



SPONSOR: Sen. Lawson & Rep. K. Williams
Sens. Hoffner, Pettyjohn, Wilson; Reps. Collins, Morris

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 193

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ALIMONY.

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

1 Section 1. Amend § 1509, Title 13 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1509. Preliminary injunction interim orders pending final hearing.

4 (b) Petitioner in the petition for divorce or annulment, or by motion filed simultaneously with the petition, or either
5 party by motion filed after the filing of the petition, may move for 1 or more of the following interim orders:

6 (1) ~~For temporary~~ Subject to § 1512(h) of this title, for interim alimony for himself or herself;

7 Section 2. Amend § 1512, Title 13 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows:

9 § 1512. Alimony in divorce and annulment actions; award; limitations.

10 (h) Notwithstanding any provision in this chapter to the contrary, if a party to an action for divorce or annulment is
11 convicted of a violent felony, as defined by § 4201 of Title 11, and the victim of the violent felony is the other party to the
12 action for divorce or annulment or the minor child of either party to the action for divorce or annulment, all the following
13 apply:

14 (1) If the conviction occurs before the Court awards alimony or interim alimony, the Court may not
15 award alimony or interim alimony to the party who is convicted of the violent felony.

16 (2) If the conviction occurs after the Court awards alimony or interim alimony, the other party's
17 obligation to pay alimony or interim alimony to the party who is convicted of the violent felony is terminated.

SYNOPSIS

This substitute adds emphasis to the prohibition that interim alimony may not be awarded to a party that is convicted of a violent felony. This Act prohibits an individual from receiving alimony who is convicted of committing a violent felony, where the victim is their spouse or a child under the age of 18 of either party to the divorce or annulment

proceeding. Under current Delaware law an individual can abuse their partner or child and may still be awarded interim alimony or alimony. This Act mandates that such an unjust result shall be entirely prohibited.

Author: Senator Lawson