

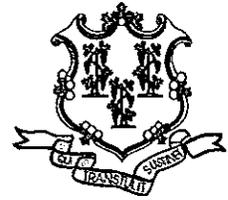


STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

March 31, 2014



S.B. No. 492 AN ACT CONCERNING THE REPORTING OF SUSPECTED CHILD ABUSE BY PERSONS WHO ARE DIRECTORS, OFFICERS OR EMPLOYEES OF NONPROFIT CORPORATIONS.

The Department of Children and Families (DCF) supports S.B. No. 492, An Act Concerning the Reporting of Suspected Child Abuse by Persons Who Are Directors, Officers or Employees of Nonprofit Corporations. This bill would require any director, officer or employee of a nonprofit corporation to report any act of suspected child abuse or neglect committed by any person acting on behalf of such corporation.

Subsection (a) of section 17a-101 of the General Statutes provides the following statement of public policy for Connecticut:

"The public policy of this state is: To protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse or neglect, investigation of such reports by a social agency, and provision of services, where needed, to such child and family."

In addition, our statutes mandate over thirty categories of professionals who are mandated to report to DCF or law enforcement when they have "reasonable cause to suspect or believe" that any child has been abused or neglected; has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child; or is placed at imminent risk of serious harm.

This bill addresses a significant omission in the implementation of Connecticut's public policy to protect children---the organizational liability for Connecticut-based entities for the failure to report known instances of child abuse or neglect, including the sexual exploitation of children.

The need for this legislation is perhaps best demonstrated by the case of the United States v. Douglas Perlitz. Mr. Perlitz established a charitable organization known as "The Haiti Fund" in Connecticut for the purpose of funding a boarding school for homeless youth in Cap-Haitien, Haiti. The school, known as Project Pierre Toussaint, provided the children meals, sports activities, basic classroom instruction, and access to running water for baths. Project Pierre Toussaint continued to expand and, in approximately 1999, a residential facility, Village Pierre Toussaint (referred to as the "Village"), was added. Although the Village was staffed primarily by Haitians, Perlitz was directly involved with the Village. Thereafter, the Haiti Fund Inc. was

incorporated as a charitable, religious and educational organization in Connecticut, and operated as the fund-raising arm of Project Pierre Toussaint. The fund raised large sums of money through fund-raising efforts in Connecticut, and all of the expenses associated with the school were paid for by monies raised on behalf of Project Pierre Toussaint by the Haiti Fund.

Over a period of ten years, from 1998 to 2008, Mr. Perlitz sexually abused boys at the school. Fortunately, he was convicted and sentenced to nearly 20 years in prison for having sexually abused at least 18 Haitian children. In addition, over twenty civil lawsuits have also been filed alleging additional acts of sexual abuse perpetrated by Mr. Perlitz on dozens of additional child victims. These suits asserted that Fairfield University, the Society of Jesus of New England, which operates the university, the charity's board, and individuals associated with both the school and the charity were able to influence Perlitz but failed to stop abuse that was known to residential staff in Haiti. The lawsuits were recently settled for \$12 million and new suits by other boys are being threatened.

While Perlitz was prosecuted criminally, and others pursued civilly, the persons associated with the nonprofit corporation could not be charged criminally because they are not mandated reporters under Connecticut law. Were they, their failure to report could have subjected them to criminal prosecution. Sadly, this was not an isolated case and there are now attorneys and agents in the United States Attorney's Office who specialize in these cases-cases involving criminal acts perpetrated by persons connected to and funded by Nongovernmental Organizations (NGOs) whose employees abuse children.

Despite having sufficient knowledge of multiple abuse allegations against Mr. Perlitz, many Board members of The Haiti Fund did not notify the appropriate authorities. Only through the actions of a small minority of members on The Haiti Fund Board, did the U.S. Attorney's Office for the District of Connecticut and the U.S. Department of Homeland Security initiate an investigation that led to a conviction.

The Department believes that it is necessary to close this significant gap in our reporting laws. We must hold organizations that operate in Connecticut, that raise money in Connecticut accountable for the failure to report acts of abuse or neglect when they have knowledge that children are being harmed.