



SPONSOR: Sen. Blevins & Rep. Maier, & Rep. Hudson
Sens. Cloutier, Connor, Sorenson; Reps. Gilligan, Hall-Long,
Keeley, Miro, Oberle, Schooley, Spence, Wagner

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 157
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 31, CHAPTER 3 OF THE DELAWARE CODE RELATING TO CHILD WELFARE.

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

Section 1. Amend Chapter 3, Title 31, §320 of the Delaware Code by striking the number “27” as same appears therein, and substituting the number “20” in lieu thereof.

Section 2. Amend Chapter 3, Title 31, §321 of the Delaware Code by adding the words “the Director of the Division of Public Health, the Chief Judge of Family Court” between the words “Examiner,” and “and” as same appear in the first sentence of paragraph (a); and by striking the word, “perimatology” as same appears in the second sentence of paragraph (a), and substituting the word, “perinatology” in lieu thereof; and by striking the “,” between the words, “death” and “near” as same appear in the third sentence of paragraph (a), and substituting the word, “and” in lieu thereof; and by striking the words, “and stillbirths” between the words, “death” and “review” as same appear in the third sentence of paragraph (a); and by adding between the words, “panel” and “established” as same appear in the third sentence of paragraph (a), the words, “and each Fetal and Infant Mortality Review Case Review Team” in lieu thereof; and by striking the word “subsection” as same appears in the third sentence of paragraph (a), and substituting the word “subsections” in lieu thereof; and by adding “and (e)” between the words “subsections” and “hereof” as same appear in the third sentence of paragraph (a); and by striking the words, “and of” as same appear in the fifth sentence of paragraph (a), and substituting a “,” in lieu thereof; and by adding the words, “, Case Review Teams and Community Action Teams”, between words, “panels” and “shall” as same appear in the fifth sentence of paragraph (a).

Section 3. Amend Chapter 3, Title 31, §321 of the Delaware Code by striking the word “and” as same appears in the first sentence of paragraph (c), and substituting a “,” in lieu thereof; and by inserting the words “, Case Review Teams and Community Action Teams” between the words “panels” and “shall” as same appear in the first sentence of paragraph (c).

Section 4. Amend Chapter 3, Title 31, §321 of the Delaware Code by striking the words “child death, near death and stillbirth review” as same appear in the first sentence of paragraph (d); and by adding the words “authorized to review child deaths and near deaths” between the word “panels” and the “.” as the same appear in the first sentence of paragraph (d).

Section 5. Amend Chapter 3, Title 31, §321 of the Delaware Code by striking the existing paragraph (e) in its entirety and substituting the following new paragraph (e) in lieu thereof:

“The Commission shall by resolution passed by a majority of its members establish Fetal and Infant Mortality Review Case Review Teams and Community Action Teams based on the National Fetal and Infant Mortality Review Program model.”

Section 6. Amend Chapter 3, Title 31, §321 of the Delaware Code by adding a new paragraph (f) that shall read:

“Each regional panel and the Fetal and Infant Mortality Review Case Review Teams shall have the powers, duties and authority of the Commission as delegated by the Commission. Each regional panel and Fetal and Infant Mortality Review Case Review Team shall, by affirmative vote of a majority of all members of that regional panel or team, appoint co-chairpersons from its membership for a term of 1 year.”

Section 7. Amend Chapter 3, Title 31, §322 of the Delaware Code by striking the word “or” between the words “Commission” and “any” as same appear therein, and substituting a “,” in lieu thereof; and by adding the words “, Case Review Team or Community Action Team” between the words “panel” and “shall” as same appear therein; and by adding the words “or team” between the word “panel” and the “.” as same appear therein.

Section 8. Amend Chapter 3, Title 31, §323 of the Delaware Code by adding the words “child death and near death” between the words “conduct” and “reviews” as same appear in the first sentence of paragraph (b).

Section 9. Amend Chapter 3, Title 31, §323 of the Delaware Code by striking the existing paragraph (d) in its entirety and re-designating the existing paragraph (c) as paragraph (d) and adding a new paragraph (c) that shall read:

“The Commission shall conduct fetal and infant mortality reviews and facilitate the implementation of recommendations based on the National Fetal and Infant Mortality Review Program model. Utilizing a public health model, the reviews shall include information gathered through a clinical review and summary of medical and all other subpoenaed records, and maternal interviews. The Commission may amend such procedures upon a three-quarters affirmative vote of all members of the Commission.”

Section 10. Amend Chapter 3, Title 31, §323 of the Delaware Code by striking the word “or” as same appears for the second time between the words “death” and “near” in subparagraph (d) (2), and substituting a “,” in lieu thereof; and by

adding the words “or stillbirth” between the words “death” and “under” as same appear for the second time in subparagraph (d) (2).

Section 11. Amend Chapter 3, Title 31, §324 of the Delaware Code by adding the words “and the Fetal and Infant Mortality Review Case Review Teams and Community Action Teams” between the word “panels” and the “,” as same appear in the first sentence of paragraph (a); and by striking the word “or” as the same appears in the first sentence of paragraph (a), and substituting a “,” in lieu thereof; and by adding the words “or stillbirth” between the word “death” and the “,” as same appear in the first sentence of paragraph (a); and by adding the words “or team” between the words “panel” and “only” as same appear in the second sentence of paragraph (a); and by striking the word “or” between the words “Commission” and “regional” as the same appear in the second sentence of paragraph (a), and substituting a “,” in lieu thereof; and by adding the words “or team” between the words “panel” and “and” as same appear in the second sentence of paragraph (a); and by striking the word “or” between the words “Commission” and “regional” as same appear in the fourth sentence of paragraph (a), and substituting a “,” in lieu thereof; and by adding the words “or teams” between the word “panels” and the “,” as same appear in the fourth sentence of paragraph (a).

Section 12. Amend Chapter 3, Title 31, §324 of the Delaware Code by striking the words “and of the” between the words “Commission” and “regional” as the same appear in the first sentence of paragraph (b), and substituting a “,” in lieu thereof; and by adding the words “, Case Review Teams and Community Action Teams” between the word “panel” and the “,” as same appear in the first sentence of paragraph (b); and by adding the words “or teams” between the word “panels” and the “.” as same appear in the first sentence of paragraph (b).

Section 13. Amend Chapter 3, Title 31, §324 of the Delaware Code by striking the word “or” as same appears in the first sentence of paragraph (c), and substituting a “,” in lieu thereof; and by adding the words “, Case Review Team or Community Action Team” between the words “panel” and “shall” as same appear in the first sentence of paragraph (c); and by adding the words “or team” between the words “panel” and “with” as same appear in the second sentence of paragraph (c).

Section 14. Commencement of the Fetal and Infant Mortality Review process in Delaware shall be contingent on adequate appropriations provided for said process as a result of final recommendations of The Infant Mortality Task Force in 2005.