



SPONSOR: Rep. Spiegelman

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
SENATE BILL NO. 60

AMEND Senate Bill No. 60 by inserting the following after line 12:

“Section 2. Amend §903, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 903 Reports required.

(a) Any person, agency, organization or entity who knows or in good faith suspects child abuse, ~~or neglect, or a~~
child engaging in prostitution as defined in §1342 of Title 11, shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health-care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.”.

Section 3. Amend Chapter 9, Title 10 by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 9. THE FAMILY COURT OF THE STATE OF DELAWARE

Subchapter I. Organization, Administration and Operation

§ 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

- 23 1. Fails to provide necessary care with regard to: food, clothing, shelter, education, health care,
24 medical care or other care necessary for the child's emotional, physical or mental health, or safety and
25 general well-being; or
26 2. The child is living in the home of an "adult individual" who fails to meet the definition of
27 "relative" in this section on an extended basis without an assessment by DSCYF, or its licensed agency;
28 or
29 3. The child has been placed with a licensed agency which certifies it cannot complete a suitable
30 adoption plan.
31 4. The child is engaging in or has engaged in prostitution as defined in §1342 of Title 11.

32 In making a finding of dependency under this section, consideration may be given to dependency, neglect, or
33 abuse history of any party.”

SYNOPSIS

This amendment recognizes that children under 18 who engage in prostitution should not be arrested, but are instead, in need of services. This amendment requires that a person or agency that in good faith suspects a child is engaging in prostitution must make a report to the Department of Services for Children, Youth and Their Families. This amendment also defines a dependent child as one who is engaging or has engaged in prostitution in order to receive services through the Department of Services for Children, Youth and Their Families and the Family Court.