

LAWS OF DELAWARE
VOLUME 84
CHAPTER 478
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 419

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO NEW LUGGAGE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH, AND THEIR FAMILIES.

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

Section 1. Amend § 2521, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2521. Powers and duties of the DSCYF as custodian of the child.

Upon the Court granting custody to DSCYF, DSCYF shall be vested with the following powers and duties:

(1) To provide for appropriate placement of the child, within or outside of this State, unless otherwise ordered by Court or controlled by statute, with reasonable notice prior to any change in placement given to the child's attorney and Court Appointed Special Advocate ~~volunteer~~; volunteer.

(2) To consent to medical care for the child, including medical examination, medical treatment including surgical procedures and mental health treatment other than inpatient psychiatric hospitalization, except as provided in § 5003(f) of Title 16. DSCYF shall make reasonable efforts to obtain the consent of the parent, and to notify the child's attorney and Court Appointed Special Advocate ~~volunteer~~, prior to obtaining medical ~~care~~; care.

(3) To continue the child in the child's school of origin, or when not feasible or not in the child's best interests, to immediately enroll the child in school pursuant to § 202 of Title 14. The Court shall determine if the school placement is in the child's best ~~interest~~; interest.

(4) To consent to educational decisions, subject to applicable state and federal law, including disciplinary proceedings and consequences, and academic needs; and to request the appointment of an education decision maker under § 930 of Title 10 or an educational surrogate parent under § 3132 of Title 14 when appropriate. DSCYF shall make reasonable efforts to obtain the consent of the parent, and to notify the child's attorney and Court Appointed Special Advocate ~~volunteer~~, prior to making any educational decisions on behalf of the ~~child~~; child.

(5) To request a credit report for the child annually after the child reaches the age of 14 years old and to inspect the credit report for any potential identity theft as described in § 854 of Title 11, and, from ages 18 through 23, to assist the youth who was previously in DSCYF's custody and continues to receive transitional and independent living services through a DSCYF-contracted provider in reviewing and repairing the youth's ~~credit~~; credit.

(6) To ensure, consistent with DSCYF case and placement planning responsibilities under federal and state law, that the child's service plan provides the opportunity to participate in age-appropriate or developmentally-appropriate activities and experiences to promote healthy child and adolescent ~~development~~; development.

(7) To ensure standards and policies are in place, consistent with the reasonable and prudent parent ~~standard~~; standard.

(8) To provide training and monitoring to all caregivers, regardless of whether they are required to meet the DSCYF licensing requirements, on the reasonable and prudent parent standard. Training on the reasonable and prudent parent standard shall include parenting skills for children who have experienced trauma, healthy sexual development, and implementing the standard for children with special needs. Such training shall be provided annually to all licensed caregivers, and upon placement, to all nonlicensed ~~caregivers~~; and caregivers.

(9) To provide each child in DSCYF custody with new luggage for the child to use for the transportation of personal belongings when the child is entering DSCYF custody, moving from one foster care placement to another, or exiting foster care. DSCYF is not required to provide new luggage to a child who has already been provided with and remains in possession of new luggage provided by DSCYF.

a. For purposes of this paragraph, "new luggage" means a suitcase, duffel bag, backpack, or similar container that is designed to hold an individual's personal belongings and has not been previously used. Under no circumstance does "new luggage" include a disposable bag or trash bag.

b. The Department must establish and maintain a supply of new luggage to be used to transport the personal belongings of children in DSCYF custody and develop procedures for the storage and distribution of new luggage intended for children in custody.

c. When providing new luggage to a child in DSCYF custody, DSCYF must take into account the child's age, mobility, personal items to be transported, and preferences.

d. DSCYF may not use or require a child to use disposable bags or trash bags to transport any personal items while in DSCYF custody.

e. DSCYF may solicit and accept gifts, grants, and donations of any kind and from any source to carry out the provisions of this subsection.

f. On or before December 1 of each year, DSCYF must submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director and Librarian of the Division of Research, containing a description of the current supply of new luggage and inventory management procedures for the new luggage supply maintained under this subsection.

~~(9)~~(10) To maintain any other powers and duties as conferred by statute in the Delaware Code.

Section 2. This Act takes effect on January 1, 2025.

Approved October 9, 2024