Delaware’s Legislature is made up of the Senate and the House of Representatives. Both bodies are composed of elected officials, whose districts are determined based on population. In order to be a member of the Delaware Legislature, a person must be a US citizen, have been a Delaware resident for three years and have lived in their home district for a minimum of one year preceding the election. Additionally, there are minimum age requirements for serving in office: Senators must be at least 27 and Representatives must be at least 24. All of Delaware’s elected legislators serve on a part-time basis and most of Delaware’s elected legislators have other employment.

The Delaware Senate has 21 members who are elected to staggered 4-year terms.

Legislative Sessions in Delaware... After each general election concludes in Delaware, a new General Assembly is established for the following two years. Legislation introduced but not acted upon during the first year is carried over into the second year. Legislation introduced but not acted on by the end of the second year dies. In other words, it does not get carried over into the next General Assembly.

Delaware’s Kids Caucus
The Delaware Legislative Kids Caucus enjoys bipartisan support with members from both the Senate and House of Representatives. The Kids Caucus believes that all children deserve:

- to be free from hunger and preventable disease and to receive regular health care,
- a safe and nurturing start in the first 3 years of life, including access to quality early child care,
- an education that prepares them to meet the future and inspires them to achieve their potential,
- to grow up free from abuse, violence and the devastation of alcohol and other drugs,
- a secure future and to grow up in an economically stable family and
- to live in a community that provides a clean, safe environment with economic opportunities for all.
Selected Legislation Affecting Children Approved in FY 2010

**Health**

*Treatment of Minors by Physicians Under the Medical Practice Act:* requires a physician or physician’s assistant treating a person 15 years of age or younger to have another adult in the room when that child is disrobed, partially disrobed or otherwise undergoing certain physical examinations. That additional adult may be either a family member or other caretaker, or an adult staff member or colleague of the licensee.  

**SB 297**

*Training on Mandatory Reporting of Child Sexual and Physical Abuse, Exploitation and Domestic Violence:* implements several recommendations concerning additional training for the medical community and law enforcement on the prevention of child sexual and physical abuse and mandatory reporting obligations.  

**HB 457**

*Reporting of Abuse and Unprofessional Practice:* promotes the reporting of child abuse and allegations of unprofessional practice by healthcare practitioners and institutions.  

**SB 41**

*Testing for Lead Poisoning:* Delaware currently requires lead poisoning screening for children at 12 months of age. Because many children are not yet sufficiently mobile prior to 12 months of age to have full exposure to potential lead hazards in their environments, it has become common practice in other states to test some children at higher risk for lead exposure at 24 months of age as well. This Act creates a formal screening process so that children at high risk for lead exposure can receive an additional screening test at 24 months of age, while children at lower risk will continue to receive only the currently required screen at 12 months of age.  

**SB 300**

**Education**

*Foster Care & the SEED Program:* allow children who are leaving foster care to have access to the SEED scholarship, without the condition that they begin their higher education immediately after high school. This Act also allows them to attend school part-time. These exceptions are necessary because children aging out of foster care have the unique responsibility to support themselves and may not be able to follow the traditional timetable that children with the support of a more traditional family are able to follow.  

**SB 41**

*Deaf Students:* creates certain rights for children who are deaf or hard of hearing in the Delaware School System.  

**HB 283**

*Exceptional Students:* would require courts, administrative tribunals, school districts and schools to use the definition of “free and appropriate education” with respect to disabled children.  

**HB 328**

*Saving for Higher Education:* directs the Secretary of Finance to develop the means by which individuals can deposit their State income tax return directly into a Delaware College Investment Plan account.  

**HB 335**

*World Languages:* recognizes American Sign Language as a World Language for purposes of school curriculum.  

**HB 345**

*Mandatory Reporting of School Crimes:* raises the age (from 9 to 12) for school officials’ mandatory obligation to report to the police. School officials would still be required to file a written report of the incident with the District
### Selected Legislation Affecting Children Approved in FY 2010

**Child Welfare**

**Revolving Credit Plan Variable Rates:** clarifies that a schedule or formula providing for a maximum rate of interest under a revolving credit plan does not preclude a bank of licensed lender regulated by the State Bank Commissioner from charging or reserving the right to charge, by discretion or otherwise, a rate lower than any maximum rate provided for in any schedule or formula.

**Crimes Against Children and Specific Offenses:** clarifies who is in a “position of trust, authority or supervision over a child” and may therefore be subject to the enhanced penalties associated with the crimes defining sexual abuse of children.

**Drug Testing of DSCYF Employees:** authorizes and requires the Department of Services for Children Youth and Their Families to conduct drug testing of its employees.

**Child Support Enforcement:** allow the Division of Child Support Enforcement to disburse support payments electronically, either by direct deposit to a bank account or to a stored value card, instead of by mailing checks. Provision is made for exceptions to this practice where disbursing payments to the child support oblige by electronic transfer is not feasible.

**Vehicle Safety (cell phones/texting):** prohibits the use of electronic communication devises while operating a motor vehicle on the highways of the State of Delaware unless the person engages in the use of hands-free equipment.

**Economic Well-Being**

**Regulation of Credit Service Organizations:** gives Attorney General more options for enforcing the statute that regulates credit repair companies.

**Consumer Protection:** adds new administrative powers to give Director of Consumer Protection of the Department of Justice similar authority to what is provided to the Securities Commissioner (including) authority to initiate an administrative proceeding for consumer fraud and deceptive trade practice violations— in which civil penalties up to $5,000 per violation are authorized.

**Bankruptcy Asset Protection:** consistent with federal law, protects up to $125,000 of a debtor’s equity in their principal residential home in a bankruptcy proceeding.

**Misc.**

**Revolving Credit Plan Variable Rates:** clarifies that a schedule or formula providing for a maximum rate of interest under a revolving credit plan does not preclude a bank of licensed lender regulated by the State Bank Commissioner from charging or reserving the right to charge, by discretion or otherwise, a rate lower than any maximum rate provided for in any schedule or formula.
Intensive work goes into crafting effective policy solutions for Delaware’s children. An important component in this process is for individuals to take action, expressing input into which areas our elected officials should prioritize. Another is for a more structured body to be formed to analyze and recommend potential actions. To this effect, one resolution was passed this year which focuses on kids in Delaware:

★ This resolution implements a recommendation of the School Discipline Task Force which requests the Department of Education begin developing standardized school code of conduct policies with input from the relevant stakeholders.

Children are 26% of our population, but 100% of our future

One of fifty-three similar projects throughout the U.S. and land territories funded by the Annie E. Casey Foundation, **KIDS COUNT in Delaware** is housed in the Center for Community Research and Service at the University of Delaware and led by a board of committed and concerned child and family advocates from the public and private sectors. KIDS COUNT in Delaware is especially indebted to the support of the University of Delaware and the State of Delaware.

KIDS COUNT in Delaware would like to offer our thanks to the many Delawareans involved in the state’s political process. From advocates and lobbyists to staff members and legislators— it takes everybody working together to make a positive change for Delaware’s kids!