



SPONSOR: Rep. Bolden & Sen. Henry
Reps. Keeley, Lynn; Sens. Ennis, Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 158

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE REPORTING OF ABUSE AND
NEGLECT OF AN ADULT PERSON WHO IS IMPAIRED OR INCAPACITATED.

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

1 Section 1. Amend § 3910, Title 31 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 (a) Any person or entity having reasonable cause to believe that an adult person is impaired or incapacitated as
4 defined in § 3902 of this title and is in need of protective services as defined in § 3904 of this title shall report such
5 information to the Department of Health and Social Services in the manner and format published by the Department.

6 (c) ~~Unless a hold is requested by the Department or the Delaware Department of Justice, a~~ A financial institution
7 is not required to hold a transaction when provided with information alleging that financial exploitation may have occurred,
8 may have been attempted, or is being attempted, but may use its discretion to determine whether or not to refuse to hold a
9 transaction based on the information available to the financial institution.

10 (g) Any person or entity that knows or in good faith suspects that an adult person is impaired or incapacitated as
11 defined in § 3902 of this title and is in need of protective services as defined in § 3904 of this title and does not report such
12 information to the Department of Health and Social Services in the manner and format published by the Department shall
13 be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent
14 violation. In any action brought under paragraph (a) of this section, if the court finds a violation, the court may award costs
15 and attorney's fees.

SYNOPSIS

This Bill creates penalties for the failure to report a reasonable cause to believe that an adult person who is impaired or incapacitated is in need of protective services. The penalties are intended to match those that are currently in place for the failure to report the suspected abuse of a child, as outlined in Section 903 of Title 16 of the Delaware Code.