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Sturgeon, Townsend; Reps. Baumbach, Bolden,
Briggs King, K. Johnson, Minor-Brown, Osinski

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 122

AN ACT TO AMEND TITLE 11, TITLE 16, AND TITLE 29 OF THE DELAWARE CODE RELATING TO
AUTHORIZED INFORMATION SHARING FOR CHILDREN.

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

1 Section 1. Amend § 4331, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4331. Presentence Investigation; victim impact statement.

4 (f) If a victim or other person identified in subsection (e) of this section is deceased; is a child; is under a mental,
5 physical or legal disability; or is otherwise unable to provide the information required under this section, such information
6 may be obtained from the personal representative, guardian, committee, family member, treatment professional, child
7 protection agency, Office of the Child Advocate, or such other involved state agency as the presentence officer may deem
8 necessary.

9 Section 2. Amend § 906, Title 16 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

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

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

14 g. Collaborate with the Office of Investigative Services during presentence investigations of defendants
15 convicted of felony child abuse, endangering the welfare of a child, or death of a child and comply with any
16 statutory mandates of the Office of Investigative Services under § 4331(e) and (f) of Title 11.

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

21 (2) Except as otherwise provided in this subsection, all information and records received, prepared, or maintained
22 by the Office of the Investigation Coordinator are confidential and exempt from the provisions of the Freedom of
23 Information Act, Chapter 100 of Title 29.

24 a. The disclosure of case specific data and information to the multidisciplinary team is authorized to
25 ensure a comprehensive, integrated, multidisciplinary response to child abuse cases.

26 b. The disclosure of case specific data and information to the Office of Investigative Services is
27 authorized during presentence investigations of defendants convicted of felony child abuse, endangering the
28 welfare of a child, or death of a child under § 4331 of Title 11.

29 Section 3. Amend § 9006A, Title 29 of the Delaware Code by making deletions as shown by strike through and
30 insertions as shown by underline as follows:

31 § 9006A. Confidentiality.

32 (5) Disclosure of case specific data and information to the Office of the Investigative Services for presentence
33 investigations under § 4331 of Title 11 is authorized.

SYNOPSIS

This Act authorizes the Office of the Child Advocate and Office of the Investigation Coordinator to provide child victim data and information to the Office of Investigative Services during presentence investigations of defendants convicted of felony child abuse, endangering the welfare of a child or death of a child.

Author: Senator Gay