



KIDS COUNT in Delaware Legislative Wrap-Up



Highlights of the 149th Delaware General Assembly January 2019

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.

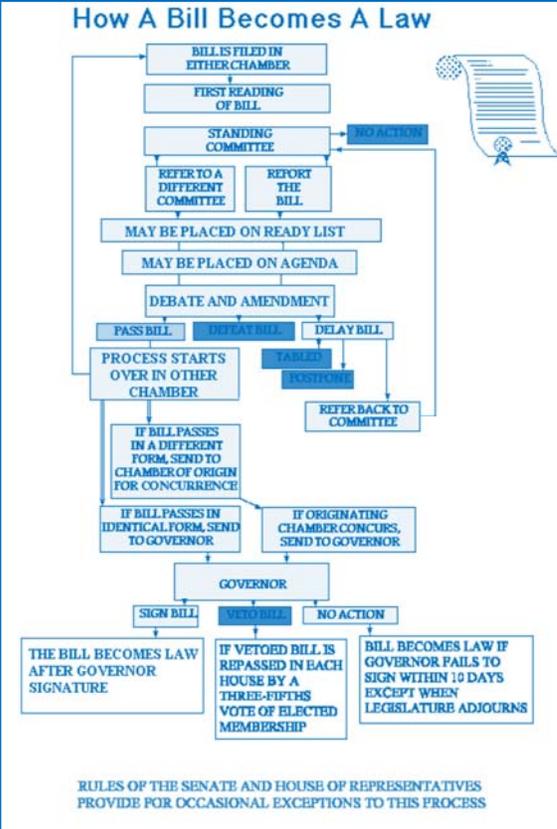
The Delaware House of Representatives has 41 members who each must stand for election every 2 years.

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/LEGISLATURE.NSF/Lookup/Bill_Process?open&nav=leginfo



Selected Legislation Affecting Children Approved in FY 2018

Health

Mental Health Jurisdiction: Grants Family Court jurisdiction over youth who turn 18 and have been previously diagnosed with a mental condition, who require services but are not compliant with such services.

HB 39 w/ HA 2

Behavioral Health: Permits Family Court to order DHSS to determine if a child 17 years or older and in DSCYF custody qualifies for behavioral health services. If found to not qualify, Family Court can order the two departments to develop a transition plan for such services.

HB 40

Prenatal Substance Exposure: Institutes policies to address the needs of infants born with substance abuse symptoms, requiring DSCYF to develop a Plan of Safe Care for each infant and their family. This act also requires that healthcare providers involved in the delivery to notify child services.

HB 140

Medications: Requires practitioners obtain consent from a minor's parent or guardian to prescribe a benzodiazepine or non-benzodiazepine hypnotic, as well as provide a cautionary statement explaining the risks of these drugs. This requirement is waived in cases of emergency treatment or for the treatment associated with neuromuscular disabilities.

HB 331 w/ HA 1, HA 1 to HA 1

Administering Medicines: Allows child care providers who successfully complete state-approved medication training to administer medication to children in their care, including by non-intravenous injection, if the child has a medical need during child care hours that requires it.

HB 352

Medical Marijuana: Adds glaucoma and chronic debilitating migraines to the list of debilitating medical conditions which may qualify a person, upon certification by a physician, to be eligible for the use of medical marijuana.

HB 374 w/ HA 1

Coverage Requirements: Requires individual, group, state employee and public assistance insurance plans provide coverage for treatment of Pediatric Autoimmune Neuropsychiatric Disorders (PANDAS) associated with streptococcal infections and Pediatric Acute Onset Neuropsychiatric Syndrome (PANS).

HB 386

Education

Child Care Provider Licensing: Requires the Office of Child Care Licensing to include application forms, the specific requirements to obtain a license and due process provisions in regulations to ensure that child care providers have clear notice of what is required and the opportunity to comment on proposed changes before they are posted as non-compliant.

HB 324 w/ HA 1

School Funding Transparency: Increases public transparency of education funding by establishing a statewide approach for districts and charter schools to report expenditures at the school level, per-pupil (with context to differences in demographics, school type, and student outcomes), and provides optional training to understand data.

SB 172 w/ SA 1 + HA 2

Special Education Certifications: Due to an amendment to the Individuals with Disability Education Act (IDEA), special education teachers must obtain full certification to teach, and emergency certifications are no longer viable. This act creates a mechanism, compliant with federal standards, that allows educators to be enrolled in approved alternate routes to achieving a full certification, allowing local education agencies to staff special education classrooms while these educators are working towards full certification.

HB 286 w/ HA 1

Scholarship: Encourages students with intellectual disabilities via Delaware Advance Scholarship to pursue studies for a comprehensive certificate or degree at a Delaware institution of higher education by helping to pay for tuition.

HB 326 w/ HA 1, HA 2



Selected Legislation Affecting Children Approved in FY 2018

Scholarship: Extends the availability of the Inspire Scholarship from six continuous semesters to eight, better reflecting the length of a traditional college program.

SB 90

Student Substitute Pay: Raises the pay per day for undergraduate juniors and seniors majoring in education at an accredited institution of higher education to be the same as those holding a bachelor's degree. This is hoped to encourage more students to gain field experience, as well as address a growing lack of substitute teachers.

HB 88 w/ HA 1

Delaware Autism Program: Makes several changes to the Delaware Autism Program to both improve services and make additional efforts towards inclusive education for students on the spectrum. This new program is slated for a 3-year pilot period, wherein the director will work with a team of experts to provide training and assistance to schools.

HB 292

Educator Licensure and Certification: Expands pathways for entering into the Alternative Routes for Teacher Licensure and Certification program (ARTC) to address the lack of qualified educators statewide.

HB 433

Educator Licensure Revocation: Removes the requirement of employment action before disciplinary offenses may be handled by the Department of Education and creates the power for temporary emergency suspensions in instances where the teacher poses a threat to student health, safety or welfare and a non-disciplinary and confidential letter of concern for teachers not breaking code, but engaging in practices of concern.

SB 234

Child Welfare

Family Leave: Offers all state employees of at least one continuous year up to 12 weeks of paid leave upon the birth of their child, or adoption of their child 6 years of age or younger, beginning in April 2019.

HB 3 w/ HA 4

Conversion Therapy: Bans conversion therapy as a viable practice or treatment by making such practice, or recommendation of such practice, by a licensed medical professional an act of unprofessional conduct or grounds for discipline.

SB 65

Changes to "Jessica's Law": Changes include that an individual convicted of an offense specified in "Jessica's Law" be sentenced to an additional five years in prison if the victim is under the age of seven; that if the offenses include Unlawful Sexual Contact in the First Degree or Kidnapping in the Second Degree of a child under the age of seven, that an additional five years in prison be added; and that an individual convicted of Kidnapping in the First Degree be sentenced to at least ten years in jail if the victim is under the age of seven.

HB 259

Juvenile Firearm Possession: Gives judges the discretion as to whether a juvenile charged with possession of a firearm should be transferred to Family Court or remain in Superior Court. Exception to this is for instances in which the Superior Court finds with certainty that a juvenile over the age of 16 used, displayed, or discharged a firearm during the commission of a felony, in which case the juvenile shall be tried as an adult.

HB 306 w/ HA 2

Mandatory Minimums for Juveniles: Removes all mandatory minimum sentencing schemes for juveniles adjudicated delinquent in Family Court. Family Court judges and commissioners would still be able to impose commitment to a DSCYF secure placement, but may now also craft individual sentences. This removal excludes minimum sentences for robbery first degree, possession of a firearm during the commission of a felony, and possession of a firearm by person prohibited for juveniles.

HB 307 w/ HA 1

Juvenile Expungements: Permits Family Court to immediately order an expungement in a felony cases were the juvenile was found to either be not guilty or the charges were dropped.

SB 146 w/ SA 1, SA 2



Selected Legislation Affecting Children Approved in FY 2018

Civil Citation: Removes the sunset provision and expands the Juvenile Civil Citation program to allow a second referral to the program if 1 year has passed since the first referral and the second offense is not for the same misdemeanor; provides the civil citation community provider access to the Delaware Criminal Justice information system in order to enable the provider to properly assess referred juveniles; makes changes to what offenses qualify a juvenile for the program by removing from eligibility any misdemeanors related to driving recklessly or under the influence, unlawful sexual contact and unlawful imprisonment second degree.

HB 308 & HB 422 w/HA 1

Pre-Trial Juvenile Incarceration: Allows children under the age of 18 to be transferred to the Department of Corrections only after adjudication and an imposition of a sentence of incarceration.

HB 339

Incarceration for DSCYF Juveniles: Permits the Superior Court to conduct an evidentiary hearing, upon motion by DSCYF before placing a child 16 years of age or older in a secure detention facility pending trial. This hearing is to determine whether the child should be placed in a facility not operated by DSCYF because either DSCYF's facilities are at or beyond capacity or the child is deemed to be a risk to themselves or to other children held in secure detention facilities operated by DSCYF. If the reason for an approved transfer is due to DSCYF's facilities being at or beyond capacity, the court shall require DSCYF to transfer the child back as soon as the facility is back to below capacity. The court will receive weekly updates regarding capacity and no child will be held in an adult facility longer than 60 days. The court would also permit transfers if clear and convincing evidence is found that a child is a risk to themselves or others and would be better served at a facility not operated by DSCYF.

HB 470

Underage Marriages: Prohibits the marriage of individuals under 18 years of age.

HB 337

Underage Gambling: Requires mandatory counseling for underage individuals who are found guilty of engaging in lottery gambling and provides jurisdiction of these cases to be had by the Justice of Peace Courts for those 18 or older and by Family Court for those 17 or younger. This act also gives the Superior Court jurisdiction over other violations of the underage gambling law and makes the purchase of a lottery ticket a violation that is eligible for probation before judgement as well as a warrantless crime.

HB 327 w/ HA 1

Diver's License Suspension: Eliminates both the ability of the DMV to suspend a student's license if they have been expelled from a public school, and the requirement of the school superintendent to notify the DMV of such matters.

HB 433

Minor's Petition for Name Change: Grants legal guardians the standing to petition or oppose a petition to change their minor's surname, as well as granting legal guardians who hold permanent guardianship over their minor the standing to petition to change the entire name of a minor.

HB 420 w/ HA 1

Background Checks for Employment at Child-Serving Entities: Clarifies that an employer who must first obtain a signed authorization from the prospective employee for a Child Protection Registry check.

HB 371

Economic Well-Being

Earned Income Tax Credit: Changes the earned income tax credit from nonrefundable to refundable, as well as continuing to be the percentage of earned income. The bill allows spouses that file a joint federal return but separate state returns to have an equal division of the tax credit.

HB 113 w/ HA 1 + SA 1

Child Support Services: Updates who is eligible for Delaware's Division of Child Support Services to send child support payments.

HB 351



Selected Legislation Affecting Children Approved in FY 2018

Child Care Assistance: Codifies federal intent from the Child Care and Development Block Grant Act of 2014 by making families that receive child care assistance to continue receiving that assistance for 90 consecutive days in a year provided that they are seeking a job for that time.

HB 126 w/ HA 1

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, several resolutions were passed which established new groups tasked with providing recommendations on topics of concern to children and their families:

- ★ Complete Count Commission (HCR 99)
- ★ Youth Drug Prevention Curriculum Task Force (SCR 69)
- ★ Medicaid buy-in Study Group (SCR 70)

Miscellaneous

Firearms Restrictions: Makes it a crime to sell, transfer, buy, receive or possess a “trigger crank”, “bump stock” or any other bump-fire device. Upon signing, the criminality of possession is delayed for 120 days to allow for relinquishment to law enforcement, and that relinquishment of such items will be compensated by the State to Delawareans.

HB 300 w/ HA 1, HA 1 to HA 1, HA 4, HA 5, HA 1 to HA 5, SA 2, SA 4, SA 5

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

FY19 State Budget

The full text of the FY19 State Budget bill, Bond bill, and Grants-in-aid bill can be found at:

<http://legis.delaware.gov/Offices/ControllerGeneral/AppropriationBills>

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!

KIDS COUNT in Delaware Project Team

Andrew Casper, Undergraduate Assistant
Janice Barlow, Director
Kimberly Lowman, Policy Analyst

This report may be reproduced and distributed broadly in printed or electronic form by others without permission or charge

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.