

# Mandatory Reporting Requirements: Children Delaware

*Last Updated: April 2023*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect, including human trafficking of a child, shall make a report. 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.</li> <li>• 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. 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).</li> <li>• A social worker may not disclose any information acquired from a person consulting the social worker in a professional capacity except:               <ul style="list-style-type: none"> <li>• With the written consent of the person or, in the case of death or disability, the written consent of the person’s personal representative.</li> <li>• A social worker is not required to treat as confidential a communication that reveals the planning of any violent crime or act.</li> <li>• A social worker who knows or reasonably suspects child abuse or neglect must report to the Department of Services for Children, Youth and Their Families.</li> <li>• If the person waives the privilege by bringing charges against the licensed social worker.</li> </ul> </li> <li>• 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.</li> <li>• 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.</li> </ul>
When is a report required and where does it go?	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• Knowledge of or good faith suspicion of child abuse or neglect.</li> </ul> <p><b>Where does it go?</b></p> <ul style="list-style-type: none"> <li>• 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"> <li>• By calling the 24-hour Child Abuse and Neglect hotline at 1-800-292-9582; or</li> <li>• Through the online reporting system at <a href="http://kids.delaware.gov/fs/fs_iseethesigns.shtml">http://kids.delaware.gov/fs/fs_iseethesigns.shtml</a>.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Reports can also be made to law enforcement, though not in lieu of the report made to the Department of Services for Children, Youth and Their Families.</li> </ul>
<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> <li>• <b>“Abuse”</b> occurs when a person: <ul style="list-style-type: none"> <li>• Causes or inflicts sexual abuse on a child; or</li> <li>• Has care, custody or control of a child, and causes or inflicts physical injury through unjustified force as defined in § 468 of Title 11, emotional abuse, torture, exploitation, or maltreatment or mistreatment.</li> </ul> </li> <li>• <b>“Child”</b> means any person under 18 years of age.</li> <li>• <b>“Exploitation”</b> means taking advantage of a child for unlawful or unjustifiable personal or sexual gain.</li> <li>• <b>“Mistreatment or Maltreatment”</b> means those behaviors that inflict unnecessary or unjustifiable pain or suffering on a child without causing physical injury. Behaviors included will consist of actions and omissions, ones that are intentional and ones that are unintentional.</li> <li>• <b>“Neglect”</b> occurs when a person: <ul style="list-style-type: none"> <li>• 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"> <li>• Fails to provide necessary care with regard to: food, clothing, shelter, education, health, medical or other necessary care; or</li> <li>• 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</li> <li>• 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.</li> </ul> </li> </ul> </li> </ul>
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• 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 <a href="http://kids.delaware.gov/fs/fs_iseethesigns.shtml">http://kids.delaware.gov/fs/fs_iseethesigns.shtml</a>.</li> <li>• A written report must be made if requested.</li> </ul>
<p>What information must a report include?</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The Report Line requires the following information: (available at: <a href="https://kids.delaware.gov/pdfs/ists_MakingaReportforSuspectedChildAbuse.pdf">https://kids.delaware.gov/pdfs/ists_MakingaReportforSuspectedChildAbuse.pdf</a>, and also at <a href="https://kids.delaware.gov/pdfs/broch_GuideReportChildAbuseNeglect.pdf">https://kids.delaware.gov/pdfs/broch_GuideReportChildAbuseNeglect.pdf</a>) <ul style="list-style-type: none"> <li>• Demographics (Child’s name, address, age (date of birth, if possible), race, and gender of the child);</li> <li>• Known information about the parents or siblings (the names of the parents/caretakers if available, address, phone numbers, and/or directions to the family’s home or location of the child, date of birth/age, race, and sex of the child’s parents or custodians);</li> <li>• Known information about the alleged child victim’s physical health, mental health, educational issues or parents or siblings;</li> <li>• A description of the suspected abuse or neglect (child’s current injuries) or why the child is at risk of</li> </ul> </li> </ul>

	<p>child abuse or neglect. The current condition of the child;</p> <ul style="list-style-type: none"> <li>• The names and contact information for every person who has information regarding the incident;</li> <li>• Any other pertinent information which may assist in determining abuse or neglect.</li> </ul> <p>• Reports may be made anonymously, although the Division of Family Services shall request the name and address of any person making a report.</p>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• Anyone participating in good faith in the making of a report or notifying police officers pursuant to reports or investigations of child abuse or neglect, has immunity from any liability, civil or criminal, that might otherwise exist, and such immunity extends to participation in any judicial proceeding resulting from the above actions taken in good faith, as follows: <ul style="list-style-type: none"> <li>• Assisting in a multidisciplinary case as required by § 906(b)(4);</li> <li>• Performing a medical examination without the consent of those responsible for the care, custody and control of a child pursuant to § 906(e);</li> <li>• Exercising emergency protective custody in compliance with § 907.</li> </ul> </li> </ul> <p>This section, however, does not limit the liability of any health-care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to this chapter.</p> <ul style="list-style-type: none"> <li>• A police officer, nurse practitioner, or a physician who reasonably suspects that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect and who reasonably suspects the harm or threat to life may occur before the Family Court can issue a temporary protective custody order may take or retain temporary emergency protective custody of the child without the consent of the child's parents, guardian, or others legally responsible for the child's care.</li> <li>• 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. In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees.</li> <li>• 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.</li> <li>• When two or more persons have joint knowledge of a known or suspected instance of child abuse or neglect, including human trafficking of a child, the 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, including human trafficking of a child, 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 report.</li> <li>• All public and private providers contracting with the Department of Education pursuant to this section shall ensure that each and every employee receives a minimum of 1 hour of training every year in the detection and reporting of child abuse. Such training, and all materials used in such training, shall be prepared by the Division of Family Services.</li> </ul>
<p>Statutory citation(s):</p>	<p>Delaware Child Abuse Prevention and Treatment Act, Del. Code Ann. tit. 14 § 3001; tit. 16 §§ 901 <i>et seq.</i>; Del. Op. Att'y Gen. 3W-025.</p>

