



SPONSOR: Sen. Blevins & Rep. M. Marshall

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 84

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

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

1 Section 1. Amend § 8-201 of Title 13, Delaware Code, by deleting the word “or” at the conclusion of paragraph
2 (a)(2), by deleting the “.” at the conclusion of paragraph (a)(3), and then by inserting the following:

3 “; or

4 (4) A determination by the Court that the woman is a de facto parent of the child.”

5 Section 2. Amend § 8-201 of Title 13, Delaware Code, by deleting the word “or” at the conclusion of paragraph
6 (b)(4), by deleting the “.” at the conclusion of paragraph (b)(5), and then by inserting the following:

7 “; or

8 (6) A determination by the Court that the man is a de facto parent of the child.”

9 Section 3. Amend § 8-201 of Title 13, Delaware Code, by adding a new section (c) as follows: “(c) De facto
10 parent status is established if the Family Court determines that the de facto parent:

11 (1) has had the support and consent of the child’s parent(s) who fostered the formation and establishment of a
12 parent-like relationship between the child and the de facto parent;

13 (2) has exercised parental responsibility for the child as that term is defined in Section 1101 of this Title; and

14 (3) has acted in a parental role for a length of time sufficient to have established a bonded and dependent
15 relationship with the child that is parental in nature.”

16 Section 4. Amend § 2302 of Title 13, Delaware Code, by striking subsection (13), and by inserting in lieu thereof,
17 the following:

18 “(13) ‘Parent’ is as defined by section 8-201 of this Title.”.

19 Section 5. The provisions of this Act shall have a retroactive effect.

20 Section 6. No Court decision based upon a finding that Delaware does not recognize de facto parent status shall
21 have collateral estoppel or res judicata effect.

SYNOPSIS

This Bill statutorily establishes de facto parent status in the State of Delaware by allowing the Family Court to consider evidence of a person's assumption of parental responsibilities over a child and relationship with a child in determining the maternity and/or paternity of a child. It is intended to continue the rights and responsibilities of a de facto parent as set forth in In re: Hart, 806 A.2d 1179 (Del. Fam. 2001) without interruption.

Author: Senator Blevins