



# KIDS COUNT in Delaware Legislative Wrap-Up



Highlights of the 149th Delaware General Assembly August 2017

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.

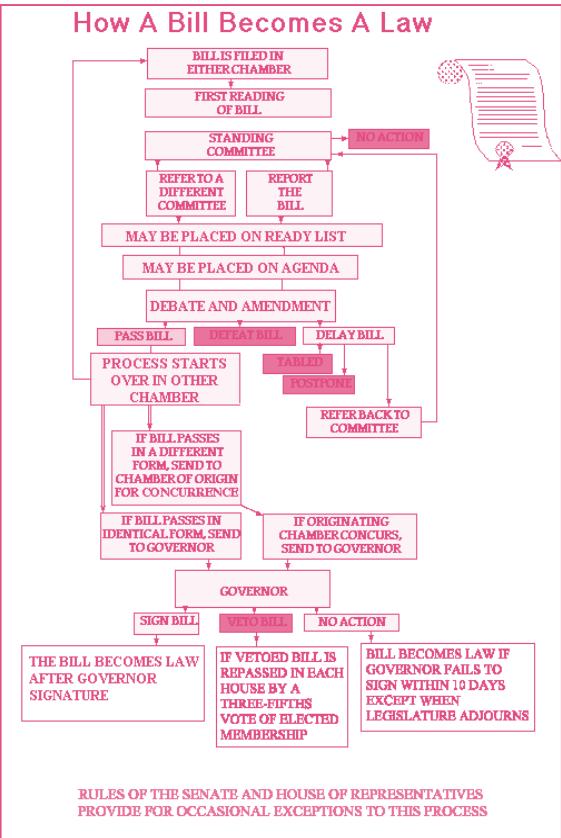
**The Delaware House of Representatives** has 41 members who each must stand for election every 2 years.

*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.



Source: State of Delaware website. <http://legis.delaware.gov/>



## Selected Legislation Affecting Children Approved in FY 2017

### Health

**Helmets:** Requires that youth under the age of 18 wear a helmet when operating, or the passenger of, a bicycle, motorized skateboard or scooter, ATV, off-highway vehicle, or electric personal assistive mobility device, in an attempt to reduce brain injuries in minors.

SB 105 w/ SA 1

**Behavioral Health:** Establishes the Behavioral Health Consortium to provide oversight and coordination of the State's private and public bodies to address behavioral health issues.

SB 111 w/ SA 1

**Division of Public Health in Schools:** Allows the Division of Public Health to make unannounced visits to schools, and requires schools to post their phone number so that parents will be able to call to ask questions or express concerns.

HA 1 to SB 107

**Medical Marijuana:** Allows minors with debilitating medical conditions not specifically listed as eligible for medical marijuana to petition to have their condition considered in the same process adults use.

SB 210

**Addiction Action Committee:** Reestablishes the Addiction Action Committee to address addiction in Delaware and authorizes the committee to make recommendations for an approach to address the addiction crisis.

HB 220

**Child Deaths:** Affirms the confidentiality of child and maternal deaths and does not allow them to be used in any proceedings, while also protecting the committees and panels who work on behalf of the Child Death Review Commission.

HB 183

**Family Leave:** Allows for donation of sick or annual leave without having to donate equal amounts, or without having to donate both.

SB 259

**Donated Family Leave:** Allows state and school district employees to use the "donated leave" program to donate and accept annual leave and sick time for the birth of a child or the adoption of a child under the age of 6.

HB 225 w/ SA 1

**Family Leave:** Provides mothers who are full time state employees up to six weeks of unpaid leave following the birth of their newborn(s) even if they have exhausted their FMLA benefits from being hospitalized early due to the risk of complications with monoamniotic twins.

HB 64 w/ SA 2

**Abortion:** Codifies the United States Supreme Court's decision in Roe v. Wade that establishes abortion as a constitutional right and that states cannot prohibit abortion prior to viability.

SS 1 for SB 5

**Still Births:** Creates a "certificate of birth resulting in stillbirth" to replace the stillbirth certificate and makes technical corrections to the Vital Statistics law, but does not change the current reporting requirements regarding births or deaths.

SB 3

**Prevention and Treatment of Substance Abuse:** In light of a growing opioid crisis, several bills were passed this session focused on prescription monitoring, treatment and insurance coverage, and the liability of pharmacists.

SB 44 w/ SA 1; HB 91 w/ HA 1, HA 2; and HB 211 (prescription monitoring)

HB 100; SB 109; and SB 41 w/ SA 1 (treatment/coverage)

SB 48 w/ HA 1 (liability)

### Education

**Dropouts:** Requires students over 16 who desire to dropout to obtain written permission from parent/guardian and attend an exit interview to receive information about their lowered income potential/higher likelihood of being unemployed, as well as information about programs to help them stay enrolled instead of leaving school.

SB 23 w/ HA 1



## Selected Legislation Affecting Children Approved in FY 2017

**Curriculum:** Makes it a requirement for all public schools in Delaware to teach cursive.

HB 70 w/ HA 1

**Curriculum:** Requires that all public high schools and all charter high schools offer at least one computer science class by 2020-21.

HB 15 w/ SA 2

**Curriculum:** Allows a public high school or charter school to request a waiver of the computer science course requirement if they can prove it would be a financial or programmatic burden.

SA 1 to HB 15

**Healthy Environment:** Requires collaboration between the Division of Public Health and the Department of Education to investigate ways to improve school's indoor environment, including establishing an online portal for exchanging this information.

BS 107 w/ HA 1

**Substitute Teachers:** Allows qualifying students enrolled in Delaware colleges and universities to act as substitute teachers.

HA 1 to HB 88

**Teacher Licensing:** Allows teacher candidates who will participate in an "alternative route" for the teacher licensure and certification to fulfill their 120 hour seminar/practicum requirement prior to the start of the next school year when hired after July 1.

HB 193

**Teacher Licensing:** Re-establishes a 3-tiered licensure system for educators, while eliminating the general knowledge exam requirement and making changes to the performance assessment regulations.

HA 1 to HS 1 for HB 143

**Educator License Fees:** Changes "teacher" to "educator" to include school specialists and other educators, allowing them to receive the reimbursement for the 1-time licensure fee.

HB 51

**Feeder School:** Clarifies that children in DSCYF custody remain entitled to attend their original school if that is in their best interest, but are also eligible for immediate enrollment in a new school.

SB 87

**Possession of a Deadly Weapon:** Allows more discretion for local or charter school boards to suspend students for the possession of a deadly weapon that is not a firearm in a Safe School or Recreation Zone, on a case by case basis.

HB 176 w/ HA 1, HA 2

**Charter Schools:** Eliminates the preference for students living within 5 miles of a charter school in enrollment in charter schools. Allows preference for students to enroll in the public school district contiguous with the charter school.

HS 1 for HB 85

**School Resource Officers:** Improves training guidelines for School Resource Officers in relation to their duties when interacting with students with disabilities.

HB 142

**Sports:** Establishes the ability to grant a waiver for a child's participation in interscholastic sports when that child exercises choice from one school to another school if specific standards are met.

HB 98 w/ HA 1

**Language Proficiency Recognition:** Creates a Certificate of Multi-Literacy for high school students proficient in one or more languages.

HJR 4

**School Board Vacancies:** Clarifies filing deadline for school board vacancies.

HB 133

**Every Student Succeeds Act:** Directs the state Department of Education to present a plan for compliance with the new federal education act (ESSA) at a meeting of both chambers of the General Assembly's education committees before the state plan is completed and submitted to the federal Department of Education.

HJR 3



## Selected Legislation Affecting Children Approved in FY 2017

### Child Welfare

***Abused, Neglected, and Dependent Children:*** Allows Family Court to appoint a person to make education-related decisions for abused, dependent, neglected, and delinquent children and children in the custody of the DSCYF to assist with education stability when a parent or guardian is unable, unavailable, or consents to the appointment.

SB 83

***Educator non-academic training:*** Consolidates laws surrounding child abuse, child sexual abuse training and detection, suicide prevention, bullying, criminal youth gang detection, teen dating violence, and sexual assault into one subchapter of Delaware Code to coordinate the training for school district employees.

SB 102

***Human Trafficking:*** Reestablishes the Human Trafficking Coordinating Council as the Human Trafficking Interagency Coordinating Council, establishes the members of the council, chair, and vice-chair, and requires a public awareness sign be posted at locations designated by the council.

HB 164 w/ HA1 1, HA 2

***Human Trafficking:*** Updates the crime of human trafficking in Delaware to prohibit acts included in the federal Justice for Victims of Trafficking Act of 2015.

SB 202 w/SA 1

***Human Trafficking:*** Removes "patronizes" from acts added to Delaware's human trafficking crime because patronizing a victim of sexual abuse is already included.

HA 1 to SB 75

***Child Protection Systems:*** Updates instructions on how reports of child abuse and neglect are handled, codifies team, creates best practices for the Investigation Coordinator, law enforcement, DOJ, DFS, and allows nurse practitioners to take emergency protective custody.

HB 181

***Children in DSCYF Custody:*** Promotes "normalcy" for youth in foster care by limiting liability for foster parents who allow children in their care to participate in age-appropriate activities when the decision is reasonable and prudent and in the best wishes of the child given the child's age, maturity for the activity, and any potential risks involved.

SB 56 w/ SA 1

***Motor Vehicle Insurance:*** Allows guardians to add their resident minor child and foster child as additional drivers to their motor vehicle insurance policies.

SB 42 w/ SA 2

***Family Court:*** Allows Family Court to interview a child to obtain testimony for a Protection from Abuse proceeding without either of the parties in the proceeding present to better obtain the truth.

HB 141

***Family Court:*** Gives Superior Court the option to refer cases to Family Court when an adult was identified or diagnosed with a mental condition prior to turning 18.

HA 2 to HB 39

***Family Court:*** Extends the jurisdiction of Family Court over a youth in their custody that has been diagnosed with or identified as having a mental condition that requires services or treatment that the youth is not compliant with.

HB 39 w/ HA 2

***Family Court:*** Authorizes Family Court to order a determination from DHSS as to whether a child who is 17 or older and in the custody of the DSCYF qualifies for adult mental or behavioral health services, and if the child does not, allows the Family Court to order coordination between DHSS and DSCYF to develop and implement a plan for mental or behavioral health services for the youth.

HB 40



## Selected Legislation Affecting Children Approved in FY 2017

**Right to Counsel:** Codifies a juvenile's right to counsel and defines when a juvenile is not allowed to waive their right to counsel (i.e., under 16, accused of a felony, in custody of DFS, or if the victim of the alleged crime is a family member or guardian who would have interests not in favor of the juvenile).

HB 6

**Child Abuse and Neglect Response:** Defines the confidentiality of child abuse & neglect deaths/near deaths reviews, affirms they should not be used in any proceedings, and protects committees and panels that work in support of the Child Protection Accountability Commission.

HB 182

**Civil Citations:** Expands the Juvenile Offender Civil Citation Program offense eligibility to include possession of drug paraphernalia, also allows for a second referral to this program if the first referral was more than 18 months prior and not for the same offense.

HB 8

**Juvenile Expungements:** Modifies eligibility for Delaware's expungements and expedites the process to allow more children and more adults with juvenile-only records to have those records expunged if they have shown that they have been rehabilitated.

HB 54

**Juvenile Expungements:** Removes an error from the legislation on Juvenile Expungements that placed "violent misdemeanor" as an item that would prevent an expungement.

HB 48

**Judicial Discretion:** Gives judges discretion over the decision to try a juvenile in Family Court for any of five specific offenses that would have previously required that they be tried as an adult.

HB 9 w/ HA 1

**Name Changes:** Updates provisions for adding a second surname in a case where a child has parents who are either divorced or were never married to better identify the child with the parent they do not currently share a surname with. The update includes allowing an opposing parent to present a case that granting the petition would harm the minor more than it would help them.

HB 17 8 w/ HA 1

### Economic Well-Being

**Gender Pay Gap:** Prohibits employers from inquiring about applicant's compensation history, allows for discussion of compensation as long as the employer does not seek out that information- it can only be voluntarily disclosed.

HS 1 for HB 1

**Tax Reimbursements:** Changes the requirement for a resident 65 or older to claim a tax credit against school taxes from 3 years of residency to 10 years residency.

HB 99 w/ HA 1

**Savings:** Authorizes use of "prize-linked" savings accounts to promote savings among low-income residents and first-time savers.

HB 31

**Cash Assistance:** Removes the prohibition against receipt of TANF funds to people convicted of drug felonies as long as the person is otherwise eligible for TANF.

HB 11

**Foreclosures:** Extends the Office of Foreclosure Prevention and Automatic Residential Foreclosure Meditation Program for until January 18, 2020.

HB 76



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### Crafting Effective Policy

Intensive work goes into crafting effective policy solutions for Delaware's children. An important component in this process is the creation and use of a structured body to analyze and recommend potential actions. To this effect, a resolution was passed which established a new Task Force focused on kids:

- ★ School District Consolidation. (HCR39 w/HA2, HA5, & SA1)

Children are 25% of our population  
But 100% of our future.

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!

### Funding Delaware's Children

While parents, families, and communities play key roles in nurturing the children in their care, state and federal policymakers enact the laws and allocate the resources that shape the environment in which children and their families live, learn, play, and grow. A rapidly changing, fast-moving agenda at the federal level presents the possibility of remarkable change to our national policy landscape which will affect Delaware's children and their families. Further, continued fiscal pressures in our own state are impacting the priorities, programs, and policy decisions being made locally.

This year, our kids will experience the repercussions of state budget cuts. In July, state policymakers cut 20% of funding from grants-in-aid. Grants-in-aid supports our local fire companies, services to veterans, and aid to our elderly, as well as strengthens our nonprofit community's ability to provide services to Delaware's children and their families. These include after-school programming, wrap-around services for youth at risk of dropping out of school, child abuse prevention programming, food, housing, and other emergency response services, among others. Additional cuts were made to our public education system, including to programs such as college access, parents as teachers, and world languages. Cuts were also made to public health services that support home visits, immunizations, developmental screenings, and infant mortality prevention. Funding for KIDS COUNT in Delaware was eliminated from the state budget.

#### FY18 State Budget

The full text of the FY18 State Budget bill can be found at:

<http://legis.delaware.gov/BillDetail/26205>

#### FY18 Grants-in-Aid

The full text of the Grants-in-Aid bill can be found at:

[http://legis.delaware.gov/BillDetail/  
legislationId=26140](http://legis.delaware.gov/BillDetail/legislationId=26140)

*One of fifty-three similar projects throughout the U.S. and its 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 is led by a board of committed and concerned child advocates from the public and private sectors.*