

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER NUMBER ONE HUNDRED AND TWELVE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES  
 RE: ABOLISHING THE DIVISION OF SOCIAL SERVICES AND  
 ESTABLISHING A DIVISION OF ECONOMIC SERVICES AND  
 A DIVISION OF CHILD PROTECTIVE SERVICES IN THE  
 DEPARTMENT OF HEALTH AND SOCIAL SERVICES

WHEREAS, the Division of Social Services, Department of Health and Social Services, provides and manages public assistance programs to help needy Delawareans, and is also responsible for providing protective and other child welfare services for abused, neglected and dependent children; and

WHEREAS, it is desirable that full-time, top-level management attention be given to each of these programs which help protect and preserve the health and welfare of Delaware residents; and

WHEREAS, the Secretary of the Department of Health and Social Services, with the approval of the Governor, has the authority to organize the Department into such Divisions or other units as will increase the effectiveness and efficiency with which its affairs are conducted and to establish, consolidate, abolish, transfer or combine the powers, duties and functions of Divisions under 31 Del. C. §106 and 29 Del. C. §7903(a)(7);

NOW, THEREFORE, I, PIERRE S. DU PONT, IV, in concurrence with the Secretary of Health and Social Services, and by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Effective April 2, 1982, the Division of Social Services, as described in 29 Del. C. §7911, is hereby abolished, pursuant to the authority granted under 29 Del. C. §7903(a)(7).

2. Effective April 2, 1982, a Division of Economic Services is hereby established pursuant to 29 Del. C. §7903(a)(7), having the following powers, duties and functions formerly held by the Division of Social Services:

- a. The Division of Economic Services shall be responsible for promoting the welfare of the people of Delaware by providing public assistance to needy, unemployable and distressed persons, in accordance with 31 Del. C. Ch. 5. It shall possess those responsibilities and powers given to the Division of Social Services by 31 Del. C. Ch. 5. In particular, the Division of Economic Services shall be responsible for administering Aid to Families with Dependent Children, General Assistance, Food Stamps, Title XIX (Medicaid), and the State supplement to the Federal Supplemental Security Income according to the requirements of State and Federal laws.
- b. The Division of Economic Services shall coordinate welfare programs and carry out other activities in the interest of more effectively understanding and making provision for the welfare needs in this state in accordance with 31 Del. C. §103.

- c. The Division of Economic Services shall administer work or training projects which will encourage the conservation of work skills, the development of new skills, and the achievement of gainful employment among recipients of welfare in accordance with 31 Del. C. Ch. 9.
- d. The Division of Economic Services shall assure the confidential character of public assistance records by adhering to the provisions of 31 Del. C. Ch. 11.
- e. The Division of Economic Services shall be responsible for burial of the indigent, in accordance with 31 Del. C. §110.
- f. The Division of Economic Services shall be responsible for determining eligibility of children for day care services and for purchasing such services for eligible children, in accordance with 31 Del. C. Ch. 3, Subchapter VI.
- g. The Division of Economic Services shall receive and review written applications for the sterilization of mentally defective persons in accordance with 16 Del. C. §5701 and §5702.

3. Effective April 2, 1982, a Division of Child Protective Services is hereby established pursuant to 29 Del. C. §7903(a)(7), having the following powers, duties and functions formerly held by the Division of Social Services:

- a. The Division of Child Protective Services shall provide child protective services for abused and neglected children in accordance with the provisions of 16 Del. C. Ch. 9 and shall assume all the powers and responsibilities granted to the Division of Social Services in that chapter. Reports of abused or neglected children shall be made to the Division of Child Protective Services pursuant to 16 Del. C. §§903 and 904. Whenever removal of the abused or neglected child appears necessary to the Division of Child Protective Services, that agency shall file a petition seeking such removal from the custody of the parent or guardian pursuant to 16 Del. C. §905. If the injury or abuse is so serious that criminal prosecution is indicated, the Division of Child Protective Services shall report its findings to the Department of Justice and the Family Court and/or the police pursuant to 16 Del. C. §905.
- b. The Division of Child Protective Services shall establish and maintain a registry of child protective information in accordance with 16 Del. C. §905.
- c. The Division of Child Protective Services shall be responsible for providing the child welfare services set forth in 31 Del. C. Ch. 3 with exception of Subchapter VI of that Chapter. These services shall include, but are not limited to: supervision, care, custody, board and placement of dependent children; establishment, either directly or under contract with other agencies, of homes or other facilities for the care of dependent, neglected or abused minor children;

- supervision of children placed in homes and agencies; and payment for placement of children.
- d. The Division of Child Protective Services shall be responsible for administering the licensing functions enumerated in 31 De1. C. §§341-344, for facilities which provide residential and day care services for children.
  - e. The Division of Child Protective Services shall be responsible for providing adoption services, and for licensing agencies which may provide such adoption services, in accordance with 13 De1. C. Ch. 9 and 11. The Division of Child Protective Services shall administer the adoption subsidy program for children with special needs.
  - f. The Division of Child Protective Services shall assure the confidential character of its records in accordance with 16 De1. C. §905.
  - g. The Division of Child Protective Services shall replace the Division of Social Services as the "placement agency" within the meaning of 31 De1. C. §3802 and shall be the agency reviewed by the Foster Care Review Board, in accordance with the provisions of 31 De1. C. Ch. 38.
  - h. The Division of Child Protective Services shall replace the Division of Social Services as the agency to be notified when a peace officer takes a dependent, neglected child into custody if that child has not committed a delinquent act within the meaning of 10 De1. C. §933.

4. Effective April 2, 1982, the Council on Family Services as set forth in 29 De1. C. §7912 shall serve in an advisory capacity to the Director of Child Protective Services and shall consider matters relating to child protective and child welfare services. The Council on Family Services shall adhere to all other duties and requirements as set forth in 29 De1. C. §7912.

5. Effective April 2, 1982, there is hereby established a Council on Economic Services. It shall serve in an advisory capacity to the Director of Economic Services and shall consider matters relating to programs of public assistance for the state and welfare services related to such programs. The Council shall also consider such other matters as may be referred to it by the Governor, the Secretary of the Department, or the Director of Economic Services. The Council may study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

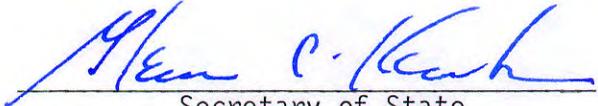
- a. The Council on Economic Services shall be composed of seven (7) members who shall be appointed for three (3) year terms by the Governor. At least three (3) but no more than four (4) members of the Council shall be affiliated with one of the major political parties, and at least two (2) but no more than three (3) of the members shall be affiliated with other major political parties. Any person who declines to announce his political affiliation shall be eligible for appointment as a member of the Council.
- b. A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

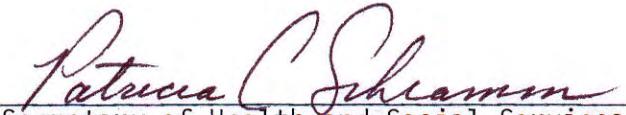
- c. Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term shall be filled for the remainder of that term.
- d. Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

APPROVED this 2nd day of April, 1982.

  
Governor

ATTEST:

  
Secretary of State

  
Secretary of Health and Social Services

