



SPONSOR: Rep. Griffith & Rep. Longhurst & Sen. Townsend
Rep. Baumbach

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 151

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

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

1 Section 1. Amend § 9004, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 9004. Secretary; Division Directors; Acting Secretary-; Deputy Secretary.

4 (b) ~~In the event~~ If the position of Secretary is vacant, the Governor, by appointment, shall have the power to fill
5 the positions of Deputy Secretary and Division Directors as are vacant. The Deputy Secretary and Directors so appointed
6 shall serve at the pleasure of the Governor and, upon the position of Secretary being filled, ~~such~~ the Deputy Secretary and
7 Directors may be removed from office by the Secretary with the written approval of the Governor.

8 (c) In the event of death, resignation, temporary incapacity, or removal of the Secretary and ~~prior to before~~ the
9 appointment of a successor, the Governor may appoint a person to serve as Acting Secretary. The Secretary may, during an
10 absence from the State, appoint the Deputy Secretary or director of any division of the Department to serve as Acting
11 Secretary during such absence. In either case the Acting Secretary shall have all the powers and perform all the duties and
12 functions of the Secretary during an absence or incapacity or until a successor is duly qualified and appointed.

13 Section 2. Amend § 9005, Title 29 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows:

15 § 9005. Powers, duties and functions of Secretary.

16 The Secretary shall:

17 (2) Appoint and determine the salary, with the written approval of the Governor, of the following ~~Directors~~
18 individuals who may be removed from office by the Secretary with the written approval of the Governor, and who shall
19 have such powers, duties and functions in the administration and operation of the Department that may be assigned by
20 the Secretary:

21 a. A director of the Division of Family Services who shall be known as the Director of Family Services;

b. A director of the Division of Prevention and Behavioral Health Services who shall be known as the Director of Prevention and Behavioral Health Services;

c. A director of the Division of Youth Rehabilitative Services who shall be known as the Director of Youth Rehabilitative Services; ~~and~~

d. A director of the Division of Management Services who shall be known as the Director of Management Services; and

e. A deputy secretary of the Department who shall be known as the Deputy Secretary of the Department of Services for Children, Youth and Their Families;

Section 3. Amend § 9007, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 9007. Exemptions from merit system.

~~The~~ All of the following positions ~~set forth in this chapter shall be~~ are exempt from Chapter 59 of this title:

(1) Secretary of the Department of Services for Children, Youth and Their Families;_;

(2) Deputy Secretary of the Department of Services for Children, Youth and Their Families.

(2) Director of Family Services;_;

(3) Director of Prevention and Behavioral Health Services;_;

(4) Director of Youth Rehabilitative Services;_;

(5) Director of Management Services;~~and~~_;

(6) Deputy Directors and private secretaries as provided in Chapter 59 of this title.

Section 4. Amend § 9016, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9016. Appointment of special investigators; powers and duties.

(a) The Secretary may appoint ~~up to 3~~ qualified persons to be special investigators for the ~~Division of Family Services Department~~. Such investigators shall hold office at the pleasure of the Secretary. Any person appointed pursuant to this section shall have a minimum of 10 years experience as a "police officer," as that term is defined in § 1911(a) of Title 11, significant investigatory experience while working as a police officer, shall be in good standing with the previous or present law-enforcement agency where such person is or was employed, and shall have such other qualifications deemed appropriate by the Secretary.

(b) Special investigators appointed under this section may conduct investigations of child abuse, neglect, or risk of maltreatment anywhere in this State as directed by the ~~Director of the Division of Family Services~~ Secretary or the

52 Secretary's designee and shall have the power to make arrests and serve writs anywhere in this State. Special investigators
53 shall have statewide powers as enumerated under § 1911 of Title 11 and such other powers as conferred by law on police
54 officers, constables and other law-enforcement personnel. Notwithstanding the above, special investigators ~~pursuant to~~
55 under this section shall not have the authority to take custody of a child unless pursuant to an order from the Family Court
56 or in conjunction with the law-enforcement agency charged with jurisdiction over the case. To the extent possible, special
57 investigators ~~pursuant to~~ under this section shall consult with the police agency of jurisdiction and the ~~Director or the~~
58 ~~Director's~~ Secretary or Secretary's designee ~~prior to~~ before making an arrest and shall do so in all cases after making any
59 such arrest.

SYNOPSIS

This Act creates a Deputy Secretary position within the Department of Services for Children, Youth, and Their Families ("Department") and exempts the position from the Merit System under Chapter 59 of Title 29. The Secretary of the Department may establish the powers, duties, and functions of the Deputy Secretary.

This Act removes the limit on qualified persons the Secretary of the Department may appoint as special investigators for the Department.

Lastly, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.