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HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 181

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RESPONSES TO CHILD ABUSE AND NEGLECT.

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

1 Section 1. Amend § 901, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 901. Purpose.

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

8 (1) Provides for comprehensive, multidisciplinary investigative and protective services for abused and
9 neglected ~~children~~children.

10 (2) Mandates that reports of child abuse or neglect be made to the appropriate ~~authorities~~and authorities.

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

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

18 Section 2. Amend § 902, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
19 insertions as shown by underline as follows:

20 § 902. Definitions.

21 As used in this chapter:

- 22 (1) "Abuse" or "abused child" ~~is~~ means as defined in § 901 of Title 10.
- 23 (2) "Baby" ~~shall mean~~ means a child not more than 14 days old, except that for hospitals and their employees
24 and volunteers, "baby" ~~shall mean~~ means a child reasonably believed to be not more than 14 days old.
- 25 (3) "Child" ~~shall mean~~ means any person who has not reached that person's own eighteenth birthday.
- 26 (4) "Child Protection Registry" or "Registry" means a collection of information as described in subchapter II
27 of this chapter about persons who have been substantiated for abuse or neglect as provided in subchapter II of this
28 chapter or who were substantiated between August 1, 1994, and February 1, 2003.
- 29 (5) "Child welfare proceeding" means any Family Court proceeding and subsequent appeal therefrom
30 involving custody, visitation, guardianship, termination of parental rights, adoption or other related petitions that
31 involve a dependent, neglected or abused child or a child at risk of same as determined by the Family Court.
- 32 (6) "Children's advocacy center" means a child forensic interviewing center that employs best practices by
33 applying and adhering to nationally recognized standards, and assists in the response to multidisciplinary cases.
- 34 ~~(6)(7)~~ "Conviction" or "convicted" means entry of a plea of guilty or nolo contendere, regardless of whether
35 the plea was subsequently discharged or dismissed under the first offenders domestic violence diversion program
36 pursuant to § 1024 of Title 10, or under the first offenders controlled substances diversion program pursuant to § 4767
37 of this title, or of a Robinson plea, or of a probation before judgment discharge without judgment of conviction
38 notwithstanding the provisions of § 4218(g) of Title 11, or a finding of guilt after trial, or a finding of not guilty after
39 trial as a result of the defense of mental disease or defect pursuant to Title 11, or adjudication of delinquency for
40 conduct which if committed by an adult, would constitute a crime; or "conviction" or "convicted" under similar
41 proceedings of another state, territory or jurisdiction.
- 42 (8) "Death" means the loss of life of a child.
- 43 ~~(7)(9)~~ "Department" ~~shall mean~~ means the Department of Services for Children, Youth and Their Families.
- 44 ~~(8)(10)~~ "Director" ~~shall mean~~ means the Director of the Division of Family Services of the Department of
45 Services for Children, Youth and Their Families.
- 46 ~~(9)(11)~~ "Division" ~~shall mean~~ means the Division of Family Services of the Department of Services for
47 Children, Youth and Their Families.
- 48 (12) "Extrafamilial child abuse or neglect" means child abuse or neglect committed by an individual who is
49 not a member of the child's family or household, but does not include institutional child abuse or neglect.
- 50 ~~(10)(13)~~ "Family assessment and services" ~~shall mean~~ means a case management approach by the Division of
51 Family Services that provides for a prompt assessment of a child and the child's family and the circumstances of the

52 reported incident, ~~(including~~ including the known history of the child and/or the alleged perpetrator) perpetrator, when
53 there has been a report to the Division that the child was a victim of abuse or neglect, or at risk of maltreatment by a
54 person responsible for that child's care, custody or control. Family assessment and services shall be used in conjunction
55 with the investigation approach defined in paragraph ~~(13)~~(19) of this section but may not supplant it in circumstances
56 which require an investigation. The family assessment response shall focus on the integrity and preservation of the
57 family and shall assess the status of the child and the family in terms of the risk of abuse and neglect and, if necessary,
58 plan and provide for the provision of community-based services to reduce the risk and to otherwise support the family.

59 ~~(14)~~(14) "Good faith" shall be presumed in the absence of evidence of malice or wilful misconduct.

60 ~~(15)~~ "Human trafficking" means as defined in § 787 of Title 11.

61 ~~(16)~~ "Institutional child abuse or neglect" means as defined in § 901 of Title 10.

62 ~~(17)~~ "Intrafamilial child abuse or neglect" means as defined in § 901 of Title 10.

63 ~~(18)~~(18) "Internal information system" shall ~~mean~~ means a system of maintaining information related to all
64 reports of abuse, neglect, investigations, family assessments, services and other relevant information.

65 ~~(19)~~(19) "Investigation" shall ~~mean~~ means the collection of evidence in response to a report of abuse, neglect,
66 or risk of maltreatment by a person responsible for that child's care, custody or control in order to determine if a child
67 has been abused, neglected, or is at risk of maltreatment. The Division shall develop protocols for its investigations that
68 focus on ensuring the well-being and safety of the child. The Division may conduct an investigation in response to any
69 report of abuse, neglect, or risk of maltreatment but shall conduct an investigation as enumerated under § 906(e)(3) of
70 this title.

71 ~~(20)~~(20) "Investigation Coordinator" shall ~~mean a person~~ means an attorney licensed to practice law in this
72 State employed by the Office of the Child Advocate, who is authorized to independently track each reported case of
73 alleged child abuse or neglect within the Department's internal information system and who is responsible for
74 monitoring each reported case involving the death of, serious physical injury to, or allegations of sexual abuse of a
75 child from inception to final criminal and civil disposition.

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

80 ~~(22)~~ "Multidisciplinary team" means a combination of the following entities as required by law to investigate
81 or monitor multidisciplinary cases: the Division, the appropriate law enforcement agency, the Department of Justice,

82 and the Investigation Coordinator. "Multidisciplinary team" may also include others deemed necessary for an effective
83 multidisciplinary response, such as medical personnel, the Division of Forensic Science, a children's advocacy center,
84 the Division of Prevention and Behavioral Health Services, mental health experts, and the child's attorney.

85 ~~(15)~~(23) "Multidisciplinary tracking system" ~~shall mean~~means an electronic system which the Investigation
86 Coordinator utilizes to track and monitor each case involving the death of, or serious injury to, a child, or allegations of
87 sexual abuse of a child, from inception to final criminal and civil disposition.

88 ~~(16)~~(24) "Near death" means a child in serious or critical condition as a result of child abuse or neglect as
89 certified by a physician.

90 ~~(17)~~(25) "Neglect" ~~is means~~ as defined in § 901 of Title 10.

91 ~~(18)~~(26) "Physical injury" ~~is means~~ as defined in § ~~222-1100~~ of Title 11.

92 ~~(19)~~(27) "Report" ~~shall mean~~means the communication of an allegation of child abuse or neglect to the
93 Division pursuant to § 903 or § 905 of this ~~title;~~title.

94 ~~(20)~~(28) "Serious physical injury" ~~is means~~ as defined in § ~~222-1100~~ of Title 11.

95 ~~(21)~~(29) "Sexual abuse" ~~is means~~ as defined in § 901 of Title 10.

96 ~~(22)~~(30) "Special Investigator" ~~shall mean~~means a Division employee, appointed by the Secretary, who
97 performs abuse and neglect investigations and possesses additional qualifications and authority as defined by § 9016 of
98 Title 29.

99 ~~(23)~~(31) "Substantiation" means a finding by a preponderance of the evidence that abuse or neglect has
100 occurred.

101 ~~(24)~~(32) "Those responsible for the care, custody and control of the child" or "care, custody and control" ~~is~~
102 means as defined in § 901 of Title 10.

103 Section 3. Amend § 903, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
104 insertions as shown by underline as follows:

105 § 903. Reports required.

106 (a) Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall
107 make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be
108 limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine,
109 osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner,
110 hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu
111 of reporting to the Division of Family Services, any such person may also give oral or written notification of said

112 knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance
113 to the child in question or investigating the cause of the child's injuries or condition.

114 (b) The Division shall inform any person required to report under this section of the person's right to obtain
115 information concerning the disposition of the report. The Division shall make information on the general disposition of the
116 report available through the Division report line to any person required to report under this section.

117 Section 4. Amend § 904, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
118 insertions as shown by underline as follows:

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

120 (a) Any report of child abuse or neglect required to be made under this chapter shall~~must~~ be made by contacting
121 the Child Abuse and Neglect Report Line for the Department of Services for Children, Youth and Their Families. An
122 immediate oral report shall~~must~~ be made by telephone or otherwise. Reports and the contents thereof including a written
123 report, if requested, shall~~must~~ be made in accordance with the rules and regulations of the Division, or in accordance with
124 the rules and regulations adopted by the Division. ~~No~~An individual with knowledge of child abuse or neglect or knowledge
125 that leads to a good faith suspicion of child abuse or neglect shall~~may not~~ rely on another individual who has less direct
126 knowledge to call the aforementioned report line.

127 (b) When a written report is made by a person required to report under § 903 of this title, the Division shall contact the
128 person who made such report within 48 hours of the receipt of the report in order to ensure that full information has been
129 received and to obtain any additional information, including medical records, which may be relevant to the contents of the
130 report.

131 (c) When two or more persons who are required to report under § 903 of this title have joint knowledge of a
132 known or suspected instance of child abuse or neglect, the telephone report may be made by one person with joint
133 knowledge who was selected by mutual agreement of those persons involved. The report must include all persons with
134 joint knowledge of the known or suspected instance of child abuse or neglect at the time the report is made. Any person
135 who has knowledge that the individual who was originally designated to report has failed to do so shall immediately make
136 the report required under § 903 of this title.

137 Section 5. Amend § 905, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
138 insertions as shown by underline as follows:

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

140 (a) The Division shall establish and maintain a 24-hour statewide toll-free telephone report line operating at all
141 times and capable of receiving all reports of alleged abuse and neglect ~~as defined in § 901 of Title 10.~~

142 (b) The Division shall maintain a Child Protection Registry and an internal information system ~~as defined by § 902~~
143 ~~of this title. Reports unsubstantiated shall be kept~~ The Division shall keep unsubstantiated reports in the internal information
144 system ~~by the Division.~~

145 (c) Every report of child abuse or neglect made to the Division shall be entered in the Division's internal
146 information system ~~and each such report involving the death of, serious physical injury to, or allegations of sexual abuse of~~
147 ~~a child shall also be entered in the Department's multi-disciplinary tracking system.~~

148 (d) Upon receipt of a report on any multidisciplinary case, the Division shall notify the appropriate law
149 enforcement agency and shall provide a detailed description of the report received. Notwithstanding any provision of the
150 Delaware Code to the contrary, to the extent the law enforcement agency with primary jurisdiction over the case is unable
151 to assist, the primary law enforcement agency may request another law enforcement agency with jurisdiction to exercise
152 such jurisdiction. Upon request, the other law enforcement agency may exercise such jurisdiction.

153 ~~(d)~~(e) Although reports may be made anonymously, the Division shall in all cases, after obtaining relevant
154 information regarding alleged abuse or neglect, request the name and address of any person making a report.

155 ~~(e)~~(f) Upon receipt of a report, the Division shall immediately communicate such report to its appropriate Division
156 staff, after a check has been made with the internal information system to determine whether previous reports have been
157 made regarding actual or suspected abuse or neglect of the subject child, or any reports regarding any siblings, family
158 ~~members~~ members, or the alleged perpetrator, and such information as may be contained from such previous reports. Such
159 relevant information as may be contained in the internal information system ~~shall~~ must also be forwarded to the appropriate
160 Division staff.

161 ~~(f)~~(g) Upon receipt of a report of ~~child abuse or neglect~~ death, serious physical injury or sexual abuse, or any other
162 report requested by the Investigation Coordinator, the Division shall ~~immediately~~ notify the Investigation Coordinator of
163 the report, in sufficient detail to permit the Investigation Coordinator to undertake the Investigation Coordinator's duties, as
164 specified in § 906 of this title.

165 Section 6. Amend § 906, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
166 insertions as shown by underline as follows:

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

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

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

174 (1) Provides civil and criminal protections to the child and the ~~community~~community.

175 (2) Encourages the use of collaborative decision-making and case management to reduce the number of times
176 a child is interviewed and examined to minimize further trauma to the ~~child; and~~child.

177 (3) Provides safety and treatment for a child and his or her family by coordinating a therapeutic services
178 system.

179 (4) Requires a multidisciplinary team response for all multidisciplinary cases. The State, with assistance from
180 the Child Protection Accountability Commission, shall implement a Memorandum of Understanding among agencies
181 and entities to ensure implementation of the multidisciplinary response to such cases.

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

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

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

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

193 d. Report every case involving the death or near death of a child due to abuse or neglect to the
194 Department of Justice and the Child Protection Accountability Commission under § 932(a) of this title and every
195 case involving the death of a child to the Child Death Review ~~Commission~~ and Commission.

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

200 f. Participate as a member of the multidisciplinary team for cases outlined in paragraph(c)(1)b. of this
201 section, and keep the team regularly apprised of the status and findings of the Investigation Coordinator.

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

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

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

211 (1) Report every case of child abuse or neglect to the Division as required by § 903 of this ~~title;~~ and title.

212 (2) Provide information as necessary to the Investigation Coordinator to permit case tracking, ~~monitoring~~
213 and monitoring, and reporting by the Investigation Coordinator.

214 (3) Notify the Department of Justice upon receipt of a report of death or serious physical injury of a child.

215 (4) Notify the multidisciplinary team as to whether it will be exercising jurisdiction in the case, or will be
216 requesting another law enforcement agency with jurisdiction to exercise such jurisdiction. Upon request, the other law
217 enforcement agency may exercise such jurisdiction.

218 (5) Promptly conduct a criminal investigation for any multidisciplinary case.

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

223 (7) Participate as a member of the multidisciplinary team, and keep the team regularly apprised of the status
224 and findings of its investigation.

225 (8) Comply with the reporting requirements to the Board of Medical Licensure and Discipline under §
226 1731(b)(2) and § 1731A of Title 24, and to further report to the Board within 30 days of the closure of a criminal
227 investigation or the arrest of a person who is licensed to practice medicine under Chapter 17, Title 24.

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

229 (1) Receive and maintain reports pursuant to the provisions of §§ 903 and 905 of this ~~title;~~ title.

230 (2) Forward reports to the appropriate Division staff, who shall determine, through the use of protocols
231 developed by the Division, whether an investigation or the family assessment and services approach should be used to

232 respond to the allegation. The protocols for making this determination shall be developed by the Division and shall
233 give priority to ensuring the well-being and safety of the ~~child~~child.

234 (3) Conduct an investigation on a multidisciplinary case that involves intrafamilial or institutional child abuse
235 or neglect, human trafficking of a child, or death of a child 3 years of age or less that appears to be sudden, unexpected,
236 and unexplained. The Division may investigate any ~~report, other report, but shall conduct an investigation involving all~~
237 ~~reports, which if true, would constitute violations against a child by a person responsible for the care, custody and~~
238 ~~control of the child of any of the following provisions of § 603, § 604, § 611, § 612, § 613, § 621, § 625, § 626, § 631,~~
239 ~~§ 632, § 633, § 634, § 635, § 636, § 645, § 763, § 765, § 766, § 767, § 768, § 769, § 770, § 771, § 772, § 773, § 774, §~~
240 ~~775, § 776, § 777, § 780, § 782, § 783, § 783A, § 791, § 1100A, § 1101, § 1102, § 1107, § 1108, § 1109, § 1110, §~~
241 ~~1111, or § 1259 of Title 11, or an attempt to commit any such crimes. The Division staff shall also contact the~~
242 ~~Delaware Department of Justice and the appropriate law enforcement agency upon receipt of any report under this~~
243 ~~section and shall provide such agency with a detailed description of the report received. The appropriate law-~~
244 ~~enforcement agency shall assist the Division in the investigation or provide the Division, within a reasonable time, an~~
245 ~~explanation detailing the reasons why it is unable to assist. Notwithstanding any provision of the Delaware Code to the~~
246 ~~contrary, to the extent the law enforcement agency with jurisdiction over the case is unable to assist, the Division may~~
247 ~~request that the Delaware State Police exercise jurisdiction over the case and upon such request the Delaware State~~
248 ~~police may exercise such jurisdiction;~~

249 (4) ~~The assisting law enforcement agency shall promptly conduct its own criminal investigation, and keep the~~
250 ~~Division regularly apprised of the status and findings of its investigation. Law enforcement agencies and the Division~~
251 ~~shall develop protocols to ensure compliance with this subsection; [Repealed.]~~

252 (5) Ensure that every case involving the death or near death of a child due to abuse or neglect is reported to
253 the Child Protection Accountability Commission ~~under § 932(a) of this title~~ and every case involving the death of a
254 child to the Child Death Review ~~Commission; Commission.~~

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

259 (7) ~~The Division shall have~~Have authority to secure a medical examination of a child, and any siblings or
260 other children in the child's household without the consent of those responsible for the care, ~~eustody~~custody, and
261 control of the child, if the child has been reported to be a victim of abuse or neglect; provided, that such case is

262 classified as an investigation pursuant to paragraph (e)(3) of this section and the Director or the Director's designee
263 gives prior authorization for such examination upon finding that such examination is necessary to protect the health
264 and safety of the ~~child;~~child. If such a medical examination is authorized under this section, the Division is authorized
265 to transport the child to the medical examination. Medical examinations under this paragraph are covered under § 3557
266 of Title 18.

267 (8) ~~The investigation shall include, but need not be limited to,~~At a minimum, investigate the nature, ~~extent~~
268 ~~extent,~~ and cause of the abuse or ~~neglect, collection of evidence, the identity of the alleged perpetrator,~~neglect; collect
269 evidence; identify the alleged perpetrator; determine the names and condition of other children and adults in the
270 ~~home,~~home; assess the home environment, the relationship of the subject child to the parents or other persons
271 responsible for the child's care, and any indication of incidents of physical violence against any other household or
272 family ~~member,~~member; perform background checks on all adults in the ~~home, and the gathering of~~home; and gather
273 other pertinent ~~information;~~information.

274 (9) In the family assessment and services approach, assess service needs of the family from information
275 gathered from the family and other sources. The Division shall identify and provide for services for families where it is
276 determined that the child is at risk of abuse or neglect. The Division shall document its attempt to provide voluntary
277 services and the reasons these services are important to reduce the risk of future abuse or neglect. If the family refuses
278 to accept or avoids the proffered services, the Division may refer the case for investigation or terminate
279 ~~services;~~services.

280 (10) Commence an immediate investigation if at any time during the family assessment and services approach
281 the Division determines that an investigation as delineated in paragraph (e)(3) of this section is required or is otherwise
282 appropriate. The Division staff who have conducted the assessment may remain involved in the provision of services to
283 the child and ~~family;~~family.

284 (11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it
285 is determined that a complete investigation is not required. The reason for the termination of the investigative process
286 ~~shall must be documented;~~documented.

287 (12) Assist the child and family in obtaining services, if at any time during the investigation it is determined
288 that the child or any member of the family needs ~~services;~~services.

289 (13) Identify local services and ongoing medical needs, and assist with access to those services for children
290 and families where there is risk of abuse or ~~neglect;~~neglect.

291 (14) Update the internal information system at regular intervals during the course of the investigation. At the
292 conclusion of the investigation ~~or family assessment~~, the internal information system shall must be updated to include a
293 case finding;

294 (15) ~~When a written report is made by a person required to report under § 903 of this title, the Division shall~~
295 ~~contact the person who made such report within 48 hours of the receipt of the report in order to ensure that full~~
296 ~~information has been received and to obtain any additional information or medical records, or both, which may be~~
297 ~~pertinent; [Repealed.]~~

298 (16) Upon completion of an investigation or family assessment and services approach, if the Division suspects
299 that the report was made maliciously or for the purpose of harassment, the Division shall refer the report and any
300 evidence of malice or harassment to the appropriate law enforcement ~~agency;~~agency.

301 (17) ~~Multidisciplinary services shall be used whenever possible in conducting the investigation or family~~
302 ~~assessment and services approach, including the services of law enforcement agencies, the medical community, and~~
303 ~~other agencies, both public and private; [Repealed.]~~

304 (18) ~~A person required to report under § 903 of this title to the Division shall be informed by the Division of~~
305 ~~the person's right to obtain information concerning the disposition of the report. Such person shall receive, from the~~
306 ~~local office, if requested, information on the general disposition of the report at the conclusion of the investigation;~~
307 ~~[Repealed].~~

308 (19) ~~In any judicial proceeding involving the custody of child, the fact that a report has been made pursuant to~~
309 ~~§ 903 or § 905 of this title shall not be admissible unless offered by the Division as a party or as a friend of the Court or~~
310 ~~if the Division is a party. However, nothing herein shall prohibit the introduction of evidence from independent sources~~
311 ~~to support the allegations that may have caused a report to have been made; [Repealed].~~

312 (20) ~~To protect the privacy of the family and the child named in a report, the Division shall establish~~
313 ~~guidelines concerning the disclosure of information concerning the abuse and neglect involving a child. The Division~~
314 ~~may require persons to make written requests for access to records maintained by the Division. The Division shall only~~
315 ~~release information to persons who have a legitimate public safety need for such information or a need based on the~~
316 ~~health and safety of a child subject to abuse, neglect or the risk of maltreatment, and such information shall be used~~
317 ~~only for the purpose for which the information is released; and [Repealed.]~~

318 (21) Upon the receipt of a report concerning allegations of abuse or neglect against a person known by the
319 Division to be licensed by ~~any~~any of the boards listed in § 8735 of Title 29, forward reports to the Division of
320 Professional Regulation. For any entity the Division is notified of that is not included in § 8735 of Title 29, the

321 Division shall forward a report of such allegations to the appropriate Delaware agency or professional regulatory
322 organization.

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

327 (23) Participate as a member of the multidisciplinary team, and keep the team regularly apprised of the status
328 and findings of its investigation.

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

331 (1) Report every case of child abuse or neglect to the Division pursuant to § 903 of this ~~title;~~ title.

332 (2) Ensure that every case involving the death or near death of a child due to abuse or neglect is reported to
333 the Child Protection Accountability Commission ~~under 932(a) of this title~~ and every case involving the death of a child
334 to the Child Death Review ~~Commission;~~ Commission.

335 (3) Provide information as necessary to the Investigation Coordinator to permit case tracking, monitoring and
336 reporting by the Investigation ~~Coordinator;~~ and Coordinator.

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

341 (5) Participate as a member of the multidisciplinary team, and keep the team regularly apprised of the status
342 and findings of its prosecution.

343 (g)(1) ~~In the event that~~ If a criminal prosecution for child sexual abuse or exploitation or human trafficking of a
344 child is initiated by the ~~Delaware~~ Department of Justice against a person employed by or associated with a facility or
345 organization required to be licensed or whose staff personnel are required to be licensed under Delaware law whose
346 primary concern is that of child welfare and care, the ~~Delaware~~ Department of Justice shall notify such employer within 48
347 hours.

348 (2) Any violations of this subsection shall be dealt with administratively by the Attorney General and the
349 penalty provisions of § 914 of this title shall not apply hereto.

350 (h) ~~In the event that~~ If a criminal prosecution for abuse or neglect is initiated by the ~~Delaware~~ Department of
351 Justice pursuant to a report under this chapter and incarceration of the person who is the subject of the report is ordered by
352 the court, the ~~Delaware~~ Department of Justice shall keep the Division informed of actions taken by the courts which result
353 in the release of any such individual.

354 Section 7. Amend § 907, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
355 insertions as shown by underline as follows:

356 § 907. Temporary emergency protective custody.

357 (a) A police officer, nurse practitioner, or a physician who reasonably suspects that a child is in imminent danger
358 of suffering serious physical harm or a threat to life as a result of abuse or neglect and who reasonably suspects the harm or
359 threat to life may occur before the Family Court can issue a temporary protective custody order may take or retain
360 temporary emergency protective custody of the child without the consent of the child's parents, ~~guardian-guardian~~, or others
361 legally responsible for the child's care.

362 (b) Any person taking a child into temporary emergency protective custody under this section shall immediately
363 notify the Division, in the county in which the child is located, of the person's actions and make a reasonable attempt to
364 advise the parents, guardians, or others legally responsible for the child's care. ~~Such person shall also file, as soon as~~
365 ~~practicable but no later than 12 hours thereafter, a written statement with the Division which sets~~ In notifying the Division,
366 such person shall set forth the identity of the child and the facts and circumstances which gave such person reasonable
367 cause to believe that there was imminent danger of serious physical harm or threat to the life of the child. Upon notification
368 that a child has been taken into temporary emergency protective custody, the Division shall immediately respond in
369 accordance with § 906 of this title to secure the safety of the child which may include ex parte custody relief from the
370 Family Court if appropriate.

371 (c) Temporary emergency protective custody for purposes of this section ~~shall~~ may not exceed 4 hours and ~~shall~~
372 must cease upon the Division's response pursuant to subsection (b) of this section.

373 (d) For the purposes of this section, ~~temporary emergency protective custody shall mean~~ “temporary emergency
374 protective custody” means temporary placement within a hospital, medical ~~facility-facility~~, or such other suitable
375 placement; provided, however, that an abused or neglected child may not be detained in temporary custody in a secure
376 detention facility.

377 (e) A Division investigator conducting an investigation pursuant to § 906 of this title ~~shall have~~ has the same
378 authority as that granted to a police officer, nurse practitioner, or physician in ~~paragraph~~ subsection (a) of this section,
379 subject to all the same conditions as those listed in ~~paragraphs~~ subsections (a) through (d) of this section, provided that the

380 child in question is located at a school, day care ~~facility-facility~~, or child care facility at the time that the authority is initially
381 exercised. In no other case ~~shall~~may an employee of the Division exercise custody under this section.

382 Section 8. Amend § 908, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
383 insertions as shown by underline as follows:

384 § 908. Immunity from liability, and special reimbursement to hospitals for expenses related to certain babies.

385 (a) ~~Anyone~~Any person participating in good faith in the making of a report or notifying police officers pursuant to
386 ~~this chapter, chapter;~~ assisting in a multidisciplinary case as required by § 906(b)(4) of this title; performing a medical
387 examination without the consent of those responsible for the care, ~~custody-cusody~~, and control of a child pursuant to §
388 906(e)(7) of this ~~title, title;~~ or exercising emergency protective custody in compliance with § 907 of this ~~title, title~~shall
389 ~~have~~has immunity from any liability, civil or criminal, that might otherwise exist, and such immunity ~~shall extend~~extends
390 to participation in any judicial proceeding resulting from the above actions taken in good faith. This section ~~shall~~does not
391 limit the liability of any health care provider for personal injury claims due to medical negligence that occurs as a result of
392 any examination performed pursuant to ~~§ 906(e)(3) of this title~~this chapter.

393 (b) A hospital, hospital employee or hospital volunteer which accepts temporary emergency protective custody of
394 a baby pursuant to § 907A of this title is absolutely immune from civil and administrative liability for any act of
395 commission or omission in connection with the acceptance of that temporary emergency protective custody or the provision
396 of care for the baby when left at the hospital while said baby is in the hospital's temporary emergency protective custody
397 except for negligence or intentional acts. If a hospital accepts temporary emergency protective custody of a baby pursuant
398 to § 907A of this title, the State shall reimburse the hospital for eligible, medically necessary costs under the Medicaid Fee
399 for Service Program.

400 Section 9. Amend § 909, Title 16 of the Delaware Code by making deletions as shown by strikethrough and
401 insertions as shown by underline as follows:

402 § 909. Privileged communication not recognized; judicial proceedings; disclosure of information.

403 (a) No legally recognized privilege, except that between attorney and client and that between priest and penitent in
404 a sacramental confession, ~~shall apply~~applies to situations involving known or suspected child abuse, neglect, ~~exploitation~~
405 exploitation, or abandonment and ~~shall~~does not constitute grounds for failure to report as required by § 903 of this title or
406 to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

407 (b) In any judicial proceeding involving the custody of a child, the fact that a report has been made pursuant to § 903 or §
408 905 of this title is not be admissible unless offered by the Division as a party or as a friend of the Court. However, this

409 subsection does not prohibit the introduction of evidence from independent sources to support the allegations that may have
410 caused a report to have been made.

411 (c) To protect the privacy of the family and the child named in a report, the Division shall establish guidelines
412 concerning the disclosure of information concerning the abuse and neglect involving a child. The Division may require
413 persons to make written requests for access to records maintained by the Division. The Division may only release
414 information to persons who have a legitimate public safety need for such information or a need based on the health and
415 safety of a child subject to abuse, neglect or the risk of maltreatment, and such information may be used only for the
416 purpose for which the information is released.

SYNOPSIS

This Act makes updates to how reports of child abuse and neglect are handled by the various members of the multidisciplinary team. The Act codifies the multidisciplinary team and case. The Act adds additional duties to the Investigation Coordinator, law enforcement, the Department of Justice and the Division of Family Services that are current best practices but not required by law. The Act reorganizes the section pertaining to the Division of Family Services to reflect current best practices. The Act allows nurse practitioners to take emergency protective custody.

This Act also makes technical corrections to conform existing law to standards of the Delaware Legislative Drafting Manual.