



SPONSOR: Rep. Bolden & Sen. Blevins
Reps. Baumbach, Heffernan, Keeley, Lynn, Osienski,
Potter, M. Smith; Sens. Lopez, Peterson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 373

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

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

Section 1. Amend § 901, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§901. Definitions.

For the purpose of this chapter, unless the context indicates differently:

(12) "Family" means ~~husband and wife~~ spouses; a ~~man and woman~~ couple cohabitating in a home in which there is a child of either or both; custodian and child; or any group of persons related by blood or marriage who are residing in 1 home under 1 head or where 1 is related to the other by any of the following degrees of relationship, both parties being residents of this State:

a. Mother;

b. Father;

c. Mother-in-law;

d. Father-in-law;

e. Brother;

f. Sister;

g. Brother-in-law;

h. Sister-in-law;

i. Son;

j. Daughter;

k. Son-in-law;

l. Daughter-in-law;

m. Grandfather;

n. Grandmother;

- o. Grandson;
- p. Granddaughter;
- q. Stepfather;
- r. Stepmother;
- s. Stepson;
- t. Stepdaughter.

The relationships referred to in this definition include blood relationships without regard to legitimacy and relationships by adoption.

Section 2. Amend § 922(a), Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§922. Exclusive and concurrent original criminal jurisdiction.

(a) Except as provided in subsections (b), (c), (d) and (e) of this section, the Court shall have exclusive original criminal jurisdiction in all proceedings in this State concerning the following, the enumeration of which shall not be construed to exclude jurisdiction otherwise conferred upon the Court:

(2) Offenses, except felonies, committed:

a. by 1 member against another member of the family; ~~and criminal cases, except felonies, in which 1 member of a family is complainant against another member of the family;~~

b. between former spouses;

c. persons cohabitating together who are holding themselves out as a couple, with or without a child in common; or

d. persons living separate and apart with a child in common.

SYNOPSIS

This bill amends the definition of family to make spouses and couples gender neutral. This bill also permits the transfer of misdemeanor criminal jurisdiction in cases involving former spouses, persons cohabitating with or without a child in common, and persons living apart with a child in common from the Court of Common Pleas to Family Court. Currently, Family Court has civil jurisdiction to issue civil protective orders between former spouses, persons cohabitating with or without a child in common, and persons living apart with a child in common and this bill would add misdemeanor criminal jurisdiction for those relationships to Family Court.