

LAWS OF DELAWARE
VOLUME 84
CHAPTER 508
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 340

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FAMILY JUSTICE CENTERS.

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

Section 1. Amend Part VII, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 98. Family Justice Centers

§ 9801. Family Justice Centers; established.

(a) Family Justice Centers are hereby established and located within the Criminal Justice Council.

(b) The Family Justice Center Council established under § 9806 of this title must employ an Executive Director of the Family Justice Centers to carry out the mission of the Family Justice Centers. The Executive Director serves at the pleasure of the Council.

§ 9802. Definitions.

For the purposes of this chapter:

(1) "Abuse" means as defined in § 1041 of Title 10.

(2) "Council" means the Family Justice Center Council set forth in § 9806 of this chapter.

(3) "Domestic violence" means as defined in § 1041 of Title 10.

(4) "Executive Director" means the Executive Director of the Family Justice Centers.

(5) "Family Justice Center" means a multi-agency, multi-disciplinary service center that provides services to victims and survivors of domestic violence, abuse, sexual assault, stalking, or human trafficking in accordance with the mission set forth in § 9803 of this chapter.

(6) "Human trafficking" means as defined in § 787 of this title.

(7) "Sexual assault" means physical contact of a sexual nature perpetrated without consent or where consent is unable to be given.

(8) "Stalking" means a course of conduct directed at a specific person that would cause a reasonable person to fear physical injury to the person or to another person, or that would cause a reasonable person to suffer other significant mental anguish or distress.

(9) "Victim," "victim of crime," "survivor," or "survivor of crime" means an individual who was subjected to one or more instance of domestic violence, abuse, sexual assault, stalking, or human trafficking, whether or not the victim or survivor reported the offense to law enforcement and whether or not any alleged perpetrator was charged or convicted.

§ 9803. Mission.

Family Justice Centers provide multiagency and multidisciplinary support and services to victims or survivors of domestic violence, abuse, sexual assault, stalking, and human trafficking, to ensure that victims or survivors are able to access most or all needed services in one location in order to enhance victim safety, to increase offender accountability, and to reduce to a minimum the number of times a victim or survivor is questioned and examined and the number of places a victim must visit to receive assistance.

§ 9804. Executive Director; powers and duties.

(a) The Executive Director shall report to the Council. For matters involving anything that may affect the Criminal Justice Council's budget, the Executive Director shall also report to the Executive Director of the Criminal Justice Council. The Executive Director of the Criminal Justice Council has final approval over matters involving anything that may affect the Criminal Justice Council's budget.

(b) In pursuit of the mission of the Family Justice Centers, the Executive Director has the following powers and duties:

(1) Identify locations for the establishment of at least one Family Justice Center in each county based on need and access.

(2) Work with the Council and Criminal Justice Council to identify and secure funding for the establishment of Family Justice Centers in each county.

(3) Name or approve a name recommended by the Council for each Family Justice Center that is established.

(4) Develop policies and procedures, in collaboration with state, local, and community-based crime victim service providers and local survivors of violence and abuse, to ensure coordinated services are provided to victims and survivors of crime and to enhance the safety of victims, survivors, and professionals at the Family Justice Centers.

(5) Maintain a formal victim and survivor feedback, complaint, evaluation, and input process to address victim and survivor concerns about services provided or the conduct of any Family Justice Center professionals, agency partners, or volunteers providing services in the Family Justice Center.

(6) Employ, contract, or otherwise secure the assistance of such personnel and other service providers as are necessary to carry out the functions of this chapter, subject to the approval of the Council and within the limits of any funds secured by the Executive Director and any appropriation made by the General Assembly, including the following:

- a. Law enforcement personnel.
- b. Medical personnel.
- c. Attorneys.
- d. Systems-based victim services personnel.
- e. Domestic violence program advocates.
- f. Community-based rape crisis, domestic violence, and human trafficking advocates.
- g. Social service agency staff members.
- h. Family Court staff.
- i. Division of Family Services staff.
- j. Division of Public Health staff.
- k. Division of Social Services staff.
- l. Nonprofit agency counseling professionals.
- m. Civil legal service providers.
- n. Supervised volunteers from partner agencies.
- o. Other professionals providing services to victims and survivors.

(7) Create, maintain, and ensure compliance with the following:

- a. Policies and procedures pertaining to record confidentiality that incorporate all federal and state privacy laws.
- b. Policies and procedures pertaining to securing written consent from a victim or survivor for the collection and sharing of confidential records under § 9805 of this chapter.

(8) Develop, approve, and provide for an annual training program for service providers consisting of not less than 8 hours per year on subjects including, but not limited to, privileges and confidentiality, information sharing, risk assessment, safety planning, victim advocacy, and high-risk case response.

(9) Publish an annual report on the Family Justice Center website recapping the development of the Family Justice Centers as well as de-identified statistics and recommendations that include the following:

- a. The number of victims and survivors who received assistance, the number of children and other family members of victims and survivors who received assistance, and the number of victims, survivors, and children and other family members of victims and survivors who received assistance multiple times.
- b. The reasons that victims, survivors, and family members of victims and survivors requested assistance.
- c. Barriers, if any, encountered by victims, survivors, and family members of victims and survivors to receiving available services at a Family Justice Center, including actual or perceived barriers based on immigration status, criminal history, substance abuse or mental health issues, or privacy concerns.
- d. Recommendations of means to mitigate any identified barriers to accessing services and for improving the utilization rate of services.

§ 9805. Victims' rights; privacy.

(a) Nothing in this chapter is intended to or may be used to abrogate existing laws regarding privacy or information sharing. Family Justice Center staff members, volunteers, or other individuals given access to victims and survivors or given information pertaining to victims and survivors by a Family Justice Center shall comply with the laws governing their respective professions.

(b) Victims and survivors may not be denied services on the grounds of criminal history. No criminal history search may be conducted of a victim or survivor at a Family Justice Center by staff or a partnering service provider without the written consent of the victim or survivor, except if the staff or service provider is a law enforcement officer or other lawfully authorized individual conducting a criminal history search pursuant to a criminal investigation.

(c) Victims and survivors may not be required to participate in the criminal justice system or cooperate with law enforcement to receive counseling, medical care, or other services at a Family Justice Center.

(d) The Family Justice Centers must maintain a victim and survivor consent policy and remain in compliance with all state and federal laws protecting the confidentiality of the types of information and documents that may be in the file pertaining to a victim or survivor, including, but not limited to, medical, legal, and victim counselor records. Each Family Justice Center shall have a designated privacy officer to develop and oversee privacy policies and procedures consistent with state and federal privacy laws and the Fair Information Practice Principles promulgated by the United States Department of Homeland Security. At no time may a victim or survivor be required to sign a client consent form to share information to access services.

(e) Each Family Justice Center must obtain informed, written, and reasonably time-limited consent from a victim or survivor before sharing information obtained from the victim or survivor with any staff member or agency partner, except as follows:

(1) A Family Justice Center is not required to obtain consent from a victim or survivor before sharing information obtained from the victim or survivor with any staff member or agency partner if the person sharing the information is a mandated reporter, a peace officer, or a member of the prosecution team and is required to report or disclose specific information or incidents. These persons shall inform the victim that they may share information obtained from the victim or survivor without the consent of the victim or survivor.

(2) Family Justice Centers must inform the victim or survivor that information shared with staff members, partner agencies, or other service providers at a Family Justice Center may be shared with law enforcement professionals without the consent of the victim or survivor if there is a mandatory duty to report or if the victim or survivor is a danger to themselves or others. Family Justice Centers must obtain written acknowledgment that the victim or survivor has been informed of this policy.

(f) Consent by a victim or survivor for sharing information within a Family Justice Center or for a limited disclosure of information by a Family Justice Center made for the purpose of clinical assessment, risk assessment, safety planning, or service delivery is not and may not be construed as a universal waiver of any existing evidentiary privilege that makes confidential any communications or documents between the victim or survivor and any service provider, including, but not limited to, any lawyer, doctor, therapist, or nurse. Any oral or written communication or any document authorized by the victim or survivor to be shared for the purposes of enhancing safety and providing more effective and efficient services to the victim or survivor may not be disclosed to any third party, unless that third-party disclosure is authorized by the victim or survivor, or required by other state or federal law or by court order.

(g) An individual staff member, volunteer, other individual service provider, or agency that has victim or survivor information obtained as a result of the use of a Family Justice Center by the victim or survivor may not be required to disclose that information unless the victim or survivor has consented to the disclosure or it is otherwise required by State or federal law or by court order.

(h) Family Justice Center staff members, volunteers, agency professionals, and other service providers must attend a formal training program created or approved by the Executive Director or a person designated by the Executive Director consisting of not less than eight hours per year on subjects, including, but not limited to, privileges and confidentiality, information sharing, risk assessment, safety planning, victim advocacy, and high-risk case response.

§ 9806. Family Justice Center Council.

(a) The Family Justice Center Council is hereby established.

(b) The Family Justice Center Council has the powers and duties necessary to oversee and ensure the operation of Family Justice Centers.

(c) The Council consists of the following members:

(1) The Chief Judge of the Family Court, or the designee of the Chief Judge of the Family Court.

(2) One member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(3) One member of the Senate, appointed by the President Pro Tempore of the Senate.

(4) The Attorney General, or the designee of the Attorney General.

(5) The Child Advocate, or the designee of the Child Advocate.

(6) A representative of the law-enforcement community appointed by the Secretary of the Department of Safety and Homeland Security.

(7) The Secretary of the Department of Services for Children, Youth and Their Families, or the designee of the Secretary of the Department of Services for Children, Youth and Their Families.

(8) The Secretary of the Department of Health and Social Services, or the designee of the Secretary of the Department of Health and Social Services.

(9) The Secretary of the Department of Labor, or the designee of the Secretary of the Department of Labor.

(10) Ten at-large members who are selected by Council members under paragraphs (c)(1) through (c)(7) of this section. The Council members selecting the at-large members must consider geographic diversity and ensure representation of each county when selecting an at-large member. An at-large member is a full member of the Council. The at-large members must be comprised of the following:

a. One member representing advocates or advocacy agencies that work on behalf of victims and survivors of domestic violence.

b. One member representing advocates or advocacy agencies that work on behalf of victims and survivors of sexual assault.

c. One member representing advocates or advocacy agencies that work on behalf of victims and survivors of human trafficking.

d. One member representing advocates or advocacy agencies that work on behalf of child survivors.

e. One member representing a nonprofit agency that provides culturally or linguistically appropriate victim services.

f. One member representing the health care community including mental health providers and sexual assault nurse examiners.

g. One member representing legal service providers or legal advocates that work on behalf of victims and survivors.

h. One member of the public who is a survivor of domestic violence.

i. One member of the public who is a survivor of sexual assault.

j. One member of the public who is a survivor of human trafficking.

(d). The term of an at-large member selected by the Council is 3 years. An at-large member may be selected for a term of less than 3 years to ensure terms expire on a staggered basis. At-large members are eligible for re-selection.

(e) In case of a vacancy before the expiration of an at-large member's term, the Council shall select a successor within 60 days of the vacancy.

(f) A member may be removed by the Council if the member does not attend 2 or more consecutive Council meetings.

(g) The Council must meet at least 4 times per year. Nine members constitutes a quorum.

(h) The Chief Judge of the Family Court shall convene the initial meeting of the Council. At the initial meeting of the Council, a Chair and Vice Chair must be elected by the Council members. Thereafter, the Council shall elect a Chair and Vice Chair biennially, at the first meeting of the calendar year in odd-numbered years, to serve a 2-year term. The Vice Chair's duty shall be to act as Chair in the absence of the Chair.

(i) The Chair must convene and preside over meetings of the Council and prepare an agenda for meetings.

(j) The Council shall establish committees composed of Council members and other knowledgeable individuals, as it deems advisable, to assist in planning, policy, goal and priority recommendations and developing implementation plans to achieve the purposes of the Council.

(k) The Council shall promulgate rules of procedure governing its operations, provided that they are in accordance with Chapters 100 and 101 of Title 29.

(l) The Council shall submit a written report of its activities and recommendations to the Governor, the Chief Justice of the Supreme Court, the Clerk of the House, the Secretary of the Senate, and the Director and Librarian of the Division of Research at least once every year on or before October 15.

Section 2. This Act takes effect immediately and is to be implemented as funds, personnel, and physical space become available.

Approved October 25, 2024