

Legal Assistance Resource Center of Connecticut, Inc.

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H.B. 5530 -- Mandated reporting by consumer repair persons Judiciary Committee Public Hearing -- February 25, 2008 Testimony of Raphael L. Podolsky

Recommended Committee action: NO ACTION ON THE BILL

Existing Connecticut law provides that a variety of licensed professionals who deal with families and children -- doctors, nurses, social workers, day care center operators, etc. -- are "mandatory" reporters of child abuse or neglect. Ordinary individuals are not mandated reporters -- mandating is a requirement for professionals in a child-related field. A mandated reporter is required, under C.G.S. 17a-101a, to report the situation to the Department of Children and Families if he or she "has reasonable cause to suspect or believe" the existence of abuse or neglect. Thus, the requirement is not to report abuse or neglect but to report a reasonable suspicion of abuse or neglect. The failure to make such a report subjects the mandated reporter to liability for a criminal fine of up to \$2,500.

This bill extends the duties of a mandatory reporter to "any person who services of repairs personal computers." This is apparently because of the possibility that such a person may come across child pornography or other evidence of inappropriate behavior while servicing a computer. While this is possible, it extends the mandatory reporting statute far beyond its appropriate field. While persons who become aware of child abuse should, of course, report it, the extension of the mandate to those not in a child-related field breaks the link between mandatory reporting and expertise, and it invites moving to a situation in which everyone in society will be at risk of a fine for not reporting a mere suspicion of child abuse. In addition, it puts pressure on computer servicing personnel to rummage through the computers on which they are doing work -- conduct that raises serious civil liberties issues.

This bill proposes a qualitative extension of the mandated reporting law that will create more problems than it solves. It should therefore not be adopted.