

229 of this State, whether derived from statutes, administrative rules or regulations, court rules, governmental policies, common
230 law, court decisions, or any other provisions or sources of law, including in equity, as are granted to, enjoyed by or imposed
231 upon married spouses.

232 (b) Former parties to a civil union lawfully entered into or otherwise recognized pursuant to this chapter shall have
233 the same rights, protections and benefits, and shall be subject to the same responsibilities, obligations and duties under the
234 laws of this State, whether derived from statutes, administrative rules or regulations, court rules, governmental policies,
235 common law, court decisions, or any other provisions or sources of law, including in equity, as are granted to, enjoyed by
236 or imposed upon former married spouses.

237 (c) A surviving party to a civil union lawfully entered into or otherwise recognized pursuant to this chapter,
238 following the death of the other party to the civil union, shall have the same rights, protections and benefits, and shall be
239 subject to the same responsibilities, obligations and duties under the laws of this State, whether derived from statutes,
240 administrative rules or regulations, court rules, governmental policies, common law, court decisions, or any other
241 provisions or sources of law, including in equity, as are granted to, enjoyed by or imposed upon a widow or widower.

242 (d) To the extent that provisions of the laws of this State, whether derived from statutes, administrative rules or
243 regulations, court rules, governmental policies, common law, court decisions, or any other provisions or sources of law,
244 including in equity, adopt, refer to, or rely upon in any manner, provisions of United States federal law that would have the
245 effect of parties to a civil union being treated differently than married spouses, parties to a civil union shall be treated in all
246 respects by the laws of this State as if United States federal law recognizes a civil union in the same manner as the laws of
247 this State.

248 § 213. Legal unions performed in other jurisdictions.

249 A legal union between two individuals of the same sex that was validly formed in another jurisdiction, regardless
250 of whether such legal union is recognized under chapter 1 of this title or is referred to as a civil union, shall be recognized
251 as a validly established civil union under this chapter for all purposes of the laws of this State, provided that the legal union
252 meets the eligibility requirements of § 202 of this chapter for a civil union and such legal union affords to and imposes on
253 the parties thereto substantially similar rights, benefits, protections, responsibilities and duties as those afforded to and
254 imposed on parties to a civil union entered into in this State under this chapter.

255 § 214. Treatment of parties to a civil union for purposes of Delaware law.

256 (a) A party to a civil union shall be included in any definition or use of the terms "dependent", "family", "husband
257 and wife", "immediate family", "next of kin", "spouse", "stepparent", "tenants by the entirety", and other terms, whether or
258 not gender-specific, that denote a spousal relationship or a person in a spousal relationship, as those terms are used

259 throughout the Code, administrative rules or regulations, court rules, governmental policies, common law, court decisions,
260 or any other provisions or sources of the laws of this State, including in equity.

261 (b) To the extent that another provision of this Code (other than chapter 1 of this title) or other laws of this State
262 (including, without limitation, administrative rules or regulations, court rules, governmental policies, common law, court
263 decisions, or any other provisions or sources of law, including in equity) utilizes a term used in chapter 1 of this title
264 relating to marriage, references a section of chapter 1 of this title, or references marital status, except to the extent otherwise
265 set forth in this chapter, such term, section or other reference shall be deemed to also utilize, include or reference the
266 applicable corresponding term, section or other reference relating to civil unions or civil union status as established in this
267 chapter.

268 § 215. Treatment of parties to a civil union for purposes of chapter 1 of this title.

269 Notwithstanding chapter 1 of this title, no person who has entered into a valid civil union pursuant to this chapter,
270 or who has entered into a valid legal union in any other jurisdiction that is recognized as a civil union pursuant to this
271 chapter, may be found in violation of any provision of chapter 1 of this title.

272 § 216. Dissolution of a civil union.

273 A civil union entered into or otherwise recognized under this chapter may be dissolved in the same form and
274 manner as marriages entered into or otherwise recognized under chapter 1 of this title; provided, however, notwithstanding
275 §§ 1504 and 1505(d) of this title, the Family Court of this State shall have, in addition to any other basis for jurisdiction it
276 would otherwise have, jurisdiction over all proceedings for divorce and annulment of civil unions that are solemnized in
277 this State under this chapter notwithstanding that the domicile or residency of the petitioner and the respondent are not in
278 this State, if the jurisdiction of domicile or residency of the petitioner and/or the respondent does not by law affirmatively
279 permit such a proceeding to be brought in the courts of that jurisdiction. All persons who enter into a civil union
280 solemnized in this State consent to the non-exclusive jurisdiction of the Family Court for all proceedings for divorce and
281 annulment of such civil union, even if one or both parties no longer reside in this State. If neither of the parties to a civil
282 union solemnized in this State reside in this State, any petition for divorce or annulment of such civil union shall be filed in
283 the county in which one or both of such parties last resided in this State.

284 § 217. Rules of construction.

285 (a) The rule of construction that statutes in derogation of the common law are to be strictly construed shall have no
286 application to this chapter. This chapter shall be broadly construed to accomplish its intended purposes.

287 (b) The rule of construction that specific statutory provisions should prevail over general statutory provisions shall
288 have no application to this chapter except to the extent that the provisions of this chapter are considered specific as opposed
289 to general provisions."

290 Section 2. This Act does not affect rights, duties or obligations that matured or were owed, penalties that were
291 incurred, or proceedings that were begun, before its effective date.

292 Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the
293 invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision
294 or application; and, to that end, the provisions of this Act are declared to be severable.

295 Section 4. This Act may be referred to as the "Civil Union and Equality Act of 2011".

296 Section 5. This Act shall be effective at 10 a.m. on January 1, 2012.

SYNOPSIS

This Act creates the recognized legal relationship of civil union in Delaware for eligible persons. This Act further recognizes as civil unions for all purposes under Delaware law legal unions between two persons of the same sex entered into in jurisdictions outside of Delaware provided that such union and the parties thereto meet the Delaware eligibility requirements to enter into a civil union in the State of Delaware. Parties who enter into a lawful civil union in Delaware, or whose legal union is recognized as a civil union under Delaware law, will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware law. It is not the intent of the Delaware General Assembly to revise the definition or eligibility requirements of marriage under Delaware law or to require any religious institution to perform solemnizations of civil unions.

Author: Senator Sokola

Your Search...



Phone Numbers

Mobile

Help

Email

Delaware General Assembly [Back](#)**146th General Assembly****Senate Bill # 30**[Home](#)**Bill Tracking****Senate**[Agenda](#)[Ready List](#)[Meeting Notices](#)[Nominations](#)[Roll Call](#)**House**[Agenda](#)[Ready List](#)[Meeting Notices](#)[Journal](#)[Roll Call](#)**All Legislation**[Current Day's Action](#)[Recent Legislation](#)[Signed Legislation](#)[Calendar](#)**Reports:**[By Sponsor](#)[By Status](#)[By Date Introduced](#)[By Date Signed](#)[Activity Report](#)[Agenda Report](#)**Archives**[Contact Info](#)**House**[Joint Committees](#)[Legislative Divisions](#)[Legislative Info](#)[Meeting Schedules](#)[Online Publications](#)[Press Releases](#)[Regulations](#)[Schedule](#)[Senate](#)[Virtual Tour](#)[Who's my Legislator](#)**Bill Search:**

Session ▼

Primary Sponsor: Sokola**Additional Sponsor(s):** Sen. Sorenson & Rep. George & Rep. Schooley**CoSponsors:** Sens. Blevins, Henry, Bunting, Katz, McDowell & Peterson; Reps. Gilligan, Schwartzkopf, Longhurst, Barbieri, Bolden, Brady, Heffernan, Keeley, Kowalko, Mitchell, Mulrooney, Osienski, Scott, B. Short, Viola, D.E. Williams, D.P. Williams**Introduced on :** 03/22/2011**Long Title:** AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CIVIL UNIONS.**Synopsis:** This Act creates the recognized legal relationship of **civil union** in Delaware for eligible persons. This Act further recognizes as **civil unions** for all purposes entered into in jurisdictions outside of Delaware provided that such **union** and the parties thereto meet the Delaware eligibility requirements to enter into a **civil union** in the State of Delaware. Parties who enter into a lawful **civil union** in Delaware, or whose legal **union** is recognized as a **civil union** under Delaware law, will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware law. It is not the intent of the Delaware General Assembly to revise the definition or eligibility requirements of marriage under Delaware law or to require any religious institution to perform solemnizations of **civil unions**.**Current Status:** Signed On 05/11/2011**Volume Chapter** 78:22**Date Governor acted:** 05/11/2011**Full text of Legislation:** [Legis.html](#)
(in HTML format)[Email this Bill to a friend](#)**Full text of Legislation:** [Legis.Docx](#) (Microsoft Word is required to view this document.)
(in MS Word format)**Fiscal Notes/Fee Impact:** F/N (Complete)**Amendments:**
[SA 1 to SB 30](#) - Defeated
[SA 2 to SB 30](#) - Defeated
[HA 5 to SB 30](#) - Defeated
[HA 3 to SB 30](#) - Defeated
[HA 4 to SB 30](#) - Defeated
[HA 1 to SB 30](#) - Defeated
[HA 2 to SB 30](#) - Defeated
[HA 6 to SB 30](#) - Defeated
[HA 7 to SB 30](#) - Defeated
[HA 1 to HA 7 to SB 30](#) - Passed
[HA 8 to SB 30](#) - Defeated
[HA 9 to SB 30](#) - Defeated

Bill Type ▾ No. **Committee Reports:**
 Senate Committee report 03/31/11 F=3 M=1 U=0----->
 OR
 Full Text Search [Go] House Committee Report 04/13/11 F=3 M=0 U=1----->

Voting Reports:

Senate vote: Motion to be Laid on Table: Defeated 4/7/2011 5:08:59 PM----->

Senate vote: () Passed 4/7/2011 5:11:55 PM----->

House vote: () Passed 4/14/2011 7:13:15 PM----->

Fiscal Notes:

Fiscal Note----->

Actions History:

May 11, 2011 - Signed by Governor
 Apr 14, 2011 - Passed by House of Representatives. Votes: Passed 26 YES 15 NO 0 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 9 - Defeated by House of Representatives. Votes: Defeated 16 YES 24 NO 1 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 9 defeated
 Apr 14, 2011 - Amendment HA 9 - Introduced in House
 Apr 14, 2011 - Amendment HA 8 - Defeated by House of Representatives. Votes: Defeated 3 YES 25 NO 13 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 8 defeated
 Apr 14, 2011 - Amendment HA 7 - Defeated by House of Representatives. Votes: Defeated 15 YES 24 NO 2 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 7 defeated
 Apr 14, 2011 - Amendment HA 1 to HA 7 - Passed in House by Voice Vote
 Apr 14, 2011 - Amendment HA 1 to HA 7 - Introduced in House
 Apr 14, 2011 - Amendment HA 6 - Defeated in House by Voice Vote
 Apr 14, 2011 - Amendment HA 6 defeated
 Apr 14, 2011 - Amendment HA 5 - Defeated by House of Representatives. Votes: Defeated 17 YES 24 NO 0 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 5 defeated
 Apr 14, 2011 - Amendment HA 4 - Defeated by House of Representatives. Votes: Defeated 17 YES 24 NO 0 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 4 defeated
 Apr 14, 2011 - Amendment HA 3 - Defeated by House of Representatives. Votes: Defeated 17 YES 24 NO 0 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 3 defeated
 Apr 14, 2011 - Amendment HA 2 - Defeated by House of Representatives. Votes: Defeated 17 YES 24 NO 0 NOT VOTING 0 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 2 defeated
 Apr 14, 2011 - Amendment HA 1 - Defeated by House of Representatives. Votes: Defeated 16 YES 24 NO 0 NOT VOTING 1 ABSENT 0 VACANT
 Apr 14, 2011 - Amendment HA 1 defeated
 Apr 14, 2011 - Necessary rules are suspended in House
 Apr 14, 2011 - Amendment HA 8 - Introduced and Placed With Bill
 Apr 14, 2011 - Amendment HA 7 - Introduced and Placed With Bill
 Apr 13, 2011 - Reported Out of Committee (HOUSE ADMINISTRATION) in House with 3 Favorable, 1 Unfavorable
 Apr 13, 2011 - Amendment HA 6 - Introduced and Placed With Bill
 Apr 13, 2011 - Amendment HA 5 - Introduced and Placed With Bill
 Apr 13, 2011 - Amendment HA 4 - Introduced and Placed With Bill
 Apr 13, 2011 - Amendment HA 3 - Introduced and Placed With Bill
 Apr 13, 2011 - Amendment HA 2 - Introduced and Placed With Bill
 Apr 13, 2011 - Amendment HA 1 - Introduced and Placed With Bill
 Apr 12, 2011 - Introduced and Assigned to House Administration Committee in House
 Apr 07, 2011 - Passed by Senate. Votes: Passed 13 YES 6 NO 0 NOT VOTING 2 ABSENT 0 VACANT
 Apr 07, 2011 - Amendment SA 2 - Defeated by Senate. Votes: Defeated 6 YES 12 NO 1 NOT VOTING 2 ABSENT 0 VACANT
 Apr 07, 2011 - Amendment SA 2 defeated

Apr 07, 2011 - Amendment SA 1 - Defeated by Senate. Votes: Defeated 2 YES
12 NO 5 NOT VOTING 2 ABSENT 0 VACANT
Apr 07, 2011 - Amendment SA 1 defeated
Apr 06, 2011 - Amendment SA 2 - Introduced and Placed With the Bill in Senate
Apr 06, 2011 - Amendment SA 1 - Introduced and Placed With the Bill in Senate
Mar 31, 2011 - Reported Out of Committee (ADMINISTRATIVE
SERVICES/ELECTIONS) in Senate with 3 Favorable, 1 On Its Merits
Mar 22, 2011 - Assigned to Administrative Services/Elections Committee in
Senate

[site map](#) | [about this site](#) | [contact us](#) | [translate](#) | [delaware.gov](#)



DEFEATED

SPONSOR: Sen. Venables

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 30

- 1 AMEND Senate Bill No. 30 by deleting line 11 in its entirety and by substituting in lieu thereof the following:
- 2 “(a) ‘Civil union’ means a legal union between two individuals established pursuant to this chapter.”
- 3 FURTHER AMEND Senate Bill No. 30 by adding at the end of line 18, the word “and”, by deleting the semi-
- 4 colon at the end of line 19, and substituting in lieu thereof, a period “.”, and further by deleting lines 20 and 21 in their
- 5 entirety.
- 6 FURTHER AMEND Senate Bill No. 30, by deleting lines 23 and 24 in their entirety, by deleting lines 39 and 40,
- 7 and by redesignating the remaining subsection of §203, Title 13, Delaware Code, accordingly.
- 8 FURTHER AMEND Senate Bill No. 30 by deleting lines 142 and 143, and by redesignating the remaining
- 9 subsections of §207, Title 13, Delaware Code, accordingly.
- 10 FURTHER AMEND Senate Bill No. 30 by striking from line 249 the phrase “of the same sex”.

SYNOPSIS

Upon passage of a civil union bill, it would be appropriate to make civil unions available for heterosexual couples and also for other individuals, such as family members, who are not romantically involved but who cohabit and share their lives out of necessity. This Bill ensures equal treatment for other individuals including heterosexual couples and family members by permitting such persons to also enter into civil unions.

Author: Senator Venables



DEFEATED

SPONSOR: Sen. Venables

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2

TO

SENATE BILL NO. 30

1 AMEND Senate Bill No. 30 by deleting Section 5 in its entirety and by substituting in lieu thereof a new Section 5
2 to read as follows:
3 “Section 5. This Act shall become effective upon a majority of citizens voting in this State to implement
4 this Act. Contingent upon the General Assembly providing funding, the State Commissioner of Elections shall insure that a
5 Statewide referendum is held on this issue on November 8, 2011. The Department shall list as an issue on the ballot, the
6 question as to whether the Civil Union and Equality Act of 2011 should be implemented. Contingent upon the
7 abovementioned funding and passage of this referendum, this Act shall become effective at 10:00 a.m. on January 1, 2012.
8 In the event this referendum is not funded by the General Assembly, a referendum on this issue shall be held on November
9 6, 2012. Contingent upon passage of a November 6, 2012 referendum, this Act, in such event, shall become effective at
10 10:00am on January 1, 2013.”

SYNOPSIS

This Bill requires a Statewide referendum to be held in November, 2011, if funded, to determine if the Act becomes effective. If not specifically funded, then a statewide referendum will be held on November 6, 2012. This would eliminate additional costs since the referendum issue would simply be another ballot item in a general election.

Author: Senator Venables



DEFEATED

SPONSOR: Rep. Briggs King & Rep. Lavelle;
Rep. Willis

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

SENATE BILL NO. 30

1 AMEND Senate Bill No. 30 on lines 41 and 42 by striking "\$100, and in default of the payment of the fine" and
2 by substituting in lieu thereof "\$100 or", and by inserting ", or both" between "30 days" and the period (".") on line 42.

3 FURTHER AMEND Senate Bill No. 30 on lines 83 and 84 by striking "\$100, and in default of the payment of
4 such fine" and by substituting in lieu thereof "\$100 or", and by inserting ", or both" between "30 days" and the period (".")
5 on line 84.

6 FURTHER AMEND Senate Bill No. 30 on lines 85 and 86 by striking "\$100, and in default of the payment of
7 such fine" and by substituting in lieu thereof "\$100 or", and by inserting ", or both" between "30 days" and the comma (",")
8 on line 86.

9 FURTHER AMEND Senate Bill No. 30 on line 120 by striking "\$100, and in default of payment of such fine" and
10 by substituting in lieu thereof "\$100 or", and by inserting ", or both" between "30 days" and the period (".").

SYNOPSIS

This amendment corrects the penalties that appear in the bill by removing the phrase that imposes a jail sentence in default of paying a fine. A defendant must be given the opportunity to pay the fine over a period of time, a deferred payment.



DEFEATED

SPONSOR: Rep. Briggs King & Rep. Lavelle;
Rep. Willis

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 3

TO

SENATE BILL NO. 30

1 AMEND Senate Bill No. 30 on line 11 by inserting “or of the opposite sex” between “same sex” and
2 “established”.

3 FURTHER AMEND Senate Bill No. 30 on line 20 by inserting “or of the opposite sex” between “same sex” and
4 “; and”.

5 FURTHER AMEND Senate Bill No. 30 on line 249 by inserting “or of the opposite sex” between “same sex” and
6 “that was”.

SYNOPSIS

This amendment adds “opposite sex” civil unions to the definition of civil unions.