SPONSOR: Rep. Morrison & Sen. Gay & Rep. Griffith &
Rep. Heffernan & Rep. K. Williams &
Rep. Dorsey Walker
Reps. Baumbach, Briggs King, Bush, Lambert, Neal, Osienski, Phillips, Romer, Wilson-Anton; Sens. Buckson, Hansen, Hoffner, Huxtable, Lockman, S. McBride, Pettyjohn, Pinkney, Sokola, Sturgeon, Townsend

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 151
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROTECTION FROM ABUSE PROCEEDINGS.

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

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

§ 1041. Definitions.

The following terms shall have the following meanings:

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

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

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

c. Intentionally or recklessly damaging, destroying or taking the tangible property of another ~~person;~~ person, including legal documents that are the property of another person.

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

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

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

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

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h. Intentionally causing or attempting to cause an adult to be financially dependent by doing either or both of the following:

1. Maintaining overwhelming control over the individual's financial resources, including withholding access to money or credit cards or forbidding attendance at school or employment without reasonable justification, and against the individual's will.

2. Stealing or defrauding of money or assets, exploiting the victim's resources for personal gain, or withholding physical resources such as food, clothing, necessary medications, or shelter.

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

Section 2. Amend § 1045, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1045. Relief available; duration of orders, modification and termination.

(a) After consideration of a petition for a protective order, the Court may grant relief ~~as follows:~~ in the form of any of the following:

(1) Restrain the respondent from committing acts of domestic violence, as defined in § 1041 of this ~~title;~~ title.

(2) Restrain the respondent from contacting or attempting to contact the ~~petitioner;~~ petitioner.

(3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of in whose name the residence is titled or leased. Such relief shall not affect title to any real ~~property;~~ property.

(4) Order that the petitioner be given temporary possession of specified personal property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal ~~effects;~~ effects.

(5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either party may request visitation at any time during the proceeding. The Court may provide for visitation by separate interim visitation order pursuant to Title 13, which order shall be binding upon and enforceable against both parties. Such interim visitation order may include third-party supervision of any visitation, if necessary, in accordance with Chapters 7 and 19 of ~~Title 13;~~ Title 13.

(6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with Chapter 5 of Title 13, including temporary housing ~~costs;~~ costs.

(7) Order the respondent to pay to the petitioner or any other family member monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and

counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property damaged or taken, moving or other travel expenses and litigation costs, including attorney's ~~fees;~~ fees.

(8) Order the respondent to temporarily relinquish to a police officer or a federally-licensed firearms dealer located in Delaware the respondent's firearms and to refrain from purchasing or receiving additional firearms for the duration of the order. The Court shall inform the respondent that he or she is prohibited from receiving, transporting, or possessing firearms for so long as the protective order is in ~~effect;~~ effect.

(9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by ~~parties;~~ parties.

(10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to participate in treatment or counseling ~~programs;~~ programs.

(11) Issue an order directing any law-enforcement agency to forthwith search for and seize firearms of the respondent upon a showing by the petitioner that the respondent has possession of a firearm, and

a. Petitioner can describe, with sufficient particularity, both the type and location of the firearm or firearms; and

b. Respondent has used or threatened to use a firearm against the petitioner, or the petitioner expresses a fear that the respondent may use a firearm against ~~them;~~ them.

(12) Order the respondent to return specified legal documents, such as passport, immigration papers, or social security card.

~~(12)~~ (13) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.

Section 3. This Act takes effect 90 days after its enactment.