



Delaware House of Representatives 146th General Assembly

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BIPARTISAN BILL WOULD STRENGTHEN MISSING CHILD REPORTING LAWS

HB 256 sponsored by House Democratic and Republican leaders

DOVER – Responding to requests from constituents in the wake of a national controversy, House of Representatives leaders from both caucuses unveiled legislation Thursday that would tighten Delaware’s missing child laws.

Last year, many Americans closely followed the Florida murder trial of Casey Anthony, who was accused of killing her two-year-old daughter, Caylee. After Anthony was found “not guilty,” an online proposal began circulating that called for the creation of a new felony-level crime, dubbed “Caylee’s Law.” Members of the Delaware General Assembly received thousands of e-mails requesting that such a law be enacted.

The proposal sprung from testimony in the Anthony case. Two-year-old Caylee was last seen with her mother on June 16, 2008, but was not reported missing by her grandmother until July 15, 2008. Her body was discovered in December of that year not far from her home.

House Democratic and Republican leaders asked Attorney General Beau Biden to review existing state law and the “Caylee’s Law” proposal to determine whether the proposal was viable and how it potentially could fit into Delaware Code. Attorney General Biden wrote that Delaware law provides the authority to protect children, “including prosecuting parents for failing to report their missing child” to the authorities. But he suggested a small addition to clarify the parent’s reporting responsibility.

Sponsored by Democratic Reps. Robert F. Gilligan, Peter C. Schwartzkopf and Valerie J. Longhurst and Republican Reps. Gregory F. Lavelle and Gerald W. Hocker, House Bill 256 would ensure that when a person fails to report a missing child and the child

becomes neglected as a result of the failure to report, that person can be charged with the crime of endangering the welfare of a child.

“Legislators were flooded with calls from people who were horrified by the details of the Anthony trial,” said House Majority Leader Rep. Schwartzkopf, D-Rehoboth Beach, a retired state trooper who also followed the televised court proceedings. “It’s absolutely critical when you have a missing child situation that it is reported as quickly as possible to increase the chances of finding the child.

“That’s why both sides of the aisle have worked together on this issue. Protecting our children from harm is not a political issue; it’s a parental issue. We have worked together with the Attorney General’s Office to make sure there is no doubt that if a parent or guardian does not report a missing child, they will face consequences.”

“As a father myself, I cannot imagine any situation where a responsible parent would not promptly report the disappearance of his or her child,” said House Minority Leader Rep. Lavelle, R-Sharples. “Unlike the approach taken by some other states on Caylee’s Law we are not proposing a new section of Code, but rather modestly tweaking an existing law to efficiently accomplish the same objective.”

HB 256 adds “including failing to report a missing child” to the crime of endangering the welfare of a child, clearing up any ambiguity about whether a parent must report a missing child as soon as possible. Under Delaware law, endangering the welfare of a child ranges from a misdemeanor to a Class E felony, punishable by up to five years in prison, depending on whether the child is harmed or dies as a result of the neglect.

The bill has been assigned to the House Judiciary Committee

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