



SPONSOR: Rep. Lynn & Sen. Hoffner

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 216

AN ACT TO AMEND TITLES 10, 13, 16 AND 29 OF THE DELAWARE CODE RELATING TO ENFORCEMENT OF FAMILY COURT CUSTODY ORDERS.

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

1 Section 1. Amend § 925, Title 10 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 925. General jurisdiction.

4 The Court and each Judge shall have authority to:

5 (15) In any civil action where jurisdiction is otherwise conferred upon the Family Court, it may enter such
6 orders against any party to the action as the principles of equity appear to require. When a Family Court order,
7 excluding stipulations, relates to the awarding of custody, a police officer ~~has the authority to~~ shall enter private
8 property to enforce such order when such order ~~requests~~ requires the assistance of a police officer.

9 Section 2. Amend § 1031, Title 10 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

11 § 1031. Disposition.

12 In any civil action within the jurisdiction of this Court and upon the petition of a person properly before it, the
13 Court may:

14 (1) Award the custody or possession of a child to any party to the action, establish visitation rights, and, in a
15 proper case, order payment of support for the child. A police officer ~~may~~ shall enter private property to take physical
16 custody of a child to enforce the Court's custody order when such order ~~requests~~ requires the assistance of a police
17 officer;

18 Section 3. Amend § 727, Title 13 of the Delaware Code by making deletions as shown by strike through and
19 insertions as shown by underline as follows:

20 § 727. Custody.

21 (e) A police officer ~~may~~ shall enter private property to take physical custody of a child to enforce the Court's
22 custody order when such order ~~requests~~ requires the assistance of a police officer.

23 Section 4. Amend § 2512A, Title 13 of the Delaware Code by making deletions as shown by strike through and
24 insertions as shown by underline as follows:

25 § 2512A. Enforcement of DSCYF custody order.

26 A law-enforcement officer ~~may~~ shall enter private property to take physical custody of a child for the purpose of
27 enforcing a court order granting DSCYF custody of the child when such order ~~requests~~ requires the assistance of a law-
28 enforcement officer.

29 Section 5. Amend § 906, Title 16 of the Delaware Code by making deletions as shown by strike through and
30 insertions as shown by underline as follows:

31 § 906. State response to reports of abuse or neglect.

32 (d) In implementing law-enforcement's role in the child protection system, the law-enforcement agency
33 investigating a report of child abuse or neglect shall do all of the following:

34 (9) ~~Have the authority to enter~~ Enter private property to take physical custody of a child for the purpose of
35 enforcing a Family Court order awarding custody of the child to the Department. Law enforcement shall have this
36 authority even if not investigating a report of child abuse or neglect of the child.

37 Section 6. Amend § 9016, Title 29 of the Delaware Code by making deletions as shown by strike through and
38 insertions as shown by underline as follows:

39 § 9016. Appointment of special investigators; powers and duties.

40 (c) Special investigators under this section shall ~~have the authority to~~ take custody of a child pursuant to an order
41 from the Family Court or in conjunction with the law-enforcement agency charged with jurisdiction over the case. Special
42 investigators may enter private property while taking custody of a child under this section. To the extent possible, special
43 investigators under this section shall consult with the police agency of jurisdiction and the Secretary or Secretary's designee
44 before making an arrest and shall do so in all cases after making any such arrest.

SYNOPSIS

This Act requires police officers to enter private property to enforce custody orders when a court order requires them to do so.