



# KIDS COUNT in Delaware Legislative Wrap-Up



## Highlights of the 147th Delaware General Assembly July 2013

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.

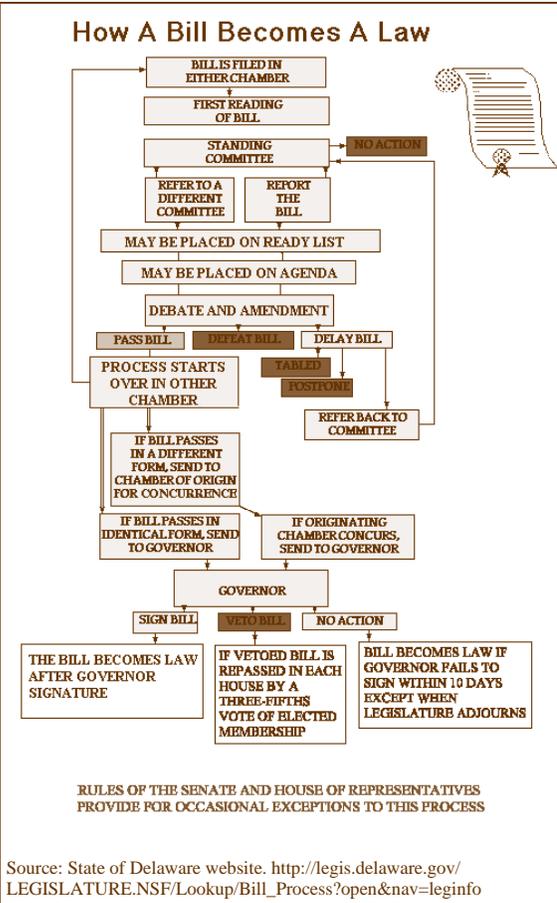
**The Delaware House of Representatives** has 41 members who each must stand for election every 2 years.

*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, safe environment with economic opportunities for all.





## Selected Legislation Affecting Children Approved in FY 2013

### Health

**Health Insurance:** aligns the Delaware Insurance Code with the provisions outlined in the Patient Protection and Affordable Care Act. Reflects requirement that dependents be covered up until age 26, that coverage not be denied due to preexisting conditions, and prohibits insurance companies from imposing lifetime or annual limits on essential health benefits.

HB 162 w/ HA 1

**Medical Exams:** adds chaperone requirements for the treatment and examination of minors by designated healthcare professionals.

SB 114 w/ SA 3

**Drug Overdoses:** provides criminal immunity for persons who suffer or report an alcohol or drug overdose or other life threatening medical emergency in order to save lives by encouraging reporting without fear of punishment.

SB 116 w/ SA 1

**Dental:** provides a process for use by Federally Qualified Health Centers to recruit dentists.

SB 96

**Smoke & Carbon Monoxide Detectors:** prohibits a tenant from removing or tampering with a properly functioning detector installed in the rental unit by a landlord.

HB 70

**Lead Poison:** requires that DHSS establish regulations for lead-based paint activities performed by renovators & dust-wipe technicians to reduce lead poisoning levels in Delaware.

SB 139 s/SA 3

**Traveling Sports Teams:** authorizes physicians licensed in other states/countries who travel with out-of-state sports teams to Delaware for sporting events to provide medical care to those teams, coaches and their families during those events.

SB 46

### Education

**Educator Licensure:** raises standards for all DE teacher preparation programs and requires new educators to pass performance assessment & content-readiness exam prior to licensure.

SB 51 w/SA 1

**School Choice:** updates school choice program by standardizing application forms and deadlines across traditional and charter schools. Limits criteria schools may use to evaluate applicants, requires schools to accept applicants until at 85% capacity, and prohibits schools from denying applications of students with special needs.

HB 90 w/HA 1

**School Attendance:** allows schools to refer a case to Truancy Court after a student's 20th unexcused absence for grades K-12.

HB 24

**Charter Schools:** updates DE's charter school law to improve accountability and support by revising the charter authorization process, addressing charter funding concerns and establishing consistent expectations for charter schools.

HB 165 w/ HA 3

**Innovation:** requires that charter schools include innovative information in their annual reports and that the Secretary of Education report on how successes at charter schools can be implemented throughout Delaware's public education system.

SB 103

**Seclusion & Restraint:** develops standards for public schools on use of seclusion and restraint. Prohibits corporal punishment/chemical restraint.

SB 100

**Accelerated Programs:** authorizes DOE to offer competitive two year start-up grants to public schools for developing new programs for students capable of performing accelerated academic work.

SB 27 w/ SA 1 + HA 2



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**Transparency in Government:** requires eligibility requirements, criteria & successful applications be published on web for each of competitive grants administered by DOE.

SB 148

### Child Welfare

**Aging out of Foster Care:** requires DSCYF to create & maintain a developmentally appropriate, comprehensive program that fully integrates independent living services from ages 14 to 21 which will assist youth with their successful transition into adulthood.

HB 163

**Parental Rights:** allows for the reinstatement of parental rights, where a child is in custody of DSCYF despite reasonable efforts to secure a permanent plan of adoption, when in best interest of child.

HB 125 w/ HA 1

**Disposition of Children:** expands list of possible acts for which a child could be detained in a secure facility and provides significant safeguards against abuse of detention on those grounds in order to reduce unwarranted detention of juveniles and provide meaningful alternatives to detention.

HB 57

**Electronic Monitoring Systems:** removes requirement that Tier III youth offenders pay cost of their electronic monitoring system.

HB 80

**Juvenile Sentencing:** forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile homicide offenders. Also, prohibits sentencing a minor to life in prison without the possibility of parole for non-homicide offenses. Finally, allows juveniles to serve multiple terms of sentences concurrently to avoid serving their lives in prison.

SB 9 w/SA 2 + HA 2

**Juvenile Sentencing:** provides Family Court with discretion to determine whether it is appropriate to designate certain juvenile offenders as sex offenders. Bill does not adversely affect Delaware's compliance with the federal Adam Walsh Act.

HB 182 w/HA 1, HA 2 + SA 1, SA 2

### Economic Well-Being

**Tax Rate:** establishes a tax rate of 6.6% on taxable income in excess of \$60,000.

HB 50

**Identity Theft:** allows parents to freeze their minor children's credit at any time to protect them from identity theft.

HB 64

**Identity Theft:** reduces the fee for an initial security freeze.

SB 92

**Identity Theft:** removes social security numbers from child support orders and would instead require Family Court to collect social security numbers of each party at time petition is filed.

SB 109

**Rent Increases:** details acceptable justification process, procedures for settling disputes and potential penalties related to rent increases in manufactured home communities that are more than the average annual increase in the Consumer Price Index For All Urban Consumers for the preceding thirty-six month period.

SS 1 for SB 33 w/Sa 1 + HA 2

**Mortgage Foreclosure:** extends the Automatic Residential Mortgage Foreclosure Mediation Program and the Office of Foreclosure Prevention.

HB 40 w/ SA 1

**Neighborhood Assistance Tax Credit:** increases the number of individuals and businesses that can take advantage of available tax credits.

SB 84



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### Misc.

**Background Checks:** requires a criminal history background check be performed in the transfer or sale of all firearms except for those occurring involving immediate family, antique firearms and certain replicas thereof, the return by a licensed pawnbroker of a firearm to the person from whom it was received, or qualified active duty and retired law-enforcement officers.

HB 35 w/HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 1 to HA 6, HA 7, HA 1 to HA 7, HA 8, HA 9, HA 10

**Lost or Stolen Firearms:** requires owners of lost or stolen handguns to report such loss or theft within 48 hours of discovery to a law enforcement agency having jurisdiction or State Police Troop.

SB 16 w/ SA 1

**Prohibited Use of Firearms:** increases certain minimum sentences required for the use of firearms by persons prohibited.

HB 36 w/HA 1, HA 2

**Possession of a Firearm During a Felony:** increases the penalties imposed upon repeat offenders convicted of the crime of possession of a firearm during the commission of a felony.

SB 40

**Hate Crimes:** adds the term "gender identity" to the already-existing list of prohibited practices of discrimination and hate crimes.

SB 97 w/ HA 1

**Same Sex Marriage:** allows two individuals, whether of the same or different genders, to marry if otherwise eligible. Details process for civil

unions already formed to be converted to marriage prior to July 1, 2014; thereafter all civil unions not currently subject to a proceeding for dissolution, annulment or legal separation will be automatically converted into marriages. Any legal union between two members of the same gender formed in another jurisdiction will be afforded the same rights, benefits, and protections of marriages in the State of Delaware. Provides for the equal application of all laws of the State of Delaware relating to same-sex marriage, married spouses, and their children as their different-sex counterparts.

HB 75

### Crafting Effective Policy

Intensive work goes into crafting effective policy solutions for Delaware's children. An important component in this process is for creation of a structured body to analyze/recommend potential actions. To this effect, resolutions were passed which establish new Task Forces focused on kids:

- ★ A Task Force has been created for centralizing internet resources for children with disabilities and special health care needs from diagnosis through age 13. (HCR 31)
- ★ A resolution has been passed to continue the work of the gifted and talented task force regarding further study of gifted and talented programs. (HJR 13 w/HA 1)

**Children are 26% of our population  
But 100% of our future.**

**KIDS COUNT in Delaware is housed in the University of Delaware's Center for Community Research and Service and led by a board of child and family advocates. KIDS COUNT in Delaware thanks the Annie E. Casey Foundation, the University of Delaware and the State of Delaware for ongoing support.**

KIDS COUNT in Delaware would like to thank the many Delawareans involved in our 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!