



SPONSOR: Rep. Bolden & Sen. Lockman  
Reps. Chukwuocha, Cooke, Dorsey Walker, Heffernan,  
Jaques, K. Johnson, Minor-Brown; Sens. Brown, Poore

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 75

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE YOUTH SERVICES  
COMMISSION OF DELAWARE.

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

1           Section 1. Amend Chapter 51 of Title 31 of the Delaware Code by making deletions as shown by strike through  
2 and insertions as shown by underline as follows:

3           § 5107 Commitments to the Department.

4           (a) The Family Court, or Superior Court, or Court of Common Pleas of the State may commit to the custody of the  
5 Department any juvenile who is subject to the jurisdiction of such Court and who is delinquent, as that term is defined in §  
6 901 of Title 10; provided, however, that where the adjudication is pursuant to § 1009(k) ~~1009(e) [repealed]~~ of Title 10, the  
7 juvenile shall be committed for the designated statutory period. The Department shall accept the custody of any juvenile so  
8 committed to it.

9           (b) A juvenile who has been committed by Superior Court to a period of detention or incarceration beyond the  
10 juvenile's 18th birthday shall remain in the legal custody of the Department until the juvenile's 18th birthday, upon which  
11 time they shall be transferred to the legal custody of the Department of Correction for the remainder of the sentence or  
12 detention; however, the Department of Services for Children, Youth and Their Families may provide services for a non-  
13 incarcerated individual over the age of 18 when jurisdiction has been retained by the Family Court.

14           § 5108 Power to discharge or release.

15           (a) Except as to a delinquent child committed for a mandatory period pursuant to § 1009(k) ~~1009(e) [repealed]~~ of  
16 Title 10, the Department may at its discretion discharge finally any juvenile committed to its custody if the Department  
17 shall determine:

18           (1) Such discharge is in the best interests of the juvenile; and

19           (2) That the juvenile does not pose a probable threat to property or person;

20 provided, that a certificate of discharge, setting forth grounds establishing compliance with these conditions of  
21 release, shall be provided 10 calendar days prior to the date of release to the Judge of Family Court, Superior Court, or  
22 Court of Common Pleas who originally signed the commitment order, or, in such judge's absence, to the Chief Judge or  
23 President of said Court.

24 (b) No person shall be retained in the legal custody of the Department beyond that person's 18th birthday;  
25 provided, however, that any delinquent child who is 17 years of age or older but less than 18 years of age who has been  
26 committed to the custody of the Department may remain in said custody for 1 full year until they reach their 19<sup>th</sup> birthday;  
27 ~~provided further, that any delinquent child who is committed to the custody of the Department for a mandatory period~~  
28 ~~pursuant to § 1009(e) [repealed] of Title 10 shall be transferred into or retained in the custody of a facility established~~  
29 ~~pursuant to § 6526 of Title 11 for youthful offenders upon reaching the age of 18 where the youthful offender shall remain~~  
30 ~~until the completion of the mandatory period of custody;~~ provided further, that any child who is charged with an act of  
31 delinquency prior to reaching 18 years but becomes 18 years of age prior to disposition on the charge may be committed to  
32 the custody of the Department until the child's ~~nineteenth~~ 19th birthday.

33 (c) No child committed to the custody of the Department under ~~§ 1009(e) [repealed]~~ § 1009(k) of Title 10 shall be  
34 released on pass or on extended leave for any purpose except in accordance with the procedure set forth in subsection (a) of  
35 this section. Upon receipt of notification that the Department intends to extend such privileges to a child so committed, the  
36 Court may deny, or may impose such reasonable terms and conditions as it deems necessary, upon said temporary release.

#### SYNOPSIS

This Act clarifies that the Department of Services for Children, Youth and Their Families (DSCYF) has exclusive jurisdiction over a juvenile's care, custody, and control for any juvenile until at least their 18th birthday. Further, this Act stipulates that juveniles found guilty and sentenced to a Superior Court offense shall remain in the custody, care, and control of DSCYF until they turn 18. Youth with Superior Court terms of confinement which extend beyond their 18th birthday shall be transferred to the custody of the Department of Correction for the remainder of their sentence after they turn 18. This Act also clarifies that Family Court is permitted to retain jurisdiction in some cases and Family Court may require DSCYF to provide services and supervision for non-incarcerated persons aged 18-21. Finally, the Act allows individuals charged in in Family Court before they turn 18 to be held by DSCYF until they turn 19.