



SPONSOR: Rep. Lynn & Rep. Griffith & Sen. Poore
Reps. Baumbach, Minor-Brown, Michael Smith; Sen.
Sokola

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 189

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE
STATE OF DELAWARE.

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

1 Section 1. Amend § 1041, Title 10 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 1041. Definitions.

4 (1) "Abuse" means conduct which constitutes any of the following:

5 a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as
6 defined in § 761 of Title 11;

7 b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of
8 physical injury or sexual offense to such person or another;

9 c. Intentionally or recklessly damaging, destroying or taking the tangible property of another person;

10 d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or
11 emotional distress or to provoke a violent or disorderly response;

12 e. Trespassing on or in property of another person, or on or in property from which the trespasser has
13 been excluded by court order;

14 f. Child abuse, as defined in Chapter 9 of Title 16;

15 g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in Title 11; ~~or~~

16 h. Any other conduct which a reasonable person under the circumstances would find threatening or
17 ~~harmful~~ harmful;

18 i. Driving a vehicle while under the influence or with a prohibited alcohol or drug content, as defined in §
19 4177 of Title 21, during which a child is in the vehicle; or

20 j. Violation of privacy, as defined in § 1335(a)(9) of Title 11.

21 (3) "Interference with custody", in addition to meaning as it is defined in Title 11, means withholding a child
22 in contravention of a child custody order.

SYNOPSIS

This Act adds to the definition of “abuse” conduct that constitutes the violations of:

- Driving a vehicle while under the influence or with a prohibited alcohol or drug content, as defined in Title 11.
- Violation of privacy as it is defined in Title 11 and relates to the nonconsensual dissemination of visual depictions containing nudity or sexual acts, conduct popularly referred to as “revenge porn.”

This Act also adds to the definition of “interference with custody” conduct that encompasses withholding a child in contravention of a child custody order.