



## MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT

By: Katherine Dwyer, Associate Attorney

### ISSUE

What major changes have been made to the state's mandated reporter of child abuse and neglect statute since it was first codified in 1965? How has the list of designated mandated reporters changed during that time? **This report has been updated by OLR Report [2020-R-0305](#).**

### SUMMARY

By law, people in certain professions and occupations that have contact with children or whose primary focus is children must report suspected child abuse or neglect (CGS § [17a-101](#)). These are called mandated reporters and they must make the report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child under age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § [17a-101b](#)). A mandated reporter whose failure to report is intentional, willful, or reckless may be subject to criminal penalties and fines of up to \$2,000.

The original law was passed in 1965 (PA 65-260, February Special Session (FSS)). It required physicians, surgeons, resident physicians, and hospital interns to immediately file an oral report with the police or health or welfare commissioner if they suspected a child they treated had been abused and follow up with a written report as soon as possible. It also established the current immunity from civil or criminal liability for reporters who file reports in good faith in accordance with the law.

The law has changed in many ways in the half-century since it was first enacted. The major changes discussed in this report include the (1) increase in the types of professionals who are mandated reporters, (2) type of information that must be



included in a report, (3) entity to whom the report must be made, and (4) penalties for reporters who fail to report or intentionally file a false report and employers who hinder or retaliate against a mandated reporter for filing a report.

## **PROFESSIONS DESIGNATED AS MANDATED REPORTERS**

The law designating people in certain professions and occupations to report child abuse and neglect has changed substantially over the years. Among the principal changes is the increase in the types of professionals identified as mandated reporters from four in 1965 to over 50 in 2016.

### ***Coaches and School Employees***

A 1967 law made teachers, principals, and social workers the first school employees to be designated mandated reporters of child abuse and neglect. School guidance counselors were added in 1973 and paraprofessionals were added in 1992. School coaches and intramural or interscholastic athletics coaches were added in 2002, and school superintendents were added in 2009.

In 2011, PA [11-93](#) replaced all of these specified professions except social workers with "school employee, as defined in section [53a-65](#)." As a result, the number of school employees who are mandated reporters grew to include substitute teachers, school administrators, and anyone who (1) has a contract with the school and regular contact with students in grades K-12 and (2) provides services to or on behalf of students in the course of his or her duties. However, since the act also replaced "intramural and interscholastic athletics coaches" with "school employees," only coaches who met the "school employee" definition (i.e., coaches employed by a school board or private school or working in a public or private school) were mandated reporters.

In 2014, legislation once again expanded the mandated reporter list to include (1) intramural and interscholastic athletics coaches who are age 18 or older and hold a State Board of Education coaching permit; (2) youth athletics coaches and directors age 18 or older; and (3) coaches and directors of private youth sports organizations, leagues, and teams who are age 18 or older. Additionally, it made certain higher education institution employees who are not students mandated reporters, including paid administrators, faculty, staff, and athletic directors, coaches, and trainers.

## **Other Professionals**

In addition to coaches and school employees, other professionals have been added to the mandated reporter list over the years. Table 1 provides the respective public acts that added professionals other than school employees and coaches to the list of designated mandated reporters.

**Table 1: Professionals Designated as Mandated Reporters of Child Abuse and Neglect**

<b>Year</b>	<b>Public Act Number</b>	<b>Professions Added (Excluding School Employees and Coaches)</b>
1965	PA 65-580 FSS	Physicians, surgeons, resident physicians, and hospital interns
1967	PA 67-317	Registered nurses and social workers
1969	PA 69-25	Licensed practical nurses
1971	PA 71-216	Medical examiners, police officers, and clergymen
1973	PA 73-205	Dentists and psychologists
1974	PA 74-293	Coroners (removed by PA 80-190), osteopaths (removed by PA 99-102), optometrists, chiropractors, podiatrists, day care center employees, and mental health professionals
1988	PA 88-218	Physician assistants, certified substance abuse counselors (replaced by "licensed or certified alcohol and drug counselors" by PA 99-102), and marriage and family therapists
1993	PA <a href="#">93-340</a>	Dental hygienists, pharmacists, physical therapists, sexual assault counselors, and battered women's counselors (replaced by "domestic violence counselors by PA 13-234)
1999	PA <a href="#">99-102</a>	Child advocate and her employees
2002	PA <a href="#">02-138</a>	Juvenile or adult probation and parole officers, licensed or certified emergency medical services providers, licensed professional counselors, any person paid to care for children in a licensed group day care home, Department of Children and Families (DCF) employees, Department of Public Health (DPH) employees responsible for licensing child day care centers, group day care homes, family day care homes, and youth camps (revised to all DPH employees by PA 14-39)

Year	Public Act Number	Professions Added (Excluding School Employees and Coaches)
2009	PA <a href="#">09-185</a>	Licensed foster parents
2010	PA <a href="#">10-43</a>	Family relations counselors, family relations counselor trainees, and family services supervisors employed by the judicial branch
2014	PA <a href="#">14-39</a>	Office of Early Childhood (OEC) employees responsible for licensing child day care centers, group day care homes, family day care homes, and youth camps (PA 14-39 shifted these licensing responsibilities from DPH to OEC), and all DPH employees
	PA <a href="#">14-186</a>	Paid youth camp directors and assistant directors

## REPORTING REQUIREMENTS

PA 65-260 FSS established procedures mandated reporters had to follow when they had reasonable cause to believe that (1) a child they treated was physically injured by a parent or caregiver and (2) the injury was not accidental. The law required the reporter to immediately file an oral report with the state health or welfare commissioner or the local police and follow up with a written report as soon as possible.

Mandated reporters are now required to report to a law enforcement agency or DCF, instead of other state agencies as required under the original law, on any children under age 18 they encounter in the course of their employment who they have reasonable cause to suspect or believe has been (1) abused or neglected;(2) has had a nonaccidental physical injury, or an injury that varies with the explanation provided for it; or (3) is placed at imminent risk of serious harm (CGS § [17a-101b](#)).

Under PA 65-680 FSS, the written report the reporter filed had to include (1) the name and addresses of the child and his or her parents or caregiver, if known; (2) the child's age; (3) the nature and extent of his or her injuries; (4) any evidence of previous injury; and (5) any other information that could help to establish the cause of the injury and identify the perpetrator.

The information required in the report has been expanded to include the following information, if known:

1. the child's gender;
2. the approximate date and time, and circumstances in which, the injuries, maltreatment, or neglect occurred;
3. the reasons the reporter suspects the individual identified in the report was the perpetrator;
4. any previous injury or injuries to, or maltreatment or neglect of, the child or his or her siblings;
5. any prior cases in which the perpetrator was suspected of injuring, maltreating, or neglecting a child; and
6. whatever action, if any, was taken to treat, shelter, or otherwise assist the child (CGS § [17a-101d](#)).

## **PENALTIES**

In 1996, PA [96-246](#) made it a crime, punishable by up to a year in prison, up to a \$2,000 fine, or both, for a mandated reporter to knowingly file a false report. It also established up to a \$500 fine for mandated reporters who failed to fulfill their reporting responsibilities (CGS §§ [17a-101e](#) and [17a-101a](#)). PA [02-138](#) additionally required such reporters to complete an educational and training program. PA [13-297](#) increased the penalty for failing to report to a class A misdemeanor, punishable by up to a year in prison, up to a \$2,000 fine, or both (CGS § [17a-101\(b\)](#)).

Additionally, PA [96-246](#) prohibited employers from discharging or discriminating or retaliating against an employee who filed a report in compliance with his or her mandated reporter responsibilities or who testified or intended to testify in a child abuse or neglect proceeding. It also established the current fine of up to \$2,500 for employers who take such actions. A 2013 law (PA [13-53](#)) extended these penalties to employees who hinder or prevent, or attempt to hinder or prevent, any employee from filing a report or testifying in a child abuse or neglect proceeding (CGS § [17a-101e](#)).

KD:cmg