



SPONSOR: Rep. Yearick & Sen. Paradee
Reps. Brady, Hensley, Smyk

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 157

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DISPOSITION OF MARITAL PROPERTY.

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

1 Section 1. Amend § 1503, Title 13 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 1503. Definitions.

4 For purposes of this chapter, unless the context indicates differently:

5 (7) A non-covered pension is a pension plan attained through work in federal, state, or local government, or any
6 other employment, and not covered by Social Security Act (the employer is not deducting social security taxes from the
7 paycheck).

8 Section 2. Amend § 1513, Title 13 of the Delaware Code by making deletions as shown by strikethrough and
9 insertions as shown by underline as follows:

10 § 1513. Disposition of marital property; imposition of lien; insurance policies.

11 (a) In a proceeding for divorce or annulment, the Court shall, upon request of either party, equitably divide,
12 distribute and assign the marital property between the parties without regard to marital misconduct, in such proportions as
13 the Court deems just after considering all relevant factors including:

14 (10) The debts of the parties; ~~and~~

15 (11) Tax consequences; and

16 (12) As to the division of a "non-covered pension" as defined by 13 Del.C. § 1503(7), the Court must take
17 into consideration the present value of the pension benefit at the time of separation or such other date as the Court may
18 deem just, the ability or inability of the parties to earn Social Security, any actuarial offset the parties may elect to
19 present, and any other factors relevant to equitable distribution.

SYNOPSIS

This bill addresses the inequity that may occur when Family Court is asked to divide a non-covered pension by requiring the court to consider the ability or inability of the parties to earn Social Security and other factors which the parties may present relevant to the equitable distribution.