



SPONSOR: Sen. Townsend & Rep. Dorsey Walker
Sens. Cloutier, Delcollo, Hansen, Lockman, Lopez,
McDowell, Paradee, Pettyjohn, Richardson, Sokola,
Wilson; Reps. Baumbach, Griffith, Kowalko,
Michael Smith

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 94

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATED TO ADOPTION.

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

1 Section 1. Amend § 903, Title 13 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 903. Persons eligible to petition to adopt.

4 ~~An unmarried person or a husband and wife jointly, who are not legally separated or who are not living apart from~~
5 ~~each other, or a divorced or legally separated person, being a resident of the State at the time of filing the petition or with~~
6 ~~whom a child has been placed for adoption under § 904 of this title, and being over 21 years of age, may petition the~~
7 ~~Family Court for an order authorizing the petitioner or petitioners to adopt a child not his, hers or theirs. Nothing herein~~
8 ~~shall in any way affect the right of any person to adopt a person who has reached age 18 as provided in subchapter II of this~~
9 ~~chapter.~~

10 To be eligible to petition the Family Court for an order authorizing the petitioner or petitioners to adopt a child not his,
11 hers, or theirs, the petitioner or petitioners must satisfy the three following requirements:

12 a. Either be:

13 (1) A resident of Delaware at the time of filing the petition; or

14 (2) A person with whom a child has been placed for adoption under § 904 of this title; and

15 b. Either be:

16 (1) An unmarried person petitioning individually;

17 (2) A divorced or legally separated person petitioning individually;

18 (3) A married couple petitioning jointly, provided they are not legally separated or living apart from each
19 other; or

20 (4) A non-married couple petitioning jointly, provided that they are cohabiting, as that term is defined in
21 13 Delaware Code Section 1512(g); and

22 c. Be over the age of 21 at the time of filing the petition

23 Nothing herein shall affect the right of any person to adopt a person who has reached age 18 as provided in subchapter II of
24 this chapter.

25 Section 2. Amend § 951, Title 13 of the Delaware Code by making deletions as shown by strike through and
26 insertions as shown by underline as follows:

27 § 951. Who may adopt.

28 ~~Any person, or any husband and wife jointly, desiring to adopt any person or persons upwards of 18 years of age,~~
29 ~~shall file a petition in the Family Court of the county in which the petitioner or the person to be adopted resides.~~

30 The following persons, who desire to adopt any person or persons over 18 years of age, shall file a petition in the
31 Family Court of the county in which any of the petitioner(s) or the person(s) to be adopted resides:

32 (a) any person petitioning individually,

33 (b) a married couple petitioning jointly, or

34 (c) a non-married couple petitioning jointly, provided that they are cohabiting, as that term is defined in 13

35 Delaware Code Section 1512(g).

SYNOPSIS

Section 1 of this Act amends Section 903 of Title 13 of the Delaware Code. Substantively, this Act allows persons who are not married but who are cohabitating to jointly adopt a child that is not theirs. The Act also rewrites the statute so as to be more clearly understandable. Section 2 of this Act amends Section 951 of Title 13 of the Delaware Code. It allows persons who are not married but who are cohabitating to jointly adopt a child that is not theirs. The Act also changes the phrase "husband and wife" to "married couple."

Author: Senator Townsend