

# TITLE 10

## Courts and Judicial Procedure

### Organization, Powers, Jurisdiction and Operation of Courts

#### CHAPTER 9. THE FAMILY COURT OF THE STATE OF DELAWARE

##### Subchapter III. Procedure

§ 1031. Disposition.

In any civil action within the jurisdiction of this Court and upon the petition of a person properly before it, the Court may:

- (1) Award the custody or possession of a child to any party to the action, establish visitation rights, and, in a proper case, order payment of support for the child;
- (2) Order a child's custodian to exercise such care and perform such acts as may be reasonably necessary to insure that the child shall obey the law and receive adequate care;
- (3) Consent to a child's employment, or to enlistment into the armed forces, or to receiving medical care as may be required by law;
- (4) Order a person under a duty to do so to pay through the Court or the Bureau of Child Support Enforcement or directly to the spouse/ex-spouse or to the custodian of the child reasonable support for the spouse and/or child. And in such cases as the Court may deem appropriate enter an order of final judgment as to any past due support which judgment shall not be subject to subsequent modification by the Court;
- (5) In an action to prevent a family member from conduct that imperils the family relationship, order the defendant to desist from the acts complained of, or order individual or family counseling with the court staff or with any appropriate counseling agency, or enter such other order as may be required;
- (6) May commit a mentally ill, retarded, or disturbed adult for observation or treatment to any appropriate institution within the State, or to any institution without the State which will consent to receive the person;
- (7) Upon petition thereto, grant grandparents reasonable visitation rights as the Court shall determine with respect to the grandchild, regardless of marital status of the parents of the child or the relationship of the grandparents to the person having custody of the child; provided however:**
  - a. That when the natural or adoptive parents of the child are cohabiting as husband and wife, grandparental visitation may not be granted over both parents' objection. The trier of fact shall make the ultimate decision based upon the best interest of the child.**
  - b. That wherever practicable, the Court shall provide that the maternal grandparents' visitation time shall occur when the child is placed with or has visitation with the mother and the paternal grandparents' visitation time shall**

**occur when the child is placed with or has visitation with the father, irrespective of the place of residence of the parents and/or the grandparents, unless otherwise agreed to by all parties involved. (10 Del. C. 1953, § 950; 58 Del. Laws, c. 114, § 1; 60 Del. Laws, c. 279, § 1; 60 Del. Laws, c. 647, § 1; 65 Del. Laws, c. 243, § 1; 69 Del. Laws, c. 160, § 1; 69 Del. Laws, c. 173, § 1; 69 Del. Laws, c. 335, § 1; 69 Del. Laws, c. 378, § 1; 70 Del. Laws, c. 186, § 1.)**

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