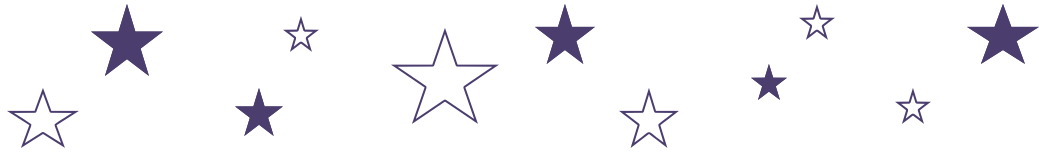




KIDS COUNT in Delaware Legislative Wrap-Up



Highlights of the 145th Delaware General Assembly July 2010

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.

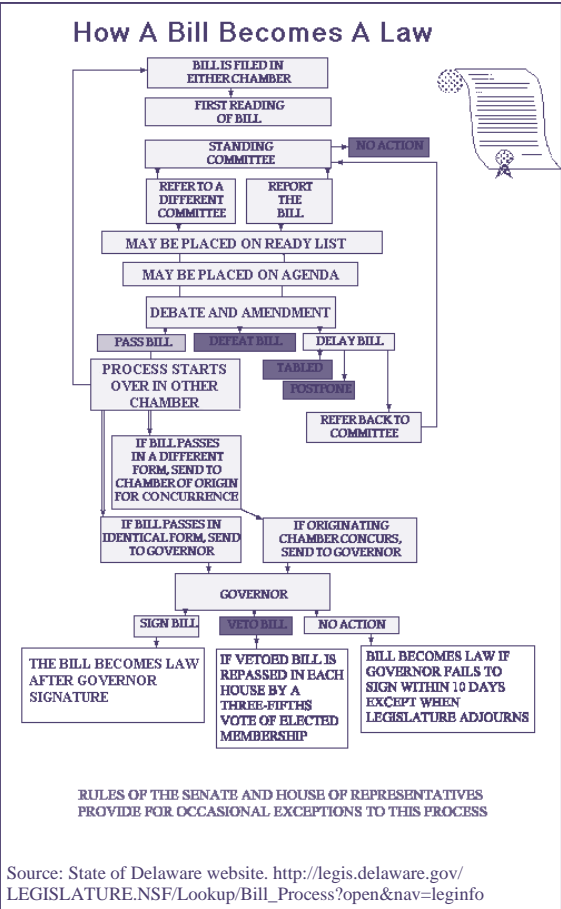
The Delaware House of Representatives has 41 members who each must stand for election every 2 years.

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, sage 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.

HB 456

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 297

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

superintendent, who in turn must file a written report with the Department of Education.

HB 347 w/HA1

Due Process for Children with Disabilities: provides for certain notice provisions concerning due process hearings involving children with disabilities relating to education of those children. Additionally, the bill provides that before a school district can appeal the decision of a due process hearing, a majority of the school board for such district must by affirmative vote decide to appeal.

HB 387

Individuals with Disabilities Education Act: aligns Delaware law with the federal requirements of the reauthorized Individuals With Disabilities Education Act relating to the content of prior written notice, the requirements for the appointment of educational surrogates, and the applicable timelines for an administrative due process hearing.

HB 396 w/HA 1

Child Welfare

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.

HB 190

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 obligee by electronic transfer is not feasible.

SB 213

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.

SB 229

Economic Well-Being

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

HB 221

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.

HS 1 for HB 247

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.

SB 157

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.

SB 216

Misc.

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

HS 1 for HB 292

