

APR 14 1964

DELAWARE

Addendum to

WOMEN'S BUREAU BULLETIN 157-7 (REVISED)—THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA, REPORT FOR DELAWARE AS OF JANUARY 1, 1959.

*Revised as of March 1, 1964*¹

This addendum, used with the Report for Delaware, presents a digest of the constitution and statutes affecting the legal status of women in Delaware as of March 1, 1964. The CONTENTS list shows which topics have been changed by enactments since January 1, 1959 and should be consulted before reading the related topic in the Report.

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CHANGES

3. Property exemptions from seizure for debt

A. RESPECTIVE RIGHTS OF MAN AND WOMAN

Page 4, after the third paragraph insert:

Ten percent of wages in New Castle County are attachable for the necessities of life and State taxes. Comakers or indorsers of notes or bonds of a debtor are entitled to the same right of attachment (T. 10, sec. 4913).

7. Liability for family support

Page 6, first full paragraph: After the paragraph insert:

When any poor person shall be unable to support himself or herself, the parents, spouse, or children shall be liable for his or her support

¹ Source: *Delaware Code Annotated*; *Atlantic Reporter*; *Atlantic Reporter 2d Series*.

in the order named. If the relation prior in order is not able, the next in order shall be liable, and several relations of the same order shall contribute equally, if able (T. 13, sec. 501).

13. Competency of husband or wife to testify for or against each other

Page 7, sixth full paragraph: Delete, and insert the following:

In any proceeding in which the fact of marriage or of parentage is in issue, no existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife or prohibiting the wife from testifying to the non-access of her husband shall apply.

Both husband and wife are competent and compellable witnesses to testify for or against each other, or in behalf of or against a defendant charged with the paternity of or failure to support a child of the wife, whether such defendant is or is not the husband of the wife. They may testify to all relevant matters, including the fact of such marriage, the parentage of such child or children, and the non-access of the husband to the wife, provided that neither the husband, nor the wife, nor the defendant, in cases where he is not the husband of such wife, shall be compelled to give evidence incriminating himself or herself (T. 13, sec. 508).

16. Provision for survivors during administration of estate

Page 9, second full paragraph:

On the second line, change "\$500" to "\$1500".

At the end of the paragraph, change the citation from "(T. 23, sec. 2305)" to "(T. 12, sec. 2305)".

20. Premarital requirements

Page 10, after the fifth paragraph insert:

Marriage is prohibited and voidable if either party is: (a) a person of any degree of unsoundness of mind; (b) a patient in an insane asylum without proper showing of fitness to marry; (c) venereally diseased; or afflicted with any other communicable disease the nature of which is unknown to the other party to the proposed marriage; (d) a habitual drunkard; (e) a confirmed user of a narcotic drug; (f) divorced (unless the facts concerning the divorce are supplied as required by law); (g) on probation or parole under any court or institution, without official consent to marry (T. 13, sec. 101 (B) (1-7)). A marriage between paupers is also prohibited and voidable (T. 13, sec. 101 (c)).

22. Annulment

Page 10, seventh paragraph: Delete item (a). Reletter the remaining items (a) through (f) to conform to the reduced number of items.

25. Guardianship of a minor child

Page 13, after second full paragraph insert:

The parents of a minor under the age of 18 years, living with the parents, are liable for damages in an amount not to exceed \$300, for the actions of the minor who maliciously or willfully destroys or damages property (T. 10, sec. 3923).

30. Domicile of a married woman

Page 14, after seventh paragraph insert:

A wife may establish a separate domicile after separation for cause or by mutual consent or understanding.^{2 3}

² *Bond v. Bond* (1940), 41 Del. 153; 17 Atl. 2d 229.

³ *Burkhardt v. Burkhardt* (1937), 38 Del. 492; 193 Atl. 924.