

31 Del.C. § 301

§ 301. Definitions

Effective: July 16, 2008

As used in this subchapter:

- (1) “Abuse” or “abused child” is as defined in § 901 of Title 10.
- (2) “Child” means a person who has not yet attained the child’s eighteenth birthday.
- (3) “Delinquent child” means a child who commits an act which if committed by an adult would constitute a crime.
- (4) “Dependency” or “dependent child” is as defined in § 901 of Title 10.
- (5) “Maternal death” means the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes.
- (6) “Near death” means a child in serious or critical condition as a result of child abuse or neglect as certified by a physician.
- (7) “Neglect” or “neglected child” is as defined in § 901 of Title 10.
- (8) “Truancy” or “truant” shall refer to a pupil enrolled in grades kindergarten through 12 inclusive who has been absent from school without a valid excuse, as defined in the rules and regulations of the district board of education of the school district in which the pupil is or should be enrolled pursuant to the provisions of Title 14, or in the case of a pupil enrolled in a charter school, by the board of directors of the charter school, for more than 3 days or the equivalent thereof during a given school year.

31 Del.C. § 302

§ 302. Intent and purpose of chapter

Effective: August 17, 2011

The intent and purpose of this chapter are to:

- (1) Provide humane and scientific treatment, care and highest attainable degree of individual development for the dependent wards of this State;
- (2) Provide for the delinquent such wise conditions of modern education and training as will restore the largest

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possible portion of such delinquents to useful citizenship;

(3) Promote the study of the causes of dependency and delinquency and of mental and physical disabilities, with a view to cure and ultimate prevention; and

(4) Secure, by uniform and systematic management, the highest attainable degree of economy in the administration of the state institutions under supervision of the Division of Child Protective Services consistent with the objects in view.

31 Del.C. § 303

§ 303. General powers and duties of Division in respect to children

In order that the State may more effectively exercise the duty and obligation which it owes to minor children, who for any cause are in need of care and protection, the Division of Child Protective Services may:

(1) Search out through investigation, complaints from citizens, or otherwise, the minor children in the State who are in need of its care and protection and shall as far as possible, through existing agencies, public or private, its own welfare workers or through such other resources, aid such children to a fair opportunity in life;

(2) Make surveys and in other ways ascertain the facts and conditions which cause or contribute to the need for state care and protection of children and the extent of such need;

(3) Present the facts so ascertained to the people through conventions, conferences and addresses to the end that a statewide program may be effected for the elimination and suppression of the causes which bring the necessity for such care;

(4) Establish and maintain homes or other agencies for the care of dependent or neglected minor children or contract with any approved agency or home for the care of such children, receive and care for dependent or neglected children committed to its care and, if possible, to arrange for a thorough physical and mental examination of every such child, investigate in detail the personal and family history of a child and its environment, place such children in family homes or in approved suitable institutions and supervise such children however placed; and

(5) Solicit, obtain and hold gifts, devises and bequests of money, real estate and other things of value to be used in support of the development and carrying on of child welfare work.

31 Del.C. § 304

§ 304. Repealed by 77 Laws 2009, ch. 43, § 11, eff. June 16, 2009

Effective: June 16, 2009

31 Del.C. § 305

§ 305. Use of other child welfare agencies

The Division of Child Protective Services may utilize services of other child welfare agencies and allocate and turn over unto such agencies, operating within this State and rendering child welfare services, any portion of funds appropriated for the purposes of this chapter and as may from time to time be deemed necessary, proper and expedient for the supervision, care, custody, board and placement of dependent and neglected children. If in the judgment of the Division such payments are necessary, proper and expedient for the care of the child, these allocations and payments may be continued to the said agency for children who were dependent or neglected, but who have been legally adopted.

31 Del.C. § 306

§ 306. Binding minors prohibited

No court, organization, institution, individual or corporation may bind any minor to any organization, institution, individual or corporation in any manner whatsoever.

Nothing contained in this section shall in any manner interfere with the power and authority of any court to commit any minor to the custody and care of any organization, institution, individual or corporation.

31 Del.C. § 307

§ 307. Bringing or sending nonresident children into State regulated; penalty

(a) No person or corporation of this State or any child placement agency or association operating within this State or any bureau, board or commission of this State or any person, institution, agency, association, corporation, bureau, board or commission without this State shall bring or send into this State or in any way assist in the bringing or sending into this State of any dependent child who is a resident of another state, United States territory or country for the purpose of placing or procuring placement of such child in any way free, wage or boarding home or for adoption without the written consent of the Department of Services for Children, Youth and Their Families having first been obtained, and such person, agency, institution, association, corporation, board or commission shall abide by all rules laid down by the Department of Services for Children, Youth and Their Families.

(b) Whoever violates subsection (a) of this section shall be fined not more than \$100; and

Whoever continues to so violate for a period of 10 days after notification from the Department of Services for Children, Youth and Their Families shall be guilty of a new, separate and distinct offense and shall be fined for each offense not less than \$100 nor more than \$1,000.

31 Del.C. § 308

§ 308. Vaccinations

Every person who is unable to pay for vaccination and every child whose parents or guardians are unable to pay for the same, not residing in the City of Wilmington, may be vaccinated by any physician or physicians who may be

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designated for that purpose by the Division of Child Protective Services.

For each person or child so vaccinated, the physician or physicians shall be paid by the Division of Child Protective Services the sum of 50 cents.

Every such physician shall give a certificate of vaccination to the person or child so applying.

31 Del.C. § 309

§ 309. Criminal history information relating to child care personnel and foster and adoptive parents

(a) "Child care facility" as used in this section means residential child care facilities under contract to or operated directly by the Department of Services for Children, Youth and Their Families (DSCYF).

(b) "Child care personnel" as used in this section means all persons who seek employment for compensation or persons who volunteer to provide direct child care service or persons who for any reason have regular direct access to children and/or adolescents under the age of 18 at any facility as referred to in subsection (a) of this section. This definition shall include any employee or volunteer of the Department of Services for Children, Youth and Their Families or one of its contractors who have regular direct access to children and/or adolescents under the age of 18, but who do not provide child care services at a facility as referred to in subsection (a) of this section. Child care personnel, for purposes of this section, shall also include applicants wishing to become adoptive or foster parents.

(c) All prospective child care personnel are covered by the provisions of this section as well as current child care personnel who have been providing said child care for a period of less than 1 year. In the case of adoptive parents, criminal background checks shall be performed in all cases in which a final adoption decree has not yet been filed.

(d) All child care personnel covered by this section shall be required to submit their fingerprints and other necessary information in order for the following to be obtained:

(1) Report of the individual's entire criminal history record from the Delaware State Police or a statement from the Delaware State Police that the State Police Central Repository contains no such information relating to that person.

(2) A report of the individual's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544¹. The Division of State Police shall be the intermediary for the purposes of this paragraph.

(3) A certification from the Department of Services for Children, Youth and Their Families as to whether the individual is named in the Central Register as the perpetrator of a report of child abuse.

(e) Costs associated with obtaining said criminal history information and child abuse registry information shall be borne by the State.

(f) All information required in subsection (d) of this section shall be forwarded to the DSCYF which will assess the information and make a determination of suitability for employment based upon the types of offenses, recency, record since the offenses, and responsibilities of the position which the individual has obtained or is seeking to

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obtain. The DSCYF must exercise case-by-case judgment on the results. Any adverse judgment affecting the current or prospective child care individual shall be reviewed subject to regulations promulgated by the DSCYF under subsection (h) of this section.

(g) Upon making its determination of suitability, the DSCYF shall forward the determination, together with the results of the investigation, to the applicant and to the prospective or current employer or agency.

(h) The DSCYF shall, in the manner provided by law, promulgate regulations necessary to implement this section. These regulations shall:

(1) Set forth criteria for unsuitability for employment in or certification for child care services. Such criteria shall relate to criminal history record information and may include other information in addition to that set forth above. Such criteria and information shall be reasonably related to the prevention of child abuse.

(2) Prohibit any individual convicted of a sexually related offense or offenses against children or adolescents from employment in child care services.

(3) Set forth sanctions for employers who wilfully hire or retain individuals in violation of this section or in violation of the regulations promulgated hereunder.

(4) Provide for the confidentiality of information obtained pursuant to subsection (d) of this section.

(5) Provide for administrative review of an adverse judgment by the DSCYF.

(i) Facilities and agencies which are subject to this section may provisionally hire an employee or a volunteer or place a child, pending the determination of the DSCYF. The failure of an individual to disclose any relevant criminal history information requested by the DSCYF as part of an application process that is subsequently disclosed as a result of a criminal history check performed pursuant to this chapter shall be grounds for immediate termination or removal of a placement.

(j) The DSCYF shall issue its determination in a reasonable amount of time following the receipt of information obtained pursuant to subsection (d) of this section.

31 Del.C. § 310

§ 310. Breast-feeding

Notwithstanding any provisions of law to the contrary, a mother shall be entitled to breast-feed her child in any location of a place of public accommodation wherein the mother is otherwise permitted.

31 Del.C. § 320

§ 320. Declaration of legislative intent

Effective: July 16, 2008

The General Assembly hereby declares that the health and safety of the children and pregnant women of the State will be safeguarded if deaths of children under the age of 18, near deaths of abused and/or neglected children, and stillbirths occurring after at least 20 weeks of gestation and maternal death are reviewed, in order to provide recommendations to alleviate those practices or conditions which impact the mortality of children and pregnant women. This subchapter establishes the Child Death, Near Death and Stillbirth Commission. For the purposes of this subchapter, "Commission" means the Child Death, Near Death and Stillbirth Commission. Stillbirths occurring after at least 20 weeks of gestation shall not include stillbirths which occur as a result of an elective medical procedure.

31 Del.C. § 321

§ 321. Organization and composition

Effective: July 16, 2008

(a) The following shall be members of the Commission: The State Attorney General, the Secretary of the State Department of Health and Social Services, the Secretary of the State Department of Services to Children, Youth and Their Families, the person appointed as the child advocate pursuant to § 9003A of Title 29, the Chair of Child Protection Accountability Commission, the State Secretary of Education, the State Medical Examiner, the Director of the Division of Public Health, the Chief Judge of the Family Court and the Superintendent of the Delaware State Police, or the designee of any of the preceding persons. Additionally, the following shall be appointed by the Governor as members of the Commission:

- (1) A representative of the Medical Society of Delaware specializing in each of pediatrics, neonatology, obstetrics and perinatology;
- (2) A representative of the Delaware Nurses Association;
- (3) A representative of the National Association of Social Workers;
- (4) A representative of the Police Chiefs' Council of Delaware who is an active law enforcement officer;
- (5) A representative of the New Castle County Police Department; and
- (6) 2 child advocates from state-wide non-profit organizations.

A Chairperson of each regional child death and near death review panel, each maternal death panel and each Fetal and Infant Mortality Review Case Review Team established pursuant to subsections (d) and (e) hereof shall also serve as members of the Commission. The term of members appointed by the Governor shall be 3 years and shall terminate upon the Governor's appointment of a new member to the Commission. The members of the Commission, the regional panels, Case Review Teams and Community Action Teams shall serve without compensation. The Commission shall be staffed, and its staff shall include an Executive Director. The General Assembly may annually appropriate such sums as it may deem necessary for the payment of the salary of the Executive Director and the staff, and for the payment of actual expenses incurred by the Commission.

(b) The Commission shall, by affirmative vote of a majority of all members of the Commission, appoint a chairperson from its membership for a term of 1 year. The Commission shall meet at least semi-annually.

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(c) Meetings of the Commission, regional panels, Case Review Teams and Community Action Teams shall be closed to the public. The Commission shall meet at least annually with the Child Protection Accountability Commission to jointly discuss the public recommendations generated from reviews conducted pursuant to § 323(e) of this title. This meeting shall be open to the public.

(d) The Commission shall by resolution passed by a majority of its members establish at least 1 but no more than 3 regional panels authorized to review child deaths and near deaths. One of the panels shall be designated to review cases pursuant to § 323(e) of this title; however, for good cause shown to the Commission, any panel may investigate and review any death, near death, or stillbirth entitled to review by the Commission. Members of the Commission shall appoint representatives to each regional panel such that the regional panel reflects the disciplines of the Commission. The Commission shall also appoint to each regional panel:

(1) A representative from each of the 3 police departments which investigate the majority of child deaths in the region covered by the panel, and

(2) A citizen of the region interested in child death, near death and stillbirth issues.

(e) 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.

(f) 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 cochairpersons from its membership for a term of 1 year.

(g) The Commission shall by resolution passed by a majority of its members establish 1 regional panel authorized to review maternal deaths.

31 Del.C. § 322

§ 322. Voting

Except as expressly provided herein, an affirmative vote of 60% of all members of the Commission, any regional panel, Case Review Team or Community Action Team shall be required to adopt any findings or recommendations of the Commission or such regional panel or team.

31 Del.C. § 323

§ 323. Powers and duties

Effective: June 30, 2012

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(a) The Commission shall have the power to investigate and review the facts and circumstances of all deaths and near deaths of children under the age of 18 and stillbirths and all maternal deaths which occur in Delaware. The review of deaths involving criminal investigations will be delayed until the later of the conclusion of such investigation, or the adjudication of related criminal charges, if any. The Commission shall make recommendations to the Governor and the General Assembly and Child Protection Accountability Commission, at least annually, regarding those practices or conditions which impact the mortality of children and mothers. System-wide recommendations arising from an investigation and review conducted pursuant to subsection (e) of this section shall be made to the Governor and General Assembly and Child Protection Accountability Commission, as well as any members of the public requesting the recommendations, within 20 days of the completion of such investigation and review. In addition to the Commission's release of recommendations, the Commission shall release summary information and findings resulting from reviews of child deaths and near deaths due to abuse and neglect. Said release of information and findings shall occur at the completion of prosecution. All recommendations made pursuant to this subsection shall comply with applicable state and federal confidentiality provisions, including but not limited to those enumerated in § 324 of this title and § 9017(e) of Title 29. Notwithstanding any provision of this subchapter to the contrary, such recommendation shall not specifically identify any individual or any nongovernmental agency, organization or entity.

(b) The Commission shall conduct child death and near death reviews according to procedures promulgated by the Commission. The Commission shall conduct maternal death reviews which utilize a public health model and shall include information gathered through a clinical review and summary of medical and other subpoenaed records. The Commission may amend such procedures upon a three-quarters affirmative vote of all members of the Commission.

(c) 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.

(d) In connection with any review, the Commission shall have the power and authority to:

(1) Administer oaths; and

(2) Compel the attendance of witnesses whose testimony is related to the death or near death under review and the production of records related to the death, near death or stillbirth under review by filing a praecipe for a subpoena, through the Attorney General or a Deputy Attorney General, with the Prothonotary of any county of this State, such a subpoena to be effective throughout the State and service of such a subpoena to be made by any sheriff of the State; failure to obey said subpoena will be punishable according to the rules of the Superior court.

(e) Notwithstanding the above, the Commission shall investigate and review the facts and circumstances of the death or near death of an abused and/or neglected child within 6 months of a report to the Commission by the Attorney General, the Department of Services for Children, Youth and Their Families, or other state agency that the child was the victim of abuse or neglect. The Attorney General, the Department of Services for Children, Youth and Their Families, and any other state or local agency with responsibility for investigating child deaths shall report to the Commission any death or near death of a child who is determined to have been abused and/or neglected within 14 days of that determination. For good cause shown to the Commission, completion of an investigation and review under this subsection may be extended from 6 to 9 months.

(f) Notwithstanding any provision of this subchapter to the contrary, no person identified by the Attorney General's office as a potential witness in any criminal prosecution arising from the death or near death of an abused or neglected child shall be questioned, deposed or interviewed by or for the Commission in connection with its

investigation and review of such death or near death until the completion of such prosecution.

31 Del.C. § 324

§ 324. Confidentiality of records and immunity from suit

(a) The records of the Commission and of all regional panels and the Fetal and Infant Mortality Review Case Review Teams and Community Action Teams, including original documents and documents produced in the review process with regard to the facts and circumstances of each death, near death or stillbirth, shall be confidential and shall not be released to any person except as expressly provided in subchapter II of this chapter. Such records shall be used by the Commission, and any regional panel or team only in the exercise of the proper function of the Commission, regional panel or team and shall not be public records and shall not be available for Court subpoena or subject to discovery. Subject to constitutional requirements, statements, records or information shall not be subject to any statute or rule that would require those statements to be disclosed in the course of a criminal trial or associated discovery. Aggregate statistical data compiled by the Commission, regional panels or teams, however, may be released at the discretion of the Commission or regional panels.

(b) Members of the Commission, regional panels, Case Review Teams and Community Action Teams, and their agents or employees, shall not be subject to, and shall be immune from, claims, suits, liability, damages or any other recourse, civil or criminal, arising from any act, proceeding, decision or determination undertaken or performed or recommendation made, provided such persons acted in good faith and without malice in carrying out their responsibilities, authority, duties, powers and privileges of the offices conferred by this law upon them or by any other provisions of the Delaware law, federal law or regulations, or duly adopted rules and regulations of the Commission or its regional panels or teams. Complainants shall bear the burden of proving malice or a lack of good faith to defeat the immunity provided herein.

(c) No person in attendance at a meeting of any such Commission, regional panel, Case Review Team or Community Action Team shall be required to testify as to what transpired thereat. No organization, institution or person furnishing information, data, reports or records to the Commission or any regional panel or team with respect to any subject examined or treated by such organizations, institution, or person, by reason of furnishing such information, shall be liable in damages to any person or subject to any other recourse, civil or criminal.

31 Del.C. Pt. I, Ch. 3, Subch. III, Refs & Annos

31 Del.C. § 341

§ 341. Short title

This act may be referred to and cited as “The Delaware Child Care Act.”

31 Del.C. § 342

§ 342. Definitions

For the purpose of this act:

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(1) "Child care" means and includes:

a. Any person, association, agency or organization which:

1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or guardian, for the purpose of providing such child or children with care, education, protection, supervision or guidance;

2. Is compensated for their services;

3. Advertises or holds himself, herself or itself out as conducting such child care;

b. The provision of, or arranging for, the placement of children in foster care homes, adoptive homes or supervised independent living arrangements; and

c. Family child care homes, large family child care homes, day care centers, child placing agencies, residential child care facilities and day treatment programs as currently defined by regulation. Day-care centers operating part- or full-day are subject to licensure. Homes in which children have been placed by any child placing agency properly licensed to place children in this State shall not be regarded as "child care."

(2) "Office of Child Care Licensing" means the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families.

31 Del.C. § 343

§ 343. Powers of the Office of Child Care Licensing with respect to child care

(a) Any person or association conducting child care and all institutions, agencies and associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors, including organizations providing care of children whether dependent or otherwise, in lieu of the care and supervision ordinarily provided by parents in their own homes for periods of less than 24 hours a day, must accord the Office of Child Care Licensing or its authorized agents right of entrance, privilege of inspection and access to its accounts and reports.

(b) A person or association conducting child care and all institutions, agencies, associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors shall make reports at such time as is required by the Office of Child Care Licensing as to conditions of such child care, the manner and way in which children are taken care of, former addresses and such other information as will show the social status of the child, how and to whom dismissed, the extent and source of its income, the cost of maintenance and such other reasonable information as will enable the Office of Child Care Licensing to promote the general welfare of the children and to work out a general program for their care and protection.

(c) The Office of Child Care Licensing may prescribe, by regulation or otherwise, any reasonable standards for the conduct of such child care facilities, institutions, agencies, associations or organizations and may license such of these as conform to such standards. All regulations, enforcement actions, decisions, investigations and the like previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding passage of this subchapter.

31 Del.C. § 344

§ 344. Child care licenses; investigations; requirements

(a) No person may conduct child care, nor may any institution, agency, association or organization conduct child care, unless first having obtained a license from the Office of Child Care Licensing. Such license shall expire 1 year from the date it is issued unless renewed.

(b) In the case of a person conducting child care, no license shall be issued to such person until the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:

- (1) The good character and intention of the applicant or applicants;
- (2) That the individual home or facility meets the physical, social, moral, mental and educational needs of the average child;
- (3) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
- (4) That the required criminal background checks are completed and approved.

(c) In the case of an institution, agency, association or organization, no license shall be issued until the Office of Child Care Licensing has made a thorough investigation and has made a favorable determination of:

- (1) The good character and intention of the applicant or applicants;
- (2) The present and prospective need of the service rendered;
- (3) The employment of capable, trained and experienced workers;
- (4) Sufficient financial backing to ensure effective work;
- (5) The probability of the service being continued for a reasonable period of time;
- (6) Whether the methods used and disposition made of the children served will be to their best interests and that of society;
- (7) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
- (8) That the required criminal background checks are completed and approved.

(d) This section shall not apply to any institution, agency, association or organization under state ownership and

control, nor shall it apply to any maternity ward of a general hospital.

31 Del.C. § 345

§ 345. Penalties for violations

Anyone who violates a provision of this subchapter shall be fined not more than \$100 or imprisoned not more than 3 months, or both.

31 Del.C. § 346

§ 346. Provider Advisory Board; appointments; composition; terms; vacancies

Effective: July 27, 2012

(a) There is hereby established within the Office of Child Care Licensing, a Provider Advisory Board.

(b) The Board shall consist of 7 members, who are residents of this State, and are appointed by the Governor. The following shall be members of the Board:

(1) One provider from a family child care home from each of New Castle County, Kent County, and Sussex County;

(2) One director/owner of a private day care center from each of New Castle County, Kent County, and Sussex County; and

(3) One provider from a family child care home or 1 director/owner of a private day care center from the City of Wilmington.

Furthermore, at least 1 of the members of the Board appointed pursuant to this subsection (b) shall also be from a Boys and Girls Club within this State. For purposes of this subsection, a day care center at a Boys and Girls Club shall be considered a private day care center.

(c) The term of a Board member appointed by the Governor shall be 3 years and shall terminate upon the Governor's appointment of a new member to the Board. A Board member shall continue to serve until his or her successor is duly appointed but a holdover under this provision does not affect the expiration date of a succeeding term.

(d) In case of a vacancy on the Board before the expiration of a Board member's term, a successor shall be appointed by the Governor within 30 days of the vacancy for the remainder of the unexpired term.

(e) The Board shall elect 1 of its members as Chair to serve for a 1-year term and who shall be eligible for reelection.

(f) The Board shall meet at the call of the Chair but no fewer than 4 times a year.

31 Del.C. § 347

§ 347. Provider Advisory Board; powers and duties

Effective: July 25, 2011

The Board shall have the authority to serve in an advisory capacity to the Office of Child Care Licensing with regard to adopting, promulgating and amending such rules and regulations as are required to carry out this chapter with respect to early care and education and school-age centers.

31 Del.C. § 390

§ 390. Definition

As used in this subchapter:

“Child day-care center” means a facility designed and prescribed to meet the daily physical, mental and social needs of children from infancy through 6 years, who would be eligible to be served, in a consistent, wholesome and efficient manner.

31 Del.C. § 391

§ 391. Intent and purposes

The intent and purposes of this subchapter are to:

(1) Provide child day-care facilities available within this State so as to provide safe, adequate, economical care for children whose parents, guardians or custodians are employed or are seeking employment or are enrolled in training or education courses or where this service would contribute to the resolution of family problems;

(2) Secure by decentralized neighborhood management the highest attainable degree of assurance that each child day-care center will properly and economically meet the needs of those children who can make the best use of that service within their neighborhoods under supervision of the Division of Social Services consistent with the objectives in view.

31 Del.C. § 392

§ 392. General powers and duties of Division in respect to children in day-care centers

In order that the State may provide day-care facilities and services, the Division of Social Services shall:

(1) Establish and operate day-care centers;

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- (2) Charge such fees as it deems desirable, but such fees may be based on the ability of the parent, guardian or custodian of the child to pay;
- (3) Aid in the establishment of privately or publicly operated nonprofit child day-care centers by granting funds to private or public organizations agreeing to operate child day-care centers in accordance with standards set by the Division;
- (4) Pay all or part of the fees charged by the organizations established under paragraph (3) of this section for the care of children whose parent, guardian or custodian is financially unable to pay all or part of such fees;
- (5) Purchase day-care service from any child day-care center, whether profit or nonprofit, which shall provide such service in conformity with the requirements of this subchapter; and
- (6) Pay all or part of the fees for day-care service as is appropriate to the financial position of the parents, parent or guardian of such child.

31 Del.C. § 393

§ 393. Application for aid; requirements

Application for aid under this subchapter shall be made to the office of the Division of Social Services. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the Division of Social Services. Such application shall be made by the legally constituted body organized for the express purpose of the operational and managerial functions of child day-care centers and shall contain information as to the organizational structure, stated purposes and objectives of the organization and such other information as may be required by the Division of Social Services.

31 Del.C. § 394

§ 394. Investigation of applications

Whenever the Division of Social Services receives notification of an application for aid, an investigation shall be made by a member of the child care consultant staff of the Division of Social Services, and a record shall be made of the circumstances in order to ascertain the eligibility of the applicant organization.

31 Del.C. § 395

§ 395. Grant of aid; notification; payment

Upon the completion of the investigation, the Division of Social Services shall decide whether the organization is eligible for aid under the provisions of this subchapter and determine the amount of such aid and the date on which such aid shall begin. The Division of Social Services shall notify the applicant organization of its decision. Such aid shall be allocated and dispensed in a ratio to be determined by the Division of Social Services that recognizes degree of need in proportion to the most effective utilization of the available money.

31 Del.C. § 396

§ 396. Periodic reconsideration and changes in amount of aid

All grants made under this subchapter shall be reconsidered by the Division of Social Services as frequently as it may deem necessary but at least annually. The amount of aid may be changed or aid may be entirely withdrawn if the Division of Social Services finds that the delegated organization's program is inconsistent with the purposes and intent of this subchapter.

31 Del.C. § 397

§ 397. Federal financial participation

The State Treasurer shall receive all money paid to the State by the Secretary of the Treasury of the United States, on account of aid provided under this subchapter, and shall make payments from such moneys and moneys appropriated by any law of this State in accordance with this subchapter and under the United States Social Security Act [42 U.S.C. § 301 et seq.].

31 Del.C. § 398

§ 398. Inspection of child care facility records

(a) Each licensed child care facility shall provide to a prospective purchaser of care a written notice defined in subsection (c) of this section which details the purchaser's right to inspect, at any time, the active record and complaint files of any licensed child care facility. Such notice shall include, but not be limited to, the name of the contact person from the Office of Child Care Licensing, the address of the nearest location and telephone number. Such notice shall be provided as part of any application packet of materials that the facility provides to purchasers of care.

(b) Every child care facility shall obtain a statement, signed by the prospective purchaser of care, which attests to timely receipt of the notice provided for in subsection (a) of this section. The child care facility shall keep the signed statement on file.

(c) A standardized form of the notice and statement as defined in subsections (a) and (b) of this section respectively, shall be provided to each licensed facility by the Department of Services for Children, Youth and Their Families.

(d) By January 1, 2000, the Office of Child Care Licensing shall have available for public request a summary of each child care facility's records. Further, the public shall have access to child care information including a list of all child care facilities, licensed facilities, enforcement actions and agency contact persons via the Department of Services for Children, Youth and Their Families web site on the Internet.

(e) All requests to inspect these records shall be made in writing to the appropriate Office of Child Care Licensing. Individuals shall be allowed to inspect such records within 10 business days from the date the request is received.

(f) Failure of a child care facility to provide the notice required in subsection (a) of this section or obtain the statement required in subsection (b) of this section from any prospective purchaser shall be a violation of Delaware law, subject to a fine not more than \$100 for each violation and the total of such fines shall not exceed \$1,000 per calendar year. Justice of the Peace Courts shall have original jurisdiction of such offenses.

Delaware Code Annotated _Title 31. Welfare_Part I. In General_Chapter 3. Child Welfare_Subchapter I.
General Provisions

(g) For purposes of this subchapter, “child care facility” shall mean all licensed facilities within the State where care is provided for children ages birth through 12 years, excluding schools regulated under Title 14.