



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary – March 16, 2009

In support of:

- **S.B. No. 1110 An Act Concerning Sexual Activity Between School Workers and Students and Including School Superintendents as Mandated Reporters of Child Abuse or Neglect**

The Division of Criminal Justice supports S.B. No. 1110 and would respectfully recommend that the Committee amend the bill to further strengthen the mandated reporter laws, particularly with regard to training those who are covered by the law.

The Division of Criminal Justice recommends that Section 17a-101 (c) of the General Statutes be amended to *require* training for mandated reporters, perhaps every five years, instead of the current permissive language. In addition, the Division recommends changing the penalty from a criminal violation and fine only to a Class C misdemeanor for those who have completed the training. It should remain a violation for those who have not had the training. In order to reduce the potential fiscal impact, such training could be provided by way of an instructional video made available through web-based technology.

This simple change would help send a clear message that there is a right way and a wrong way to deal with the requirements of the mandated reporter law and to provide incentives to take the law seriously. It has become apparent to us that many if not most school districts have their own policies and/or procedures for reporting. We suspect that in many cases districts also have an unwritten protocol, which is the process that is actually followed. Often the school district will conduct its own "investigation" or require reporting first to the principal or other administrator prior to notifying the Department of Children and Families as required by the law. Individuals may be reluctant to report as required by the law for fear of fallout for not following these unwritten rules.

Two actual cases illustrate the seriousness of this situation. In one case, the school "investigation" involved confronting a girl at school and forcing her to restate her allegation in front of the principal, teachers, school nurse and parents. In another case, the school secretary called the mother and father first – when the father was the perpetrator of the alleged abuse. Obviously these lapses can significantly hinder a legitimate investigation and subsequent prosecution to say nothing of the detrimental impact on the victim.

To address these issues, the Division would recommend the following amendment to Section 17a-101(c):

- (c) The Commissioner of Children and Families shall develop an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be [made available to] required

by July 1, 2011 for all persons mandated to report child abuse and neglect and made available at various times and locations throughout the State as determined by the Commissioner of Children and Families. Such training shall be valid for five years and shall be required for each mandated reporter every five years thereafter.

The Division also would recommend that Section 17a-101a be amended in pertinent part to provide a two-year grace period where all districts and employees could obtain training and eliminate any reason for clear failures to report. We would propose the following language:

Any mandated reporter, as defined in section 17a-101, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (1) has been abused or neglected, as defined in section 46b-120, (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive. [Any person required to report under the provisions of this section who fails to make such report shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars and shall be required to participate in an educational and training program pursuant to subsection (d) of section 17a-101.] Prior to July 1, 2011, any person required to report under the provisions of this section who has not attended the training program for mandated reporters pursuant to subdivision (c) of section 17a-101 who fails to make a report shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars and shall be required to immediately participate in an educational and training program pursuant to subsection (d) of section 17-101, any person required to report under the provisions of this section who has attended the training program for mandated reporters pursuant to subdivision (c) of section 17a-101 who fails to make a report shall be guilty of a class C misdemeanor. On or after July 1, 2011 any violation of this section shall constitute a class C misdemeanor.

In conclusion, the Division of Criminal Justice appreciates this opportunity to provide input on this bill. We would be happy to provide any additional information the Committee might desire or to answer any questions you might have. Thank you.