

CHAPTER 371
FORMERLY
SENATE BILL NO. 216

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE PERTAINING TO EXTENDED JURISDICTION.

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

Section 1. Amend § 929, Title 10 of the Delaware Code as follows:

§ 929. Extended jurisdiction -- Child abuse, dependency and neglect.

(a) Upon petition filed by the youth, or the youth's attorney on behalf of the youth, or the youth's present or former representative, guardian ad litem, or Court Appointed Special Advocate, the Court may enter an order to extend jurisdiction over a youth who was an abused, dependent or neglected child in DSCYF custody at the time the youth attains 18 years of age or any time thereafter. The petition seeking extended jurisdiction shall be filed not later than 6 months prior to the youth's 21st birthday nor more than 30 days prior to the youth's 18th birthday.

(b) When a petition for extended jurisdiction is filed, the petition shall be served upon DSCYF. Within 20 days of service, DSCYF shall file an answer indicating whether DSCYF supports the petition or requests a hearing. If requested by DSCYF, the Court shall schedule a hearing to address the petition. Notice of the time and place of the hearing shall be sent to the youth as petitioner and DSCYF as respondent. Following either an answer by DSCYF supporting the petition or a hearing on the petition, the Court may enter an order extending jurisdiction over the youth.

(c) The purpose of extended jurisdiction is to enable youth who are provided developmentally appropriate, comprehensive independent living services from age 14 to 21 to assist with their successful transition into adulthood under the John H. Chafee Independence Act (P.L. 106-169) or the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), and other relevant services, to have a legal mechanism for Family Court review of the appropriateness of such services. Extended jurisdiction may continue until the youth attains 21 years of age. Notwithstanding extended jurisdiction, the youth shall attain the age of majority at age 18, and DSCYF custody shall terminate at that time by operation of law.

(e) Where the Court has extended jurisdiction over a youth, the Court may conduct reviews upon motion of any party, or sua sponte, and prior to termination of the order extending jurisdiction. Reviews should occur as often as needed with a date established at the prior review, however, reviews must occur at least annually. If the youth agrees, the appointment of the youth's attorney or Court Appointed Special Advocate shall also be extended, and the representation of the youth shall be client-directed. Prior to each review, notice shall be provided by DSCYF to any contracted providers serving the youth. At each review, the Court shall, at a minimum, evaluate the youth's independent living services, and make findings, where applicable, regarding:

- (1) Financial stability;
- (2) Housing;
- (3) Medical benefits, including access to health care and other public benefits;
- (4) Employment and training;
- (5) Education; and
- (6) Community and individual connections to help support the youth.

(f) Extended jurisdiction terminates by operation of law when the youth attains 21 years of age or sooner upon a finding that:

- (1) The youth no longer consents to the Court's extended jurisdiction;
- (2) The youth no longer consents to the continued assistance of DSCYF;
- (3) The youth has failed to cooperate with DSCYF; or
- (4) For other good cause shown.

Approved August 10, 2016