

Mandatory Reporting Requirements: Children Delaware

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Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report. <ul style="list-style-type: none"> • For purposes of this section, “person” shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law enforcement agency. • Note: The Delaware Attorney General has indicated that this provision refers to <i>any</i> other person with knowledge, suggesting that everyone is a potential mandated reporter. <ul style="list-style-type: none"> • However, a Delaware state court decision suggested that only those enumerated positions above are mandatory reporters. <i>See Hedrick v. Quest Diagnostics Clinical Labs.</i>, 807 A.2d 584, 589-90 (Del. Super. 2002). • Because the law is unclear on this issue, everyone should report all instances of suspected child abuse or neglect to avoid any criminal or civil liability. • No individual with knowledge of child abuse or neglect or knowledge that leads to a good-faith suspicion of child abuse or neglect shall rely on another individual who has less direct knowledge to call the below-referenced report line.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When any person, agency, organization, or entity who knows or in good faith suspects child abuse or neglect. <p>Where does it go?</p> <ul style="list-style-type: none"> • Any report of child abuse or neglect required to be made shall be made by contacting the Child Abuse and Neglect Report Line for the Department of Services for Children, Youth and Their Families: <ul style="list-style-type: none"> • By calling the 24-hour Child Abuse and Neglect hotline at 1-800-292-9582; or • Through the online reporting system at http://kids.delaware.gov/fs/fs_iseethesigns.shtml. • Reports can also be made to law enforcement, though not in lieu of the report made to the Division.
What definitions are important to know?	<ul style="list-style-type: none"> • “Abuse” occurs when a person causes or inflicts sexual abuse on a child or has care, custody or control of a child, and causes or inflicts physical injury through unjustified force, emotional abuse, torture, exploitation, or maltreatment or mistreatment. • “Child” means any person under 18 years of age. • “Exploitation” means taking advantage of a child for unlawful or unjustifiable personal or sexual gain.

	<ul style="list-style-type: none"> • “Neglect” occurs when a person: <ul style="list-style-type: none"> • Is responsible for the care, custody and/or control of a child, and has the ability and financial means to provide for the care of the child, and: <ul style="list-style-type: none"> • Fails to provide necessary care with regard to: food, clothing, shelter, education, health, medical or other necessary care; or • Chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child’s ability to receive necessary care; or • Fails to provide necessary supervision appropriate for a child when the child is unable to care for that child’s own basic needs or safety, after considering such factors as the child’s age, mental ability, physical condition, the length of the caretaker’s absence and the context of the child’s environment. • “Sexual Abuse” means any act against a child that is described as a sex offense including indecent exposure, incest, unlawful sexual contact, rape, sexual extortion, bestiality, sexual abuse of a child by a person in a position of trust, female genital mutilation, kidnapping with intent to sexually abuse, or relating to sexual trafficking.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • An oral report shall be made immediately and can be made through the 24-hour statewide toll-free hotline (1-800-292-9582) or the online reporting system at http://kids.delaware.gov/fs/fs_iseethesigns.shtml. • A written report must be made if requested.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division of Child Protective Services. • The Division’s reporting form (available at: http://kids.delaware.gov/fs/fs_cai.shtml) requires the following information: <ul style="list-style-type: none"> • Child’s name, address, date of birth/age, race, and sex; • The name, address, date of birth/age, race, and sex of the child’s parents or custodians; • Languages spoken by the child and the parents or custodians; • Disabilities of the child and the parents or custodians; • A description of the child’s current injuries and reasons for suspecting abuse or neglect; and • Any evidence of prior abuse or neglect. • Reports may be made anonymously, although the Division of Family Services shall request the name and address of any person making a report.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • A mandated reporter who fails to report shall be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent violation. • No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child. • When two or more persons who are required to report have joint knowledge of a known or suspected instance of child abuse or neglect, the telephone report may be made by one person with joint knowledge who was selected by mutual agreement of those persons involved. The report must include all persons with joint knowledge of the known or suspected instance of child abuse or neglect at the time

	the report is made. Any person who has knowledge that the individual who was originally designated to report has failed to do so shall immediately make the required report.
Statutory citation(s):	<ul style="list-style-type: none">• Delaware Child Abuse Prevention and Treatment Act, Del. Code Ann. tit. 16 §§ 901 <i>et seq.</i>• Del. Op. Att'y Gen. 3W-025.