancellors and Judges as may hereinafter be provided for
17 by Act of the General Assembly. Each of such Vice-Chancellors and Judges shall be citizens of the State and learned in the
18 law.

19 (d) If it is otherwise impossible to determine seniority of service among the Vice-Chancellors or among the said
20 Judges, they shall determine it by lot respectively and certify accordingly to the Governor.

21 (e) (1) The Family Court shall be composed of 19 Judges including the Chief Judge.

22 (2) All of the Family Court Judges shall be residents of the State for a period of 5 years immediately prior to
23 their appointment. The Chief Judge may reside in any county of the State. On application for nomination by the
24 Governor, 10 of the Judges shall reside in New Castle County, 4 Judges shall reside in Kent County, and 4 Judges shall
25 reside in Sussex County.

26 (f) The tenure and status of the Justices of the Supreme Court and State Judges as shall have been appointed as
27 provided for by the Constitution or by Act of the General Assembly prior to the time this amended Article IV of this
28 Constitution becomes effective shall in no wise be affected.

SYNOPSIS

This Act is the first leg of a constitutional amendment that provides for the Family Court to consist of 19 Judges including the Chief Judge, 10 who must be residents of New Castle County, 4 who must be residents of Kent County and 4 who must be residents of Sussex County at the time they apply for nomination by the Governor. This Act would increase the current Family Court bench by 2 Judges, 1 additional Judge from Kent County and 1 additional Judge from Sussex County.

This Act requires a greater than majority for passage because §1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend the Delaware Constitution.

Since this is the first leg of a constitutional amendment the next General Assembly must pass an act concurring with this Act for it to become a part of the Delaware Constitution.