

LAWS OF DELAWARE  
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CHAPTER 128  
153rd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 42

AN ACT TO AMEND TITLE 11, TITLE 16, AND TITLE 29 OF THE DELAWARE CODE RELATING TO HUMAN TRAFFICKING OF CHILDREN.

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

Section 1. Amend § 787, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 787. Trafficking an individual, forced labor and sexual servitude; class D felony; class C felony; class B felony; class A felony.

(k)(3) The Council shall do all of the following:

i. Receive quarterly updates and annual reports from the Child Protection Accountability Commission on the Commission's efforts regarding suspected human trafficking of a child.

Section 2. Amend § 901, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 901. Purpose.

The child welfare policy of this State ~~shall serve~~ serves to advance the best interests and secure the safety of the child, while preserving the family unit whenever the safety of the child is not jeopardized. The child welfare policy of this State extends to all child victims, whether victims of intrafamilial or extrafamilial child ~~abuse and neglect.~~ abuse, neglect, or human trafficking. To that end this chapter, among other things, does all of the following:

(1) Provides for comprehensive, multidisciplinary investigative and protective services for abused and neglected ~~children.~~ children and children who are victims of suspected human trafficking.

(2) Mandates that reports of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking be made to the appropriate authorities.

(3) Requires various agencies in Delaware's child protection system to work together to ensure the safety of children who are the subject of reports of ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking by conducting coordinated multidisciplinary investigations where required, judicial proceedings and family assessments, and by providing necessary services.

(4) Provides for the protection of children in facilities or organizations primarily concerned with child welfare and care that are required to be licensed under Delaware law by requiring the Delaware Department of Justice to notify any such facility where an employee of, or other person associated with, the facility has been charged with or convicted of an offense involving child sexual ~~abuse.~~ abuse, exploitation, or human trafficking.

~~This chapter also provides for the protection of children in facilities or organizations primarily concerned with child welfare and care that are required to be licensed under Delaware law by requiring the Delaware Department~~

of Justice to notify any such facility where an employee of, or other person associated with, the facility has been charged with or convicted of an offense involving child sexual abuse.

Section 3. Amend § 902, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 902. Definitions.

For purposes of As used in this chapter:

(22) “Investigation Coordinator” means an attorney licensed to practice law in this State 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~~ death of, serious physical injury to, sexual abuse of, or suspected human trafficking of a child from inception to final criminal and civil disposition.

(23) “Multidisciplinary case” means a comprehensive investigation by the multidisciplinary team for any child abuse or neglect report involving death, serious physical injury, physical injury, ~~human trafficking of a child,~~ suspected human trafficking, torture or sexual abuse, which if true, would constitute a criminal violation against a child, or an attempt to commit any such crime, even if no crime is ever charged.

(25) “Multidisciplinary tracking system” means an electronic system which the Investigation Coordinator utilizes to track and monitor each case involving the ~~death of, or serious injury to, a child, or allegations of sexual abuse of a child,~~ death, serious physical injury, sexual abuse, or suspected human trafficking of a child from inception to final criminal and civil disposition.

(29) “Report” means the communication of an allegation of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking to the Department pursuant to § 903 or § 905 of this title.

Section 4. Amend § 903, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 903. Reports required.

(a) Any person, agency, organization or entity who knows or in good faith suspects child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking shall make a report to the Department in accordance with § 904 of this title. While a person may also notify law enforcement for the purpose of rendering assistance to the child in question or investigating the cause of the child’s injuries or condition, the person is still required to report the suspected abuse to the Department.

Section 5. Amend § 904, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Nature and content of report; to whom made.

(a) A report of known or suspected child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking must be made orally by immediately contacting the Department’s report line for the following circumstances:

(1) Sexual ~~abuse, including human trafficking of a child,~~ abuse or suspected human trafficking where the alleged perpetrator has access to the alleged victim.

(b) A report of known or suspected child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking which does not meet the criteria in subsection (a) above, may be made orally or through the Department's online reporting portal.

(c) An individual with knowledge of child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking or knowledge that leads to a good faith suspicion of child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking may not rely on another individual who has less direct knowledge to call the aforementioned report line.

(d) When 2 or more persons have joint knowledge of a known or suspected instance of child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking, the report may be made by 1 person with joint knowledge who was selected by mutual agreement of those persons involved. The report must include all persons with joint knowledge of the known or suspected instance of child ~~abuse or neglect, including human trafficking of a child,~~ abuse, neglect, or human trafficking at the time the report is made. Any person who has knowledge that the individual who was originally designated to report has failed to do so shall immediately make the report required under § 903 of this title.

Section 6. Amend § 905, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 905. Telephone reports, Child Protection Registry and information.

(c) Every report of child ~~abuse or neglect, including suspected human trafficking of a child,~~ abuse, neglect, or suspected human trafficking made to the Department shall be entered in the Department's internal information system.

(e) All persons who are licensed through the Delaware Division of Professional Regulation and the Department of Education who report child ~~abuse or neglect under § 903 of this title, including suspected human trafficking,~~ abuse, neglect, or suspected human trafficking under § 903 of this title must provide their name and address upon making the report. While other reporters may remain anonymous, the Department shall in all cases, after obtaining relevant information regarding alleged ~~abuse or neglect, including suspected human trafficking,~~ abuse, neglect, or suspected human trafficking request the name and address of any person making a report.

(g) Upon receipt of a report of ~~death, serious physical injury or sexual abuse,~~ death, serious physical injury, sexual abuse, suspected human trafficking of a child, or any other report requested by the Investigation Coordinator, the Department shall notify the Investigation Coordinator of the report, in sufficient detail to permit the Investigation Coordinator to undertake the Investigation Coordinator's duties, as specified in § 906 of this title.

Section 7. Amend § 906, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 906. State response to reports of ~~abuse or neglect,~~ abuse, neglect, or suspected human trafficking of a child.

(a) The State's child protection system shall seek to promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments in response to reports of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child ~~abuse and neglect~~ abuse, neglect, and suspected human trafficking.

(b) It is the policy of this State that the investigation and disposition of cases involving child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking shall be conducted in a comprehensive, integrated, multidisciplinary manner that does all of the following:

(c)(1) In implementing the Investigation Coordinator's role in the child protection system, the Investigation Coordinator, or the Investigation Coordinator's staff, shall do all of the following:

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~~ abuse, neglect, or suspected human trafficking.

b. Monitor each case involving the ~~death of, serious physical injury to, or allegations of sexual abuse of a child~~ death of, serious physical injury to, sexual abuse of, or suspected human trafficking of a child from inception to final criminal and civil disposition, and provide information as requested on the status of each case to the Division, the Department, the Delaware Department of Justice, a 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~~ abuse, neglect, or suspected human trafficking 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~~ abuse, neglect, or suspected human trafficking to the Department of Justice and the Child Protection Accountability Commission under ~~§ 932(a)~~ §§ 932(a) and 932A(a) of this title and every case involving the death of a child to the Maternal and Child Death Review Commission.

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~~ abuse, neglect, or suspected human trafficking that are reported to the Department. Reports to CPAC may not disclose the identities of the child, alleged perpetrators, or others involved in the case or cases.

(d) In implementing law-enforcement's role in the child protection system, the law-enforcement agency investigating a report of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking shall do all of the following:

(1) Report every case of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking to the Department as required under § 903 of this title.

(3) Notify the Department of Justice upon receipt of a report of ~~death or serious physical injury of a child~~ death of, serious physical injury to, or suspected human trafficking of a child.

(6) Coordinate with the multidisciplinary team to secure forensic interviews and medical examinations, where applicable, and to conduct interviews while considering the criminal investigation together with the Department's statutory duties to promptly assess child safety. Absent good cause, children ages 3 through 12, ~~and all suspected child victims of human trafficking,~~ 12 must be interviewed in a children's advocacy center.

(e) In implementing the Department's role in the child protection system, the Department shall do all of the following:

(3) Conduct an investigation on a multidisciplinary case that involves intrafamilial or institutional child ~~abuse or neglect, human trafficking of a child,~~ abuse or neglect, suspected human trafficking of a child, or death of a child 3 years of age or less that appears to be sudden, unexpected, and unexplained. The Department may investigate any other report.

(5) Ensure that every case involving the death or near death of a child due to ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking is reported to the Child Protection Accountability Commission and every case involving the death of a child to the Maternal and Child Death Review Commission.

(6) Ensure that all cases involving allegations of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking by a person known to be licensed or certified by a Delaware agency or professional regulatory organization, have been reported to the appropriate Delaware agency or professional regulatory organization and the Investigation Coordinator in accordance with the provisions of this section.

(7) Have authority to secure a medical examination of a child, and any siblings or other children in the child's household without the consent of those responsible for the care, custody, and control of the child, if the child has been reported to be a victim of ~~abuse or neglect;~~ abuse, neglect, or suspected human trafficking; provided, that such case is classified as an investigation pursuant to paragraph (e)(3) of this section and the Director or the Director's designee gives prior authorization for such examination upon finding that such examination is necessary to protect the health and safety of the child. If such a medical examination is authorized under this section, the Department is authorized to transport the child to the medical examination. Medical examinations under this paragraph are covered under § 3557 of Title 18.

(21) Upon the receipt of a report concerning allegations of ~~abuse or neglect~~ child abuse, neglect, or suspected human trafficking against a person known by the Department to be licensed by any of the boards listed in § 8735 of Title 29, forward reports to the Division of Professional Regulation. For any entity the Department is notified of that is not included in § 8735 of Title 29, the Department shall forward a report of such allegations to the appropriate Delaware agency or professional regulatory organization.

(22) Coordinate with the multidisciplinary team to secure forensic interviews and medical examinations, where applicable, and to conduct interviews while considering the criminal investigation together with the Department's statutory duties to promptly assess child safety. Absent good cause, children ages 3 through 12, ~~and all suspected child victims of human trafficking,~~ 12 shall be interviewed in a children's advocacy center.

(f) In implementing the Department of Justice's role in the child protection system, the Department of Justice shall do all of the following:

(1) Report every case of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking to the Department under § 903 of this title.

(2) Ensure that every case involving the death or near death of a child due to ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking is reported to the Child Protection Accountability Commission and every case involving the death of a child to the Maternal and Child Death Review Commission.

(4) Ensure that all cases involving allegations of child ~~abuse or neglect~~ abuse, neglect, or suspected human trafficking by a person known to be licensed or certified by a Delaware agency or professional regulatory organization, have been reported to the appropriate Delaware agency or professional regulatory organization and the Investigation Coordinator in accordance with provisions of this section.

(h) If a criminal prosecution for abuse or neglect is initiated by the Department of Justice pursuant to a report under this chapter and incarceration of the person who is the subject of the report is ordered by the court, the Department of Justice shall keep the Department and the Investigation Coordinator informed of actions taken by the courts which result in the release of any such individual.

Section 8. Amend § 931, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 931. The Child Protection Accountability Commission.

(b) The Commission is designated as a “citizen review panel” as required under the federal Child Abuse Prevention and Treatment Act, 42 U.S.C. § 5106a(c) and the “state task force” as required under the federal Children’s Justice Act, 42 U.S.C. § 5106c(c). The Commission may delegate tasks to its committees, workgroups, and panels as necessary to accomplish its duties. The Commission’s purpose is to monitor Delaware’s child protection system to best ensure the health, safety, and well-being of Delaware’s abused, neglected, and dependent children. To that end, the Commission shall meet on a quarterly basis and shall:

(7) Investigate and review deaths or near deaths of abused or neglected ~~children solely~~ children, or suspected human trafficking of a child, for the purposes provided in § 932 or § 932A of this title.

(8) Coordinate with the Maternal and Child Death Review Commission to provide statistics and other necessary information to the Maternal and Child Death Review Commission related to the Commission’s investigation and review of deaths of abused or neglected children.

(9) Meet ~~annually~~ biennially with the Maternal and Child Death Review Commission to jointly discuss any findings or recommendations released to the public from reviews conducted under § 932 of this ~~title~~ title and § 323 of Title 31. This meeting shall be open to the public.

(11) Provide quarterly updates and annual reports to the Delaware Anti-Trafficking Action Council on the Commission’s efforts regarding suspected human trafficking of a child.

(c) The Child Advocate shall serve as the Executive Director of the Commission, and the Office of the Child Advocate shall provide staff support to the Commission. The Office of the Child Advocate shall assist the Commission in investigating and reviewing the deaths or near deaths of abused or neglected children under § 932 of this title or suspected human trafficking of children under § 932A of this title, and in administering scholarship funds, in addition

to performing any other duties assigned by the Commission. The Child Advocate shall hire employees or contract for services as necessary to assist the Commission in performing its duties under this subchapter, within the limitations of funds appropriated by the General Assembly or obtained from other sources.

Section 9. 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:

§ 932A. Investigation and review of suspected child victims of human trafficking.

(a) 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 victims of human trafficking shall report to the Commission, through the Office of the Child Advocate, a child who is suspected to be a victim of human trafficking.

(b) The Commission Chair shall appoint a committee to review each investigation under this section, which may be the same committee appointed under § 932 of this title, and a panel to conduct investigations on suspected child victims of human trafficking. The members of the committee and panel, together with staff, contractors, or volunteers designated to assist the committee and oversight team are considered agents of the Commission under § 935 of this title.

(c) Within 3 months of a report to the Commission under subsection (a) of this section, the panel appointed under subsection (b) of this section shall commence a review of the facts and circumstances of the suspected human trafficking of a child. Absent good cause, the review must conclude within 12 months.

(d) Notwithstanding a requirement of § 931(b) of this title to the contrary, the Commission shall, if necessary, make system-wide findings or recommendations arising from an investigation and review conducted under this section.

(1) The Commission shall provide its findings or recommendations, if any, to the Governor, the General Assembly, the Director and Librarian of the Division of Legislative Services, and the public within 20 days of the approval of the findings or recommendations made under this section.

(2) Summary information, a finding, or a recommendation released by the Commission under this subsection must comply with applicable state and federal confidentiality provisions, including those under § 934 of this title and § 9017(c) of Title 29.

(3) Notwithstanding a provision of this subchapter to the contrary, summary information, a finding, or a recommendation that the Commission releases under this subsection may not specifically identify an individual or nongovernmental agency, organization, or entity.

(4) In addition to the Commission's release of findings or recommendations, the Commission may release to the public summary information and findings resulting from reviews of suspected human trafficking of children. The Commission may release summary information only upon completion of the prosecution and only if the release complies with paragraph (d)(2) of this section.

(e) For purposes of this section, "completion of the prosecution" means the decision to file no information or seek no indictment, conviction or adjudication, acquittal, dismissal of an information or indictment by a court, the

conditional dismissal under a program established by Delaware law or a court, or the nolle prosequi of an information or indictment by the Attorney General.

Section 10. Amend § 933, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 933. Power and authority of investigations and reviews.

(a) In connection with any investigation and review conducted under § 931(b)(7) and (b)(8) of this title, the Commission, by and through its ~~staff, committee, and panel, committees, panels, staff, contractors, or volunteers,~~ has power and authority to do all of the following:

(1) Administer oaths and affirmations to any person related to the ~~death or near death~~ death, near death, or suspected human trafficking under review.

(2) Issue subpoenas to compel the attendance of witnesses whose testimony is related to the ~~death or near death~~ death, near death, or suspected human trafficking under review.

(3) Issue subpoenas to compel the production of records related to the ~~death or near death~~ death, near death, or suspected human trafficking under review.

(4) Identify findings and strengths impacting the multidisciplinary investigation, and provide best practices, guidance, and support to the multidisciplinary team performing the team's duties under this chapter.

Section 11. Amend § 934, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 934. Confidentiality of records related to investigations and reviews.

(a) The records of the ~~Commission, committee, panel, and its staff, contractors and volunteers,~~ Commission or the Commission's committees, panels, staff, contractors, or volunteers, including original documents and documents produced in the investigation and review process with regard to the facts and circumstances of each ~~death or near death,~~ death, near death or suspected human trafficking of a child, are confidential and may not be released to any person except as expressly provided by this subchapter. Such records may be used by the ~~Commission, committee, panel, and its staff, contractors and volunteers~~ Commission or the Commission's committees, panels, staff, contractors, or volunteers, only in the exercise of the proper functions of the Commission and its staff. Such records, together with the summary information, findings, and recommendations therefrom are not public records, are not available for Court subpoena or subject to discovery, are not admissible into evidence or otherwise in any civil, criminal, administrative, or judicial proceeding, and are not considered binding under claim or issue preclusion doctrines. Except where constitutional provisions require otherwise, statements, records, or information are not subject to any statute or rule that would require those statements, records, or information to be disclosed in the course of a civil, criminal, or administrative trial, or associated discovery. Aggregate statistical data compiled by the Commission or its staff, however, may be released at the discretion of the Commission or its staff.

Section 12. Amend § 935, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 935. Immunity from suit related to investigations and reviews.



(a) Members of the Commission and their agents or employees, including committee and panel members, contractors, and volunteers are not subject to, and are immune from, claims, suits, liability, damages, or any other recourse, civil or criminal, arising from or relating to any act, omission, proceeding, decision, determination, finding, or recommendation made in the performance of their duties under §§ ~~932 and 933~~ §§ 932, 932A, and 933 of this title. For the immunity provided by this subsection to apply, the members of the Commission or their agents or employees must have acted in good faith and without malice in carrying out the responsibilities, authority, duties, powers, and privileges of the offices conferred upon them by this subchapter or by any other provisions of the Delaware law, federal law or regulations, or duly adopted rules and regulations of the Commission. Complainants shall bear the burden of proving malice or a lack of good faith to defeat the immunity provided by this subsection.

Section 13. Amend § 9005A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9005A. Duties of the Child Advocate.

The Child Advocate shall perform the following duties:

(13) Provide staff support to the Commission, including assisting the Commission, its committees, and panels in investigating and reviewing the deaths or near deaths of abused or neglected children and suspected human trafficking of children and in administering scholarship funds.

(14) Hire employees or contract for services as necessary to assist the Commission, its committees, and panels in investigating and reviewing the deaths or near deaths of abused or neglected children and suspected human trafficking of children and performing its other duties under subchapter III, Chapter 9 of Title 16, within the limitations of funds appropriated by the General Assembly or obtained from other sources.

Approved August 12, 2025