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## **OLR Bill Analysis**

### **sHB 5552**

#### ***AN ACT CONCERNING THE PENALTIES FOR FAILURE TO REPORT CHILD ABUSE.***

#### **SUMMARY:**

This bill makes it a class A misdemeanor, rather than an offense punishable by a fine between \$500 and \$2,500, for a person required to report suspected child abuse (a “mandated reporter”) or cause such a report be made to the Department of Children and Families (DCF) to either (1) fail to do so or (2) make the report after statutory deadlines have passed. It retains existing requirements that (1) the commissioner or a designee promptly notify the chief state’s attorney when there is reason to believe that a mandated reporter has violated the reporting laws and (2) such reporters participate, at their own expense, in a DCF-established and -approved education and training program.

Class A misdemeanors are punishable by imprisonment for up to one year, a fine of up to \$2,000 (which can be less than the minimum or maximum fine that may be imposed under current law), or both.

The bill also adds to the crime of injury or risk of injury to, or impairing the morals of a child. A person commits the crime by intentionally and unreasonably interfering with or preventing a mandated reporter from carrying out his or her statutory reporting obligations. The bill makes this crime a class D felony, punishable by imprisonment for up to five years, a fine of up to \$5,000, or both.

EFFECTIVE DATE: October 1, 2012

#### **BACKGROUND**

##### ***Reportable Incidents and Statutory Deadlines***

The law requires mandated reporters to notify DCF when, during the ordinary course of their employment or profession, they have

reasonable cause to suspect or believe that a child under age 18:

1. has been abused or neglected;
2. has had a nonaccidental physical injury, or one that varies from the history given, inflicted on him or her; or
3. is placed at imminent risk of serious harm (CGS § 17a-101a).

The reporter must notify DCF or a law enforcement agency of his or her reasonable suspicion or belief as soon as practicable, but no later than 12 hours after he or she forms this opinion. The report may be made by telephone or in person. The mandated reporter must file a written report with the commissioner or her representative within 48 hours of the first report.

DCF and mandated reporters are subject to additional reporting requirements when the suspected abuser is on the staff of a public or private school.

***Mandated Reporters***

Mandated reporters (as listed in CGS § 17a-101) are:

1. licensed physicians or surgeons;
2. resident physicians or interns working in Connecticut hospitals;
3. registered or licensed practical nurses;
4. medical examiners;
5. dentists and dental hygienists;
6. psychologists;
7. certain school employees who have regular contact with students at public or private elementary, middle, or high schools;
8. social workers;

9. police officers;
10. juvenile and adult probation and parole officers;
11. members of the clergy;
12. pharmacists;
13. physical therapists;
14. optometrists;
15. chiropractors and podiatrists;
16. mental health professionals or physician assistants;
17. licensed or certified emergency medical services providers;
18. licensed or certified alcohol and drug counselors;
19. licensed marital and family therapists;
20. sexual assault or battered women's counselors;
21. licensed professional counselors;
22. licensed foster parents;
23. people paid to care for children in a public or private facility, child day care center, group day care center, group day care home, or family day care home licensed by the state;
24. DCF employees;
25. Department of Public Health employees responsible for licensing child day care centers, group day care homes, family day care homes, or youth camps;
26. the child advocate and her employees; and
27. Judicial Branch employees working as family relations counselors, counselor trainees, and family services supervisors.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/02/2012)