

Legislative Tracking: CPAC
Status as of Thursday, May 12, 2016

Bill	Description	Sponsor/ Date Intro	Committee Recommendation	CPAC Position	F/N	Status
PENDING LEGISLATION						
HOUSE BILLS						
HB 221	This Act extends the statute of limitations for certain civil claims relating to heinous human rights abuses to 10 years. It allows survivors more time to file claims for assault, battery, or wrongful death in Delaware state courts, provided their claims are based on acts of trafficking, genocide, torture, or crimes against humanity. Its intent is to ensure survivors get their rightful day in court by re-balancing the scales in a limited set of cases involving violations of fundamental human rights, where short filing deadlines currently favor abusers over victims.	Lynn 12/10/2015			N	Out of Committee On 01/20/16 Last checked 5/12/16
HB 234	This bill requires all public secondary schools, including vocational-technical schools, but not including charter schools, to have a school-based health center. The state is required to fund start-up costs at the rate of one school per year for secondary schools that currently lack such a health center. Wellness centers are an important means of providing preventative and primary medical care to teens and overcoming obstacles to care such as lack of transportation and cost. Pursuant to House Bill No. 303, approved in June of 2012, insurers are required to reimburse for services provided at school-based health centers recognized by Delaware's Division of Public Health. Under DPH regulations students under 18 must enroll for service by having a parent or guardian sign a consent form.	K. Williams 1/14/2016			Y	House Appropriations Committee On 03/10/2016 Last checked 5/12/16
HB 240	This bill establishes the Statewide Afterschool Initiative Learning Program. The Program will provide grants to public schools, that qualify as Title I schools, to develop afterschool engagement of students that will provide extended learning, homework assistance, enrichment, and nutrition. Quality afterschool programs have been proven to enhance student engagement, improve likelihood that students will stay in school, and graduate on time. High quality programs can improve participating students school attendance, enhance literacy and help to apply classroom learning in fun and enriching ways to boost student's attitudes toward various academic subjects. After school hours, from 3-6pm, is the most dangerous time for youth and crime, accounting for the peak time for youth to commit crimes or become victims of crimes. 11.3 million children are unsupervised in the United States after school. 28,292 kids in Delaware are on their own during the hours after school. According to the Afterschool Alliance's 2014 'America After 3PM' state survey, of all Delaware children not currently enrolled in afterschool, 40% (48,140) would be likely to participate if an afterschool program were available in their community.	Longhurst 01/12/2016			Y	House Appropriations Committee On 01/14/2016 Last checked 5/12/16
HB 265	This Bill will add licensed child care centers within the definition of "School" as it applies to the section of the code making it a crime for any person who is a sex offender to reside or loiter within 500 feet of a "School".	Hensley 3/3/2016			N	House Judiciary Committee On 03/03/2016 Last checked 5/12/16

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HB 310	<p>This Act provides Family Court with the jurisdiction to continue to review youths who have severe and persistent mental or behavioral health disorders, and who require services or treatment but are not amenable to or compliant with such services. Under this Act, Family Court can order such youths to participate in services or treatment.</p> <p>This Act applies only to youths who are under the custody of the Department of Children, Youth and their Families ("DCSYF") when they turn 18 years old and who, while under DCYSF custody, were diagnosed as and remain mentally ill, as defined in this Act. A petition seeking jurisdiction under this Act may be filed when the youth is 17 ½ years old, and terminates either by Court order or when the youth turns 26 years old, whichever occurs first. Jurisdiction under this Act does not require DSCYF to provide foster care board extension payments or stipends to a youth. This Act has no effect on a youth reaching the age of majority at 18 years or on DSCYF's custody over a youth terminating by operation of law when the youth turns 18 years old.</p> <p>This Act sets forth the requirements for filing a petition for jurisdiction; the legal standard for the Family Court to grant jurisdiction; review hearings, which must occur at least annually; orders for services or treatment; noncompliance with an order for services or treatment; termination of jurisdiction; and the standard of review of an order to exercise or terminate jurisdiction.</p>	Lynn 04/12/2016			N	House Judiciary Committee On 04/12/16 Last checked 5/12/16
HB 311	<p>This Act authorizes the Family Court to order the Department of Health and Social Services of Services ("DHSS") to determine whether a child who is 17 years of age or older and in the custody of the Department of Services for Children, Youth and their Families ("DSCYF") qualifies for adult mental or behavioral health services. If the child does qualify for adult mental or behavioral health services, this Act authorizes the Family Court to order that DHSS coordinate with DSCYF to develop and implement a transition plan for mental or behavioral health services for the child.</p>	Lynn 04/12/2016			N	House Judiciary Committee On 04/12/16 Last checked 5/12/16
HB 319	<p>This non-punitive, public health-oriented bill seeks to codify certain sections of the federal law known as the Child Abuse Prevention and Treatment Act ("CAPTA") that requires States to have policies and procedures in place to address the needs of infants born with and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a fetal alcohol spectrum disorder, including a requirement that healthcare providers involved in the delivery or care of such infants notify the child protective services system. Furthermore, CAPTA requires the development of a "plan of safe care" for these infants. This bill clarifies and formalizes a uniform, collaborative response protocol in accordance with CAPTA that will require Delaware's child protection system partners to work together to ensure the safety of substance exposed infants and to provide support and services to the mothers and families of substance exposed infants.</p> <p>Section 2 of the bill makes a conforming change to Section 929 of Title 16 to reflect updated cross-references.</p>	M. Smith 4/13/16	CPAC Bill	CPAC Bill	N	Out of Committee on 4/20/16 Last checked 5/12/16
SENATE BILLS						
SB 55	<p>This Bill extends the number of days for an emergency ex parte order from 10 days to 15 days. Currently, an ex parte order is issued and a full hearing is scheduled within 10 days. This can be insufficient time to effectuate service of the order and petition on the respondent. If respondent has not been served, the hearing is rescheduled and the petitioner must return to court the following week. Scheduling the hearings</p>	Blevins 04/02/2015			N	House Judiciary Committee On 4/14/16 Last checked 5/12/16

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	within 15 days will allow more time for service on the respondent, and afford more time for the parties to prepare for the hearing. The amendment also extends the time to 15 days for an expedited emergency hearing when there has not been an ex parte order issued.					
SB 207	This Act would improve the state's response to incidents of school bullying by better informing parents of the availability of intervention by the Department of Justice's School Ombudsperson, and clarify that the Ombudsperson has authority to intervene in both incidents of criminal activity and incidents that meet the statutory definition of bullying but do not constitute criminal activity. This Act would also give schools and victims' families discretion whether to report misdemeanor assault incidents between juveniles to law enforcement agencies, rather than mandating the involvement of the criminal justice system in all such incidents. Finally, the Act would ensure that parents of students involved in bullying incidents are informed that such incidents are reported to the Department of Education, and are informed when such reports occur.	Henry 03/10/2016			N	House Education Committee On 4/14/16 Last checked 5/12/16
SB 209	This bill clarifies that treatment required for participants in the domestic violence first offenders program must be domestic violence treatment with a Domestic Violence Coordinating Council certified treatment provider.	Blevins 03/15/2016			N	House Judiciary Committee On 4/14/16 Last checked 5/12/16
SB 213	At least 26 states have enacted legislation requiring the study or development of curricula for educating educators, students, and parents about personal body safety and child sexual abuse awareness and prevention. This Act requires the Child Protection Accountability Commission and the Division of Family Services of the Department of Health and Social Services, with the support of the Department of Education ("Department"), to develop and maintain a curriculum to be used by all of Delaware's public schools to educate public school employees who are employed at schools with any of the grades pre-kindergarten through 6, students in grades pre-kindergarten through 6, and parents of a child in grades pre-kindergarten through 6 about personal body safety and child sexual abuse. Once developed, this Act requires public schools to implement the curriculum. The Act provides for parental notification of the curriculum. In addition, the Act requires the school districts to report annually to the Department on the implementation of the curriculum and the Department to report annually to the Governor and General Assembly on the curriculum and its implementation. This Act is named Erin's Law in honor of Erin Merryn, a victim of child sexual abuse, who is working to enact legislation on this subject throughout the country.	Henry 03/24/2016			N	Out of Committee on 5/11/16 Last checked 5/12/16
SB 216	This bill reflects current practice within Family Court as to how and when one files for Extended Jurisdiction. This bill provides for a petition for extended jurisdiction to be filed by the youth who will be or was in foster care at age 18 or by the youth's representative, requesting that Family Court be authorized to hold proceedings past the youth's eighteenth birthday for the purpose of reviewing the youth's independent living services. The current statute calls for a motion to be filed in the dependency, abuse, and neglect proceeding. By requiring a new petition to be filed at the youth's request, this new procedure recognizes the young adult in their status as an independent adult and emphasizes the requirement that the jurisdiction be extended with the youth's consent. As with the	Blevins 03/24/2016	CPAC Bill	CPAC Bill	N	House Judiciary Committee on 4/28/16 Last checked 5/12/16

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SB 251	<p>Mandatory reporting laws are a crucial protection for children; every state has a version of such laws and they have been an effective tool. As Delaware's mandatory reporting law matures, it is important to recognize necessary balances to ensure that those at risk also receive necessary care. This Act enables adult patients to seek the mental health care that they need by exempting mental health professionals from the reporting requirements under § 903 of Title 16. However, this Act balances that exemption by maintaining mandatory reporting responsibility if a mental health professional knows or has reason to know a child is being abused or neglected or that the abuser is in a position of trust, authority, or supervision over a child.</p> <p>In addition, this Act constructs a definition subsection for § 903 of Title 16, creating a definition of "mental health professional" and "person". The definition of "person" is intended to continue the mandatory reporting statute's broad application while remaining consistent with the guidelines of the Delaware Legislative Drafting Manual by removing an exemplary list of individuals and entities that has become unwieldy.</p> <p>Finally, this Act removes the reference to "the Division of Family Services" and replaces it with a reference to § 904 of Title 16 for internal consistency.</p>	Peterson 05/05/2016			N	Senate Children, Youth & Families on 5/12/16
PASSED BY BOTH SENATE AND HOUSE, BUT UNSIGNED						
SIGNED						
HB 46	This bill sets forth the rights of abused, neglected and dependent youth in DSCYF Custody.	Barbieri 03/12/2015			N	Signed on 08/05/2015
HB 59	This Act makes changes to the state's list of statutory violent felonies ("list"). First, the Act adds two crimes, felony Promoting Sexual Solicitation of a Child and felony Resisting Arrest with Force or Violence, to the list. Second, the Act removes non-violent escape after conviction, lower level felony drug possession, and delivery of drug paraphernalia to a minor from the list. Additionally, the changes on line 16 are made to designate a previously undesignated paragraph, in keeping with the Delaware Legislative Drafting Manual.	J. Johnson 03/19/2015			N	Signed on 06/02/2015
HB 75 w/HA1	The continued existence and dissemination of juvenile criminal histories hampers an individual's ability to be a successful and productive member of society. Juvenile criminal histories are a hindrance to employment, education, housing and credit. This act modifies the discretionary expungement provisions to allow more individuals the ability to petition the Court for an expungement. These changes allow the Court to consider an expungement where the individual has demonstrated rehabilitation despite multiple youthful indiscretions. These provisions will enable a greater number of deserving youth the ability to move beyond their past and recognizes that most youth mature out of offending behavior.	K. Williams 03/31/2015				Signed on 06/17/2015
HB 118	This bill expressly identifies that a mandatory reporter of child abuse or neglect cannot rely upon a person with less direct knowledge to call the hotline.	Heffernan Sen. McDowell 04/28/2015				Signed on 07/10/2015
HB 126 w/HA1, HA1 to HA1	This Act adopts the ABA standard for juvenile delinquency by establishing the age of 10 as the minimum age of responsibility in juvenile prosecutions. Currently, at least 11 other states (including Pennsylvania) have adopted the ABA standard. Since 2009, approximately 90 children between the ages of 7-9 have arrested and prosecuted in Delaware's	Barbieri 05/05/2015				Signed on 07/10/2015

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	<p>Family Court. Most of the charges brought against these children were minor, low-level misdemeanor offenses, and the vast majority of all charges against children in this age range were dismissed or otherwise terminated in favor of the child. Since 2011, there have only been 10 arrests and no adjudications of children under the age of 10 for felony conduct.</p> <p>Criminal prosecutions of very young children require significant criminal justice resources, including forensic competency evaluations to determine if the child understands the nature of the proceedings and is able to participate in their defense. By adopting the ABA standard, this act would bar criminal and juvenile delinquency prosecutions of children under 10. As an alternative, such child may be required to participate in any pre arrest diversionary program administered by the Division of Youth Rehabilitative Services, and any child believed to be abused, neglected, dependent or in need of mental health services may be referred to the Division of Prevention and Behavioral Health, the Division of Family Services or any other appropriate state agency. The Act does not otherwise alter the procedures for determining competency of minors. Finally, the Act also strikes a provision of the statute - requiring the transfer to adult court of any child who turns 18 while their case is pending in the Family Court - declared unconstitutional by the Delaware Supreme Court in 1994 in <i>Hughes v. State</i>, 653 A.2d 241 (Del. 1994).</p>				
<p>HB 132</p>	<p>This amendment clarifies that regardless of whether parental rights have been terminated, a petition for protection from abuse may be filed on behalf of a child against a former parent whose conduct constitutes abuse.</p>	<p>Barbieri 05/06/2015</p>			<p>Signed on 07/28/2015</p>
<p>HB 136</p>	<p>The Delaware Child Death, Near Death and Stillbirth Commission ("CDNDSC") is charged with the responsibility to review all cases in which a child dies in Delaware, as part of Delaware's ongoing effort to reduce child mortality. CDNDSC is engaged in this effort through a number of review panels that examine health related issues, medical and legal issues, accidental deaths, and incidents arising from child abuse and neglect. The latter category of cases is assigned to CDNDSC's Child Abuse and Neglect ("CAN") Panel.</p> <p>The Child Protection Accountability Commission ("CPAC") has statutory responsibility to monitor Delaware's child protection system to best ensure the health, safety, and welfare of Delaware's abused and neglected children. CPAC has been designated as Delaware's "citizen review panel" under the federal Child Abuse Prevention and Treatment Act, 42 U.S.C. § 5106a(c) ("CAPTA"). As Delaware's "citizen review panel" CPAC is required to provide for the investigation and review of child death and near death incidents due to child abuse and neglect, for the purpose of developing recommendations for system improvement.</p> <p>This Act provides for the transfer of the "CAN" Panel from CDNDSC to CPAC. The transfer will ensure that Delaware remains in compliance with the requirements of federal law, providing greater assurance of continued federal funding under CAPTA. Further, CPAC is staffed by the Office of Child Advocate ("OCA"). Many, if not most, of the cases that fall within the jurisdiction of the CAN panel also already fall under the purview of the OCA, thus ensuring greater efficiency in the investigation of these cases. Finally, OCA has experienced attorneys on staff, and as volunteers, who are better equipped to ensure compliance with subpoenas and other investigative requests than the non-legal staff assigned to CDNDSC.</p> <p>This Act also changes the name of CDNDSC to the Child Death Review Commission, addresses the subpoena process</p>	<p>M. Smith 05/07/2015</p>			<p>Signed on 09/10/2015</p>

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	for both CDNDSC and CPAC, creates a mechanism for CDNDSC to hire and supervise employees, and makes various technical corrections intended to conform existing law to the guidelines of the Delaware Legislative Drafting Manual.					
HB 248 HA 1	This bill moves the role of Investigation Coordinator in the child welfare system out of the Department of Services for Children, Youth and Their Families and into the Office of the Child Advocate. It also ensures that the Investigation Coordinator continues to have electronic access to the DSCYF internal tracking system and DELJIS. The new text emphasizes the confidentiality of all records maintained or prepared by the Investigation Coordinator and mandates that any confidential information received by the Coordinator may not be used by the OCA in the performance of any other duties.	Smith 01/19/2016	CPAC Bill	CPAC Bill	N	Signed on 4/20/16
SB 33	This Act implements the legislative recommendations of the IEP Improvement Task Force created by the 147 th General Assembly.	Poore 01/29/2015			N	Signed on 06/18/2015
SB 56 w/SA1 and HA1	This bill establishes authority for the Department to file a petition with Family Court to compel an uncooperative parent or guardian to complete a drug or alcohol evaluation or mental health evaluation for themselves or to get a developmental screen for their child, if the child protection investigation reveals that substance abuse, mental health, or developmental delays may be placing the child at risk.	Blevins 04/02/2015				Signed on 07/15/2015
SB 178 w/SA 2	This bill makes technical changes to the Joseph R. "Beau" Biden, III Child Protection Act.	Peterson 1/21/2016				Signed on 04/07/2016
POTENTIAL & PROPOSED LEGISLATION (All recommendations indicate position in concept but Committee would need to see the actual bills to formulate a specific recommendation)						