

CHAPTER 219
FORMERLY
HOUSE BILL NO. 248
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 16 AND 29 OF THE DELAWARE CODE RELATING TO THE CHILD PROTECTION SYSTEM.

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

Section 1. Amend Chapter 9, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 902. Definitions.

As used in this chapter:

(14) "Investigation Coordinator" shall mean a ~~Department employee, person appointed by the Secretary~~ employed by the Office of the Child Advocate, who is authorized to independently track each reported case of alleged child abuse or neglect within the Department's internal information system and who is responsible for monitoring each reported case involving the death of, serious physical injury to, or allegations of sexual abuse of a child from inception to final criminal and civil disposition.

§ 906. State response to reports of abuse or neglect.

(c)(1) In implementing the Investigation Coordinator's role in the child protection system, the Investigation Coordinator, or the Investigation Coordinator's ~~designee staff~~, shall:

a. Have electronic access and the authority to track within the Department's internal information system each reported case of alleged child abuse or neglect;

b. Monitor each case involving the death of, serious physical injury to, or allegations of sexual abuse of a child from inception to final criminal and civil disposition, and provide information ~~every 60 days as requested~~ on the status of each case to the Division, the Department, the Delaware Department of Justice, the Children's Advocacy Center, and the Office of Child Advocate;

c. Within 5 business days of the receipt of a report concerning allegations of child abuse or neglect by a person known to be licensed or certified by a Delaware agency or professional regulatory organization, forward a report of such allegations to the appropriate Delaware agency or professional regulatory organization;

d. Report every case involving the death or near death of a child due to abuse or neglect to the Child Protection Accountability Commission under 932(a) of this title and every case involving the death of a child to the Child Death Review Commission; and

e. Provide information to the Child Protection Accountability Commission ("CPAC"), as requested by CPAC, regarding the status, trends, and outcomes of any case or cases of child abuse or neglect that are reported to the Division. Reports to CPAC shall not disclose the identities of the child, alleged perpetrators, or others involved in the case or cases.

(2) All information and records received, prepared, or maintained by the Investigation Coordinator, or the Investigation Coordinator's ~~designee staff~~, are confidential and shall be exempt from the provisions of the Freedom of Information Act, Chapter 100 of Title 29. However, the disclosure of case specific data and information to the multidisciplinary team is authorized to ensure a comprehensive, integrated, multidisciplinary response to child abuse cases.

(3) The Investigation Coordinator, and the Investigation Coordinator's ~~designee staff~~, as state employees, are entitled to immunity in accordance with § 4001 of Title 10.

Section 2. Amend Chapter 90A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 9002A. Definitions.

For the purposes of this chapter, unless the context indicates differently:

(12) "Investigation Coordinator" is as defined in Section 902 of Title 16.

§ 9005A. Duties of the Child Advocate.

The Child Advocate shall perform the following duties:

(14) Hire the Investigation Coordinator and staff to assist the Investigation Coordinator in accomplishing the duties assigned in § 906 of Title 16, including contracts for services as necessary to accomplish its goals.

§ 9006A. Confidentiality.

(3) All information and records received, prepared or maintained by the Office pertaining to the duties of the Investigation Coordinator and its staff are confidential as set forth in § 906 of Title 16. All information and records received, prepared, or maintained pertaining to the duties of the Investigation Coordinator, as well as all access provided to obtain such records, shall not be used to perform any other duties of the Office unless otherwise permitted by law.

Approved April 20, 2016