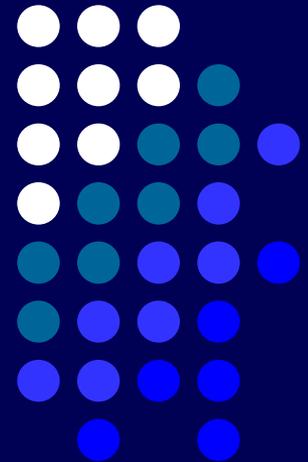


2011 Changes to Mandated Reporting Requirements

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Purpose of this Training

- ✦ Provide information on mandating reporting
- ✦ To keep you up to date with your roles, responsibilities and changes in the law and possible preventive measures you can take to protect yourselves as well as the children and families you serve
- ✦ To hear concerns, answer questions, and develop ways to work together to better protect children.



Mandated Reporters

Section 17a-101 of the Connecticut General Statutes was amended by Public Act 11-93 to address a number of issues raised in a report on investigations of child abuse and neglect in public schools prepared by the Office of the Child Advocate and the Office of the Attorney General



P.A. 11-93

Among the problems identified in the report were:

- Lack of training for mandated reporters
- Uncertainty as to who is a mandated reporter in the schools
- Lack of mandated reporter policies in schools
- Lack of clarity regarding prosecution of mandated reporters who fail to report or delay reporting



Problems (cont.)

- Lack of clarity regarding how abuse/neglect is investigated
- Need to notify districts and SDE about the results of a DCF investigation
- Poor information sharing among school districts, SDE and DCF
- Inconsistent use of background checks



P.A. 11-93

The public act addressed all of these issues

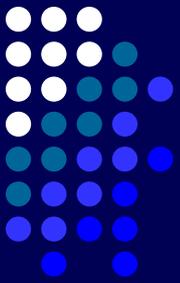
- DCF and districts must train all mandated reporters and provide refresher training every three years
- Definition of school employee expanded
- DCF, SDE and CABE developed model mandated reporter policy
- DCF must notify Chief State's Attorney of failed or delayed reporting by mandated reporter



P.A. 11-93

- Schools must give priority to DCF and law enforcement in investigations of child abuse/neglect in the schools
- DCF to notify SDE and districts when school employee is found to have caused child abuse or neglect
- Schools must share information with DCF investigators, including information in school employee's personnel file
- Districts must obtain criminal and DCF background checks for all employees

Mandated Reporting



This brief presentation will highlight changes to mandated reporting under the new law

Who Must Report



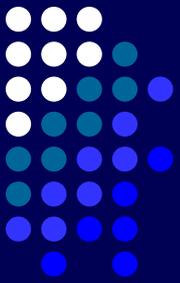
Connecticut General Statutes § 17a-101 identifies professionals who, because their work involves regular contact with children, are mandated by law to report suspected child abuse and neglect.

Who Must Report



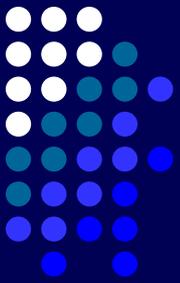
- Any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home which is licensed by the State.
- Battered Women's Counselors
- Chiropractors
- Dental Hygienists
- Dentists
- Department of Children and Families Employees
- Department of Public Health employees responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps.
- Judicial Employees
- Licensed/Certified Alcohol and Drug Counselors
- Licensed/Certified Emergency Medical Services Providers
- Licensed Foster Parents
- Licensed Marital and Family Therapists
- Licensed or Unlicensed Resident Interns
- Licensed or Unlicensed Resident Physicians
- Licensed Physicians
- Licensed Practical Nurses
- Licensed Professional Counselors
- Licensed Surgeons
- Medical Examiners
- Members of the Clergy
- Mental Health Professionals
- Optometrists
- Parole Officers (Juvenile or Adult)
- Pharmacists
- Physical Therapists
- Physician Assistants
- Podiatrists
- Police Officers
- Probation Officers (Juvenile or Adult)
- Psychologists
- Registered Nurses
- School Employees - as defined in [section 53a-65](#) of the Connecticut General Statutes
- Sexual Assault Counselors
- Social Workers
- The Child Advocate and any employee of the Office of the Child Advocate

School employees (CGS §53a-65)



"A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary, middle or high school or working in a public or private elementary, middle or high school; or *(B) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (i) a public elementary, middle or high school, pursuant to a contract with the local or regional board of education, or (ii) a private elementary, middle or high school, pursuant to a contract with the supervisory agent of such private school.*"

What Must Be Reported?



Mandated Reporters are required to report or cause a report to be made when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child under the age of 18 has been abused, neglected or is placed in imminent risk of serious harm (*CGS 17a-101a*).

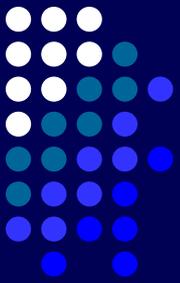
A Mandated Reporter must report any suspicion to DCF or law enforcement regardless of the identity of the alleged perpetrator.



Reasonable Cause to Suspect

- ✦ Observed
- ✦ What is told or said
- ✦ Knowledge from professional training and experience
- ✦ A suspicion is enough to file a report based on what you observe or are told.

CERTAINTY IS NOT REQUIRED



Preliminary Investigation

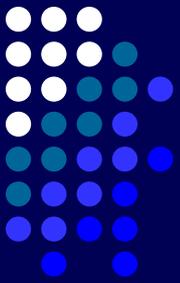
- A mandated reporter should not conduct his/her own investigation prior to making a report
- His/her responsibility is to make the report if abuse or neglect is suspected and let DCF or the police conduct the investigation
- The law protects a mandated reporter who makes a report in good faith; a preliminary investigation is not necessary to receive this protection



Investigation by Schools

- The school district must give priority to DCF or law enforcement in any investigation of child abuse or neglect
- If the abuse or neglect is alleged to have been caused by a school employee the district may conduct its own investigation only if DCF or the law enforcement agency informs the district that its investigation will not interfere with the DCF or law enforcement investigation

Definitions: Abuse



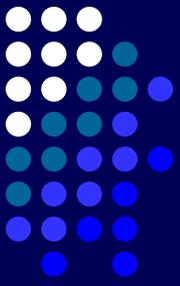
Connecticut General Statute, [Section 46b-120](#), defines an abused child as a child or youth less than 18 years of age who:

- ✦ Has had physical injuries inflicted upon him or her other than by accidental means, or
- ✦ Has injuries which are at variance with the history given of them, or
- ✦ Is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment.

Neglect



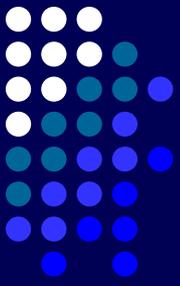
- ✦ Has been abandoned; or
- ✦ Is being denied proper care and attention, physically, educationally, emotionally, or morally; or
- ✦ Is being permitted to live under conditions, circumstances, or associations injurious to his well-being.



Whom does DCF investigate?

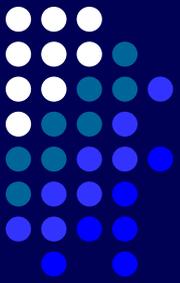
The Department will investigate cases where the abuse or neglect has been inflicted by or caused by a person responsible or entrusted for such child's health, welfare, or care or by a person given access to such child by such person responsible. All other reports will be referred to the appropriate local law enforcement authority.

“Person Responsible”



- ✦ Parent
- ✦ Guardian
- ✦ Foster parent
- ✦ School employees
- ✦ Staff personnel of child center based, family or group day care settings
- ✦ Staff employees of residential child care settings

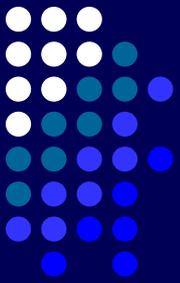
“Person Entrusted”



✦ Anyone given access to child or youth by a person who is responsible for the health, welfare, or care of a child or youth.

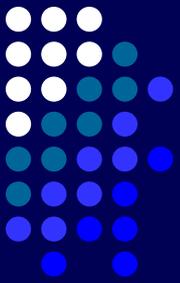
✦ For the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring, or mentoring of such child or youth.

Reporting Procedures



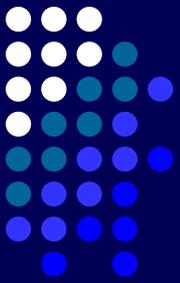
- ✦ **When** – As soon as practical, but no later than 12 hours after the mandated reporter becomes aware of or suspects abuse/neglect or imminent risk of serious harm
- ✦ **To Whom** – DCF by calling the Hotline, 1-800-842-2288; or calling the local law enforcement agency
- ✦ A written report (**DCF 136**) is required by law to be written and submitted within 48 hours of oral report. (<http://www.state.ct.us/dcf/HOTLINE.htm>)

Information you need when filing a report



- ✦ The names and addresses of the child and his parents or other person responsible for his care;
- ✦ The age of the child;
- ✦ The gender of the child;
- ✦ The nature and extent of the child's injury or injuries, maltreatment or neglect;
- ✦ The approximate date and time the injury or injuries, maltreatment or neglect occurred;
- ✦ Information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his siblings;

Information you need when filing a report



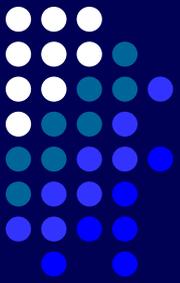
- ✦ The circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- ✦ The name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- ✦ The reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- ✦ Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child;
- ✦ Whatever action, if any, was taken to treat, provide shelter or otherwise assist the child (PA 11-93 §15). Items 9 and 10 are new.

When DCF Notifies the Police



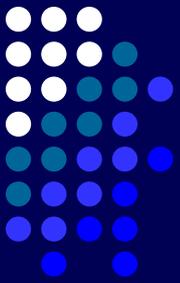
DCF will notify law enforcement when it receives a report alleging sexual abuse or serious physical abuse, including, but not limited to, a report that a child has:

- ☀ Died;
- ☀ Been sexually assaulted;
- ☀ Suffered brain damage, loss, or serious impairment of a bodily function or organ;
- ☀ Been sexually exploited; or
- ☀ Suffered serious non-accidental physical injury



Confidentiality & Anonymity

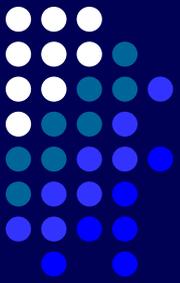
Anonymity



Mandated Reporters are required to give their name when they make a report to DCF, however, reporters may request anonymity to protect their privacy. DCF would not disclose their name or identity except to the following:

(CGS 17a-28 and 17a-101)

- A DCF Employee
- A Law Enforcement Officer
- An Appropriate State's Attorney
- An Appropriate Assistant Attorney General
- A Judge and all necessary parties in a Juvenile Court proceeding or criminal prosecution involving child abuse and neglect
- A State Child Care Licensing Agency, Executive Director of any institution, school or facility, or Superintendent of Schools.



Legal Protections for Reporting & Consequences for Failing to Report



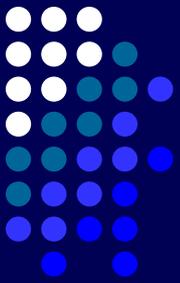
- ☀ Immunity – Any person, institution, or agency which in *good faith makes or in good faith does not make the report* pursuant to (17a-101a to 17a-101d) inclusive shall be immune from any liability, civil, or criminal charges.
- ☀ False Reporting – Any person who knowingly makes a false report of child abuse/neglect or imminent risk of serious harm shall be criminally fined not more than \$2000 or imprisoned not more than one year or both.



Failing to Report

- ✦ Any mandated reporter who fails to make a report or fails to report within 12 hours of the suspected child abuse/neglect or imminent risk of serious harm:
 - a. shall be fined between \$500-2500
 - b. attend educational training program
- ❖ School Employees - Any Mandated Reporter that is a School Employee (as defined *in* [section 53a-65](#) that fails to report OR fails to report within the 12 hour timeframe may be subject to an investigation by the Department of Children and Families and the penalties stated above..

Employee Protection



- ✦ Sec. 17a-101e. Penalty. (a) No employer shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a report pursuant to section 17a-101a to 17a-101d, inclusive, and 17a-103, testifies or is about to testify in any proceeding involving child abuse or neglect. The Attorney General may bring any action in Superior Court against an employer who violates this subsection. The Court may assess a civil penalty.



Further Information

- DCF will provide a more detailed mandated reporter training to those schools, agencies or institutions who request it
- To request mandated reporter training use this link:

<http://www.ct.gov/dcf/cwp/view.asp?a=3483&Q=413540>

Or go to <http://www.ct.gov/dcf>

And scroll to the link to mandated reporting