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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 124

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

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

1 Section 1. Amend § 903, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 903. Reports required.

4 ~~(a) Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect, shall~~
5 ~~make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be~~
6 ~~limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine,~~
7 ~~osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner,~~
8 ~~hospital, health care institution, the Medical Society of Delaware or law enforcement agency. In addition to and not in lieu~~
9 ~~of reporting to the Department, any such person may also give oral or written notification of said knowledge or suspicion to~~
10 ~~any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or~~
11 ~~investigating the cause of the child's injuries or condition.~~

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

16 ~~(b) The Department shall inform any person required to report under this section of the person's right to obtain~~
17 ~~information concerning the disposition of the report. The Department shall make information on the general disposition of~~
18 ~~the report available through the Department report line to any person required to report under this section. the person who~~
19 made the report.

20 Section 2. Amend § 904, Title 16 of the Delaware Code by making deletions as shown by strike through and
21 insertions as shown by underline as follows:

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

23 (a) Any report of child abuse or neglect required to be made under this chapter must be made by contacting the
24 Child Abuse and Neglect Report Line for the Department of Services for Children, Youth and Their Families. An
25 immediate oral report must be made by telephone or otherwise. Reports and the contents thereof including a written report,
26 if requested, must be made in accordance with the rules and regulations of the Department. An individual with knowledge
27 of child abuse or neglect or knowledge that leads to a good faith suspicion of child abuse or neglect may not rely on another
28 individual who has less direct knowledge to call the aforementioned report line.

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

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

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

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

43 (2) Child death.

44 (3) A child with a current physical injury.

45 (4) A child who requires immediate medical attention or an immediate mental health evaluation.

46 (5) A child who has no caregiver, is currently unsupervised, or is living in conditions that are immediately
47 hazardous to the child's health or safety.

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

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

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

59 Section 3. Amend § 905, Title 16 of the Delaware Code by making deletions as shown by strike through and
60 insertions as shown by underline as follows:

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

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

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

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

SYNOPSIS

This Act clarifies when reports of child abuse or neglect, including suspected human trafficking of a child, are required to be made orally to the Department's report line and when they may be made via the Department's online reporting portal. This Act also clarifies that licensed professionals who make reports may not remain anonymous.

Author: Senator Gay