

CHAPTER 361  
FORMERLY  
HOUSE BILL NO. 269  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES 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 Title 13, section 2521 of the Delaware Code 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 guardian ad litem for the child;

(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. DSCYF shall make reasonable efforts to obtain the consent of the parent, and to notify the guardian ad litem, prior to obtaining medical 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;

(4) To consent to educational decisions, subject to applicable state and federal law, including but not limited to, disciplinary proceedings and consequences, academic needs and extracurricular activities of the child, and to request the appointment of an educational surrogate parent when appropriate DSCYF shall make reasonable efforts to obtain the consent of the parent, and to notify the guardian ad litem, prior to making any educational decisions on behalf of the child;

(5) To request a credit report for the child annually after the child reaches the age of 16 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 21, to assist the child who was previously in DSCYF's custody and continues to receive Independent Living services through a DSCYF-contracted provider in reviewing and repairing the child's credit, upon request of the provider and with written consent of the child, unless otherwise prohibited by law; and

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

Section 2. This Act shall take effect on January 1, 2013.

Approved July 25, 2012