



SPONSOR: Sen. Henry

DELAWARE STATE SENATE  
145th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 221

AMEND Senate Bill No. 221 by deleting lines 1 – 3 and inserting the following:

“Section 1. Amend Title 16, Section 5530(a)(6) of the Delaware Code by deleting “Nieces and Nephews” and substituting in lieu thereof “An adult aunt or uncle;” and creating a new subsection (7) to read as follows “(7) An adult niece or nephew; or” and a new subsection (8) to read as follows “(8) A grandparent.”

FURTHER AMEND Senate Bill No. 221 by deleting the word “include” from line 10 and substituting the word “mean”.

FURTHER AMEND Senate Bill No. 221 by inserting a new Section 8 and 9 to read as follows:

“Section 8. Amend Title 16, Section 5531(b)(2) by deleting the “s” from the word “recommendations.”

Section 9. Amend Title 16, Section 5530 by deleting “, unless a petition for divorce has been filed, or unless the patient has filed a petition or complaint alleging abuse, as defined in § 1041(1) of Title 10, of the patient by the spouse” and creating a new subsection (e) to read “(e) Individuals specified in this subsection are disqualified from acting as an alternate decision maker if the person receiving services from DDDS has filed a petition for a Protection From Abuse order against the individual or if the individual is the subject of a civil or criminal order prohibiting contact with the person receiving services from DDDS.”

SYNOPSIS

This Amendment adds grandparents to the list of potential alternate decision makers, clarifies that the statute applies to DDDS clients in residential programs, and corrections grammar to reflect the changes in the Bill. It also applies the prohibition against persons who have abused the DDDS clients to anyone in the categories on the list, rather than just the spouse which makes it consistent with the Health Care Decisions Act, 25 Del.C. 2507.

Author: Senator Henry