SPONSOR: Rep. Lynn & Rep. Bush & Rep. K. Williams & Sen. Paradee
Reps. Baumbach, Bennett, Bolden, Brady, Dorsey Walker, Mitchell, Morrison, Schwartzkopf, D. Short, Smyk; Sens. Gay, Hansen, Sokola

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 136
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN.

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

Section 1. Amend Chapter 7 of Title 13 of the Delaware Code by adding a new section thereto to read as follows:

§ 734 Relocation.

(a) When in the course of litigation involving custody or visitation, there is a proposed relocation of a child for a period of 60 days or more involving either (1) a move outside the State of Delaware or (2) a move that materially affects the current custodial and residential arrangement or order, the Court must consider the following factors:

(1) The nature, quality, extent of involvement, and duration of the child's relationship with the individual proposing to relocate and with the non-relocating individual, siblings, and other significant individuals in the child's life.

(2) The age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child.

(3) The feasibility of preserving the relationship between the non-relocating individual and the child through suitable visitation arrangements, considering the logistics and financial circumstances of the parties.

(4) The child's preference, taking into consideration the age and maturity of the child.

(5) Whether there is an established pattern of conduct of the individual seeking the relocation, either to promote or thwart the relationship of the child and the non-relocating individual;

(6) Whether the relocation of the child will enhance the general quality of life for both the individual seeking the relocation and the child, including financial or emotional benefit or educational opportunity.

(7) The reasons of each individual for seeking or opposing the relocation.

(8) Any other factor affecting the best interest of the child.

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