



SPONSOR: Rep. Lynn & Sen. Cloutier & Sen. McDowell
Reps. Briggs King, Heffernan, Keeley, Longhurst; Sen.
Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 39

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CONCURRENT JURISDICTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 9, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 930. Concurrent jurisdiction - mental health.

(a) Purpose. The purpose of jurisdiction under this section is to extend Family Court's jurisdiction under Chapter 50 of Title 16 over a specific category of youths.

(b) Scope.

(1) This section applies only to a youth who was under DSCYF custody when the youth attained 18 years of age and both of the following apply:

a. Prior to attaining 18 years of age, the youth was identified or diagnosed with a mental condition as defined in § 5001 of Title 16.

b. After attaining 18 years of age, but prior to attaining the age of 26 years of age, the youth is subject to proceedings in Superior Court under Chapter 50 of Title 16.

(2) Family Court's jurisdiction under this section:

a. May continue until the youth attains 26 years of age.

b. Does not affect the youth attaining the age of majority on his or her eighteenth birthday, and DSCYF custody of a youth terminates by operation of law when the youth attains 18 years of age.

c. May be concurrent with jurisdiction under § 928 or § 929 of this title.

(c) Procedure.

(1) In any proceeding under Chapter 50 of Title 16 involving a youth who meets the criteria of this section, the Superior Court shall, upon notification by the youth or by its own initiative, transfer the case to the Family Court for further proceedings under Chapter 50 of Title 16. Transfer of a case may occur in conjunction with the youth's first appearance in the Superior Court or as soon as practicable thereafter.

23 (2) When a youth under the jurisdiction of the Family Court under this section attains 26 years of age, the
24 Family Court shall transfer that youth's case to the Superior Court.

25 (3) The Family Court and the Superior Court may establish procedures for all of the following:

26 a. The identification of youths who meet the criteria of this section.

27 b. The transfer of cases between the two Courts.

28 (4) Upon transfer of a case under paragraph (c)(1) of this section, the Family Court shall utilize and apply the
29 same procedure and legal standard in Chapter 50 of Title 16 that the Superior Court would otherwise apply to an
30 individual of the same age as the youth.

31 Section 2. This Act takes effect on January 1, 2018.

SYNOPSIS

 This Act extends Family Court's jurisdiction under Chapter 50, Title 16, over a youth who has a mental condition and requires services or treatment but is not amenable to or compliant with such services.

 This Act applies only to youths who are under the custody of the Department of Children, Youth and Their Families when they turn 18 years old and, prior to turning 18 years old, were identified as having or diagnosed with a mental condition as defined in § 5001 of Title 16. Jurisdiction under this Act does not require DSCYF to provide foster care board extension payments or stipends to a youth.

 This Act has no effect on a youth reaching the age of majority at 18 years or on DSCYF's custody over a youth terminating by operation of law when the youth turns 18 years old.