



SPONSOR: Rep. Schwartzkopf & Rep. Briggs King & Sen. Cook;
Reps. Atkins, Barbieri, Bennett, Brady, Carson, George,
Gilligan, Jaques, J. Johnson, Q. Johnson, Longhurst,
Mitchell, Keeley, Kowalko, Mulrooney, Plant, Schooley,
Scott, B. Short, Viola, Walls, D.E. Williams, D.P.
Williams, Cathcart, Hudson, Oberle, D. Short, Thornburg,
Blakey, Carey, Hocker, Kovach, Lee, Manolacos, Miro,
Outten, Ramone, Wilson; Sens. Blevins, Bunting,
Bushweller, DeLuca, Ennis, Hall-Long, Henry, Katz,
Marshall, McBride, McDowell, Peterson, Sokola,
Venables, Bonini, Booth, Cloutier, Connor, Simpson,
Sorenson

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 457

AN ACT TO AMEND TITLES 11, 24 AND 29 OF THE DELAWARE CODE RELATING TO TRAINING ON CHILD SEXUAL AND PHYSICAL ABUSE, EXPLOITATION AND DOMESTIC VIOLENCE AND THE MANDATORY REPORTING THEREOF.

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

1 Section 1. Amend § 1720(b)(4), Title 24 of the Delaware Code by striking the word "or" at the end of subsection
2 h. and by inserting a new subsection j. as follows:

3 "j. Has reviewed and acknowledges his or her duties to report unprofessional conduct under the Medical Practice
4 Act and to report child abuse or neglect under section 903 of Title 16, or any successors thereto."

5 Section 2. Amend § 1723(c), Title 24 of the Delaware Code by adding a sentence at the end of the subsection
6 following "in a timely manner." as follows:

7 "The procedure must also include evidence of completion of training on the recognition of child sexual and
8 physical abuse, exploitation and domestic violence, and the reporting obligations under the Medical Practice Act and
9 section 903 of Title 16, and any successors thereto, and any other mandatory reporting obligations required by the Board.
10 Such trainings shall be coordinated under sections 911 and 912(b)(4) of Title 16 to ensure consistent trainings across
11 disciplines."

12 Section 3. Amend § 8404(a), Title 11 of the Delaware Code by striking the "." at the end of subsections (17) and
13 (18), and substituting "; " in lieu thereof, and creating a new subsection (19) as follows:

14 "(19) Mandate training for all persons seeking permanent or seasonal appointment as a police officer in the
15 detection, prosecution and prevention of child sexual and physical abuse, exploitation and domestic violence, and the
16 obligations imposed by Delaware law, including section 903 of title 16, and federal law in the prompt reporting thereof.

Such training shall be coordinated under sections 911 and 912(b)(4) of Title 16 to ensure consistent trainings across disciplines."

Section 4. Amend § 2511, Title 29 of the Delaware Code by adding a new sub-section (a)(3) as follows:

"(3) As a condition of retaining the tenure rights conferred by this section, every Deputy Attorney General within the Criminal and Family Divisions shall be required to attend and complete at least 4 hours every three years of training on the subjects of child sexual and physical abuse, exploitation and domestic violence. Such training shall be conducted by the National College of District Attorneys, coordinated with the training available pursuant to sections 911 and 912(b)(4) of Title 16, or otherwise performed by any other appropriate organization approved by the Attorney General. Such training shall also include the mandatory reporting obligations imposed by Delaware law, including reporting under the Medical Practice Act and section 903 of Title 16, and federal law in the reporting of child sexual and physical abuse. The failure to complete such training shall be a forfeiture of the rights conferred by this section."

Section 5. This act shall be effective on August 1, 2010.

SYNOPSIS

This act implements several recommendations made by Dean Linda Ammons and the Delaware Department of Justice concerning additional training for the medical community and law enforcement on the prevention of child sexual and physical abuse and mandatory reporting obligations.

Sections 1 and 2 require that new physicians swear that they have reviewed and acknowledged their duty to report unprofessional conduct to the Board, and training on child abuse and related issues would be required as part of the renewal process.

Section 3 empowers the Council on Police Training to adopt mandatory training for all police officers in the detection, prosecution and prevention of child sexual and physical abuse, exploitation and domestic violence, and on the reporting thereof.

Section 4 builds upon the training obligations currently required for certain deputy attorneys general in the Department of Justice by requiring that attorneys in the Criminal and Family Divisions receive additional training on child sexual and physical abuse, exploitation and domestic violence.