



# OLR RESEARCH REPORT

November 30, 2011

2011-R-0397

## **MANDATED REPORTING OF CHILD SEXUAL ABUSE**

By: Robin K. Cohen, Principal Analyst

You asked us to (1) list all Connecticut mandated reporters of child sexual abuse and (2) identify states that have a universal mandated reporter requirement (i.e., they require anyone to report, not just enumerated professionals).

### **SUMMARY**

Connecticut law requires people in certain professions or occupations that typically bring them into contact with children and parents to report to either the Department of Children and Families (DCF) or law enforcement officials if, during the ordinary course of their employment or profession, they reasonably suspect that a child under age 18 has been abused. These people, who are generally referred to as mandated reporters, include physicians and other health care workers, teachers and other school employees, law enforcement officials, child care providers, mental health professionals, DCF employees, and domestic violence workers. All other members of the public are nonmandated reporters, who may but are not required to report suspected abuse.

Eighteen states have a universal reporter requirement, meaning that anyone who suspects child abuse is required to report. Sixteen of these specify professionals who must report but also require everyone else to report, regardless of profession. Of the 18, nearly half appear to mandate reports only in situations where the abuse is perpetrated by a parent or other person responsible for the child's care or custody.

## **REPORTS OF SEXUAL ABUSE**

Each state has laws requiring certain people to report child abuse and neglect concerns. While some states require everyone to report their concerns, others identify specific professionals as mandated reporters. The laws usually include specific procedures for making referrals to child protective service agencies or law enforcement officials. For a description of Connecticut's procedures when a case involves sexual abuse or assault, see DCF policy [33-7-6](#).

## **CONNECTICUT'S REPORTING REQUIREMENTS**

### ***Mandated Reporters***

Connecticut law requires certain individuals, who in the ordinary course of their employment or profession, have reasonable cause to suspect or believe that any child under age 18 has been abused or neglected, to report to DCF (24-hour hotline) or law enforcement officials.

Under the law, "abused" means that a child or youth (1) is being inflicted with physical injury other than by accident; (2) has injuries at variance with the history reported; or (3) is in a condition that is the result of maltreatment, including sexual molestation ([CGS § 46b-120](#)).

The DCF commissioner must inform law enforcement officials within 12 hours of receiving any report alleging sexual abuse or assault of a child. (DCF policy defines "sexual abuse" as abuse of a sexual nature perpetrated by a parent, guardian, or caretaker or an adult family or household member. "Sexual assault" is assault of a sexual nature perpetrated by someone other than these individuals.) The particular circumstances surrounding these types of alleged incidents dictate whether DCF does its own investigation.

The following individuals must report allegations of child abuse and neglect in Connecticut:

- licensed physicians, including surgeons; hospital residents and interns, regardless of their licensure status; and physician assistants
- registered nurses and licensed practical nurses
- medical examiners

- dentists and dental hygienists
- mental health professionals, including psychologists, marital and family therapists, alcohol and drug counselors, social workers, and licensed professional counselors
- police officers
- juvenile or adult probation or parole officers
- clergy
- pharmacists
- physical therapists
- optometrists
- chiropractors
- podiatrists
- licensed or certified emergency medical services providers
- sexual assault counselors and battered women's counselors
- licensed foster parents
- anyone paid to care for a child in a licensed public or private facility or a licensed child care facility, including family day care homes
- DCF employees
- Department of Public Health employees responsible for licensing child care facilities and youth camps
- child advocate and her employees
- family relations counselors, trainees, or family services supervisors employed by the Judicial Department

- school (elementary and secondary only) teachers and substitute teachers
- school administrators and superintendents
- school guidance counselors
- school paraprofessionals
- school coaches
- 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 (1) a public elementary or secondary school, under a contract with a local or regional board of education or (2) a private elementary or secondary school, under a contract with the school's supervisory agent ([CGS §§ 17a-101](#), as amended by PA 11-93, and 53a-65).

### ***Optional Reporting***

Connecticut law also allows any mandated reporter acting outside of his or her professional capacity and anyone else having reasonable cause to suspect or believe that any child under age 18 is in danger of being abused, or has been abused or neglected, to report to the DCF commissioner or her representative or a law enforcement agency ([CGS § 17a-103](#)).

### **OTHER STATES' MANDATED REPORTING**

All but two of the states listed in Table 1 require everyone, not just enumerated professionals, to report suspected child abuse. New Jersey and Wyoming do not list the professionals and merely require anyone suspecting abuse to report, regardless of profession. About half of the states appear to require reporting only when the alleged perpetrator is the child's parent or otherwise has supervisory control of the child.

**TABLE 1: STATES WITH UNIVERSAL REPORTING REQUIREMENTS**

<b>State</b>	<b>Cite</b>	<b>To Whom Abuse is Reported</b>	<b>Alleged Perpetrator Must Be Parent or Other Responsible Party</b>
Delaware	Del. Code Ann. Tit. 16 § 903	Child protective services (CPS) agency	No
Florida	Fla. Stat. Ann. § 39.201 and § 39.01	State's central child abuse hotline	Yes
Idaho	Idaho Code Ann. § 16-1605	Proper law enforcement officials or CPS agency	No
Indiana	Ind. Code § 31-33-5-1	Law enforcement officials or CPS agency	No
Kentucky	Ky. Rev. Stat. Ann. §§ 600.020 and 620.030	Local law enforcement officials, state police, CPS agency, or state's or county's attorney	Yes
Maryland	Md. Ann. Code §§ 5-701 and 5-705	Local CPS department or appropriate law enforcement agency	Yes
Mississippi	Miss. Code Ann. § 43-21-353	CPS agency	No
Nebraska	Neb. Rev. Stat. § 28-711	Proper law enforcement agency or CPS agency	No
New Hampshire	N.H. Rev. Stat. Ann. § 169-C:29	CPS agency	No
New Jersey [1]	N.J. Rev. Stat. §§ 9:6-8.10 and 9:6-8.9	CPS agency	Yes
New Mexico	N.M. Stat. Ann. §§ 32A-4-3 and 32A-4-2	Local law enforcement agency, CPS agency, or tribal law enforcement or social services agency	Yes
North Carolina	N.C. Gen. Stat. §§ 7B-101 and 7B-301	CPS agency	Yes
Oklahoma	Okla. Stat. Tit. 10A, §§ 1-1-105 and 1-2-101	CPS agency	Yes
Rhode Island	R.I. Gen. Laws §§ 40-11-2 and 40-11-3 (a)	CPS agency	Yes
Tennessee	Tenn. Code Ann. §§ 37-1-403; 37-1-605	Judge having jurisdiction over the child, CPS agency, or local law enforcement agency	No
Texas	Tex. Fam. Code Ann. §§ 261.101 & -.103	CPS agency or law enforcement agency	No
Utah	Utah Code Ann. § 62A-4a-403	Law enforcement or CPS agency	No
Wyoming [1]	Wy. Ann. Stat. § 14-3-205	CPS or local law enforcement agency	No

[1] These states do not enumerate individuals

## **ADDITIONAL RESOURCES**

DCF [policy](#) on mandated reporters

OLR Public Act Summary of [PA 11-93](#)

RC:ts