

CHAPTER 144
FORMERLY
HOUSE BILL NO. 46

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DSCYF CUSTODY.

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

Section 1. Amend Chapter 25 of Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2522 Rights of children in DSCYF custody.

(a) All dependent, neglected and abused children in DSCYF custody under this chapter shall have the following rights in accordance with his or her age and developmental level, unless prohibited by Court order:

(1) To be informed of the reason they have been placed in DSCYF custody.

(2) To receive water, food, shelter, and clothing that is necessary and appropriate for their age and individual needs.

(3) To be free from abuse or neglect.

(4) To have assistance in obtaining access to medical, vision, and dental treatment that is necessary and appropriate for their age and individual needs; and to have assistance in obtaining access to necessary and appropriate mental health and substance abuse treatment if the need for such treatment is identified.

(5) To receive appropriate placement services.

(6) To contact and visit with their parents, siblings in DSCYF custody, and other individuals, including their own child in DSCYF custody. If such contact or visitation is inappropriate, the child has the right to be notified of the reason for that decision.

(7) To have assistance in obtaining access to an education, at their school of origin when feasible, with minimal disruption to their education when they are placed in DSCYF custody.

(8) To participate in the formation and maintenance of their foster care service, independent living and transition plans, where applicable.

(9) To have regular and meaningful access to and have confidential contact with their caseworker and attorney or court-appointed special advocate.

(10) To be notified, attend, and participate in court hearings and to speak to the judge regarding any decision that may have an impact on their life.

(11) To have their confidentiality protected as required by state and federal law.

(12) To receive independent living services and supports beginning at age 16 if eligible and if resources are available.

(13) To report any violation of their rights or the violation of the rights of others without being punished or retaliated against for such reporting.

(14) To receive a copy of the rights set forth in this section.

(b) Any child aggrieved by a violation of this section may motion the Court, through an attorney or court-appointed special advocate, for appropriate equitable relief.

Approved August 05, 2015