

CHAPTER 237
FORMERLY
HOUSE BILL NO. 271
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend § 1513, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1513. Disposition of marital property; imposition of lien; insurance policies.

(b) For purposes of this chapter only, "marital property" means ~~all property acquired by either party subsequent to the marriage except~~ all of the following:

(1) All property acquired by either party subsequent to the marriage, except any of the following:

~~(1) a.~~ a. Property acquired by an individual spouse by bequest, ~~devise~~ devise, or descent or by gift, except gifts between spouses, provided the gifted property is titled and maintained in the sole name of the donee spouse, or a gift tax return is filed reporting the transfer of the gifted property in the sole name of the donee spouse or a notarized document, executed before or contemporaneously with the transfer, is offered demonstrating the nature of the transfer.

~~(2) b.~~ b. Property acquired in exchange for property acquired prior to the ~~marriage~~; marriage.

~~(3) c.~~ c. Property excluded by valid agreement of the ~~parties~~; and parties.

~~(4) d.~~ d. The increase in value of property acquired prior to the marriage.

(2) All jointly-titled real property acquired by the parties prior to their marriage, unless excluded by valid agreement of the parties. For purposes of this paragraph, "jointly-titled real property" includes joint tenancy, tenancy in common, and any other form of co-ownership.

(c) All property acquired by either party subsequent to the marriage is presumed to be marital property regardless of whether title is held individually or by the parties in some form of co-ownership such as joint tenancy, tenancy in common or tenancy by the entirety. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in paragraphs ~~(b)(1) through (4)~~ (b)(1)a. through d. of this section. Property transferred by gift from 1 spouse to the other during the marriage is marital property.

Approved May 19, 2016