



SPONSOR: Rep. Lynn & Sen. Hoffner & Sen. Pinkney

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 240

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

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

1           Section 1. Amend Chapter 9, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 915. Notification of rights; investigations.

4           (a) Upon first contact with a person under investigation for abuse and neglect pursuant to § 906 of this chapter, the  
5     Department investigator shall notify the person under investigation of all the following:

6                 (1) A summary of the allegations against the person.

7                 (2) The right not to speak with any agent of the Department without legal counsel present, and that any  
8     statement made by the person may be used against the person in an administrative or court proceeding.

9                 (3) The right to refuse to allow the investigator to enter the home or interview the children without legal  
10    counsel present.

11                (4) The right to withhold consent to any medical or psychological examination of the child except as provided  
12    in § 906(e)(3) of this title.

13                (5) The right to refuse to submit to a drug test.

14                (6) The right to consult with legal counsel prior to agreeing to any proposed voluntary safety plan.

15           (b) The information required by subsection (a) shall be provided to the person under investigation orally and in  
16    writing. The written information shall be in a language that the person understands.

SYNOPSIS

This Act requires that parents and other persons under investigation for child abuse and neglect be given written and oral notice of the allegations made against them; the right to consult counsel prior to speaking with a DSCYF investigator; the right to refuse entry to the DSCYF investigator; the right to withhold consent to medical examinations of the children except as provided in Title 16, Section 906(e)(3); the right to refuse to submit to a drug test; and the right to consult legal counsel prior to signing a safety plan.