
OLR Bill Analysis

HB 6342

AN ACT CONCERNING CRIMINAL PENALTIES FOR FAILURE TO REPORT CHILD ABUSE.

SUMMARY:

This bill makes it a form of risk of injury to a child for a person to intentionally and unreasonably interfere with or prevent a person who is required to report suspected child abuse and neglect (a mandated reporter) from carrying out this obligation.

The bill also makes it a crime for mandated reporters to fail to report suspected child abuse or neglect to the Department of Children and Families (DCF). Currently, this inaction subjects them to fines between \$500 and \$2,500. The bill makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both. As under existing law, these reporters must also participate in an educational and training program.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2013

INJURY OR RISK OF INJURY TO A CHILD

The bill creates a new form of risk of injury to a child that is committed when a person intentionally and unreasonably interferes with or prevents the mandatory reporting of suspected abuse and neglect of a child under age 18. It is a class D felony, punishable by imprisonment for up to five years, a fine of up to \$5,000, or both. Under existing law, the crime is committed when a person:

1. wilfully or unlawfully causes or permits the life, health, or morals of a child under age 16 to be endangered, impaired, or likely to be impaired;

2. permanently transfers or acquires the legal or physical custody of a child under age 16 for money or other valuable consideration, except in connection with certain adoptions; or
3. has intimate contact with a child under age 16 in a sexual and indecent manner likely to impair the health or morals of such child.

The first two offenses are class C felonies, punishable by imprisonment for up to 10 years, fines of up to \$10,000, or both. The third offense is a class B felony, punishable by imprisonment for up to 20 years (five years of which the court cannot suspend or reduce if the victim is under age 13), fines of up to \$15,000, or both.

MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT

By law, a person is required to report suspected child abuse or neglect within certain specified timeframes if (1) such person is a mandated reporter and (2) in the ordinary course of his or her employment or profession, has reasonable cause to suspect a child under age 18 has:

1. been abused or neglected,
2. suffered a non-accidental physical injury or one that is inconsistent with the given history of such injury, or
3. been placed at imminent risk of serious harm.

BACKGROUND

Abuse

A child under age 18 may be found abused if he or she has (1) suffered a non-accidental physical injury; (2) injuries that are at variance with their given history; or (3) suffered maltreatment, including malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional abuse, or cruel punishment (CGS § 46b-120(7)).

Neglect

A child under age 18 may be found neglected if, for reasons other than poverty, he or she (1) has been abandoned; (2) is being denied proper care and attention, physically; educationally; emotionally; or morally; or (3) is being permitted to live under conditions, circumstances, or associations injurious to his or her well-being (CGS § 46b-120(6)).

Mandated Reporter

By law, mandated child abuse reporters are:

1. Connecticut-licensed physicians or surgeons;
2. resident physicians or interns in any Connecticut hospital, whether or not licensed in this state;
3. registered nurses, licensed practical nurses, and physician assistants;
4. medical examiners;
5. dentists and dental hygienists;
6. psychologists, social workers, and mental health professionals;
7. school employees;
8. police officers;
9. juvenile or adult probation and parole officers;
10. members of the clergy;
11. pharmacists;
12. physical therapists and chiropractors;
13. optometrists;
14. podiatrists;

15. licensed or certified emergency medical services providers;
16. licensed or certified alcohol and drug counselors, (b) licensed professional counselors, and (c) sexual assault or battered women's counselors;
17. licensed marital and family therapists;
18. foster parents;
19. (a) child care workers at state-licensed facilities, day care centers, or group or family day care homes and (b) the Department of Public Health Employees who license these facilities and youth camps;
20. DCF employees;
21. the child advocate and her staff;
22. family relations counselors and trainees; and
23. Judicial Branch family services supervisors (CGS § 17a-101(b)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/16/2013)