

CHAPTER 206
FORMERLY
SENATE BILL NO. 99

AN ACT TO AMEND TITLE 10 AND TITLE 31 PERTAINING TO PLACEMENT OF DEPENDENT CHILDREN.

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

Section 1. Amend §901(8) Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

§ 901. Definitions.

For the purpose of this chapter, unless the context indicates differently:

(8) "Dependency" or "dependent child" means that a person:

a. Is responsible for the care, custody, and/or control of the child; and

b. Does not have the ability and/or financial means to provide for the care of the child; and

1. Fails to provide necessary care with regard to: food, clothing, shelter, education, health care, medical care or other care necessary for the child's emotional, physical or mental health, or safety and general well-being; or

2. The child is living in ~~a nonrelated~~ the home of an "adult individual" who fails to meet the definition of "relative" in this section on an extended basis without ~~the consent and approval~~ an assessment of the by DSCYF or any agency or court licensed or authorized to place children in a nonrelated home, or its licensed agency; or

3. The child has been placed with a licensed agency which certifies it cannot complete a suitable adoption plan.

Section 2. Amend §1009(b)(3) Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

§ 1009. Adjudication; disposition following adjudication; commitment to custody of Department of Services for Children, Youth and Their Families; effect.

(b) (3) Grant custody of a child to any person or agency where satisfactory arrangements can be made but, in the event the child is placed in a home ~~other than the home of a relative, of an "adult individual" who fails to meet the definition of a relative in §901 of this Title, the Court shall require an evaluation and report from the Department of Services for Children, Youth and Their Families. Section 351 of Title 31 shall apply. However, if and only if the following conditions are met, the Court shall not order the Department of Services for Children Youth and Their Families ("DSCYF") to perform an evaluation and report on investigation of the child's placement:~~

~~a. When the child is placed in a home of an "adult individual" who fails to meet the definition of relative in § 901(20) of this title but the "adult individual" is by marriage, blood or adoption the child's great grandparent, stepgrandparent, great uncle or aunt, half brother or sister, stepbrother or sister, stepparent, stepuncle or aunt to the extent not already included in the definition of relative, or first cousin once removed;~~

~~b. When DSCYF has not currently filed for custody of the child on the basis of dependency or neglect and DSCYF does not plan to;~~

~~c. When there have been no allegations of abuse or neglect with respect to the child regarding the "adult individual" with whom the child is placed;~~

~~d. When DSCYF is not currently a party to a custody or visitation dispute regarding the child;~~

~~e. When DSCYF does not hold or seek custody of the child; and~~

~~f. When the child meets the definition of dependent child solely because the child has been placed on a permanent basis in the home of an "adult individual" as described in paragraph (b)(3)a. of this section and has been placed with such individual without the consent and approval of DSCYF;~~

Section 3. Amend §351 Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

§ 351. ~~Consent of Division~~ DSCYF assessment required; exceptions.

(a) Before any person, institution, agency, association, corporation or organization shall place or cause to be placed or shall receive or cause to be received or shall keep or retain in custody, for the purpose of continued free or wage boarding or otherwise, any dependent child residing in the State, such person, institution, agency, association, corporation or organization must first obtain ~~the~~ a written consent assessment of the Division of Child Protective Services ~~the proposed placement, conducted by DSCYF, or its licensed agency.~~

(b) Subsection (a) shall not apply to:

~~This section shall not apply and relate to child~~ (1) Child placement agencies ~~nor to institutions taking children under permanent care,~~ regularly and duly authorized and licensed to place and receive dependent children in the State; or, (2) Institutions regularly and duly authorized and licensed to take children under permanent care in the State; or, (3) ~~to the~~ The homes in which such authorized and licensed child placement ~~agency-agencies~~ or ~~institution-institutions~~ might place children; or, (4) Privately endowed institutions supported wholly by private endowment and established to provide continued care for dependent children. ~~Also, this section shall not apply to and the Department of Services for Children Youth and Their Families shall not be required to give its consent, written or otherwise, for the placement of a dependent child if and only~~

(c) An assessment of the proposed placement of a dependent child pursuant to Subsection (a) shall not be required by DSCYF, or its licensed agency, if all of the following conditions are met:

(1) When the child is placed in a home of an "adult individual" who fails to meet the definition of "relative" in § 901(20) of Title 10 but the "adult individual" is by marriage, blood or adoption the child's great-grandparent, stepgrandparent, great uncle or great aunt, half brother or half sister, step-brother or step- sister, stepparent, or step-uncle or ~~aunt~~ step-aunt to the extent not already included in the definition of "~~relative~~", "relative," or first cousin once removed; and,

(2) When DSCYF has not currently filed, and does not intend to file, for custody of the child on the basis of dependency or neglect; and, and DSCYF does not plan to;

(3) When there have been no prior or present allegations of abuse or neglect ~~with respect to the child~~ regarding the "adult individual" with whom the child is placed; and,

(4) When DSCYF is not currently a party to a custody or visitation dispute regarding the child; and,

(5) When DSCYF does not hold or seek custody of the child; and,

(6) When the child meets the definition of "dependent child" solely because the child has been placed on a permanent basis in the home of an "adult individual" as described above and has been placed with such individual without ~~the consent~~ an assessment and approval of by DSCYF, or its licensed agency. ~~This section shall not apply to privately endowed institutions supported wholly by private endowment and established to provide continued care for dependent children.~~

(d) This section shall not limit the Family Court's jurisdiction to hear a petition for guardianship of a child pursuant to Chapter 23 of Title 13, including granting of emergency relief, nor shall this section limit the Family Court's determination of appropriate placement for a child in DSCYF custody pursuant to 13 Del.C. §2521(1).

Approved April 08, 2014