

## School Mandated Reporting in Connecticut and Other States

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### Issue

Summarize and compare Connecticut laws to those in other states on mandatory reporting of suspected abuse or neglect in a school setting. Briefly describe the penalties for failure to report.

### Summary

Connecticut law requires people in professions or occupations that have contact with children or whose primary focus is children, including school employees, to report suspected child abuse or neglect. School employees must make a report when, in the ordinary course of their employment or profession, they have reasonable cause to suspect that (1) a child under age 18 has been abused, neglected, or is placed in imminent risk of serious harm and (2) a student is the victim of sexual assault and the perpetrator is a school employee.

In Connecticut, mandated reporters are immune from civil or criminal liability so long as their reports are premised on good faith. Failing to report can result in criminal penalties and exposes the mandated reporter to civil damages if a child is further injured because the mandated reporter did not act.

In addition to Connecticut, 46 other states specify teachers and other school personnel as mandated reporters, while three states (Indiana, New Jersey, and Wyoming) require all persons regardless of profession to report. As of February 2019, 40 states classified failure to report as a misdemeanor or similar charge, with 20 states specifying the penalties for failure to report in their reporting laws. Under these laws, a mandated reporter convicted of failure to report can face jail

terms ranging from 30 days to five years, fines ranging from \$300 to \$5,000 or both jail terms and fines. Several states also impose civil penalties.

## **Connecticut Mandated Reporters in School Settings**

Connecticut law designates any school employee as a mandated reporter of child abuse and neglect. By law, a school employee is a teacher, substitute teacher, school administrator or superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach who is employed by a local or regional school board or private school or who is working in a public or private elementary, middle, or high school. A school employee is also anyone else who (1) comes into regular contact with students while performing his or her duties and (2) provides services to, or on behalf of, students enrolled in a public or private elementary, middle, or high school under contract with a local or regional school board or private school supervisory agent ([CGS § 53a-65](#)).

The law also states that anyone who holds or is issued a coaching permit by the State Board of Education, is at least age 18, and coaches intramural or interscholastic athletics is a mandated reporter ([CGS § 17a-101\(b\)](#)).

## **Connecticut Reporting Requirements**

Connecticut law requires mandated reporters of child abuse or neglect to report to the Department of Children and Families (DCF) or a law enforcement agency if, in 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) suffered a non-accidental physical injury or injury that varies from its given history, or (3) is placed at imminent risk of serious harm.

Additionally, school employees are required to report when, in the ordinary course of their employment, they have reasonable cause to suspect or believe that a student of the technical high school system or a local or regional school board, other than an adult education program student, is a sexual assault victim and the perpetrator is a school employee ([CGS § 17a-101a\(a\)](#)). If the alleged perpetrator is a school employee, DCF must also take certain steps in addition to the usual investigation protocols. These steps include notifying state and local education officials of the allegations and investigation results.

Mandated reporters must file an oral report, by telephone or in person, or an electronic report with DCF or a law enforcement agency as soon as practicable but within 12 hours if they have reasonable cause to do so. A reporter who electronically files an initial report must respond to further inquiries DCF makes within 24 hours of the report ([CGS § 17a-101b](#)). The mandated

reporter must also provide a written report to DCF within 48 hours of orally or electronically reporting to DCF or law enforcement. If the reporter is a public or private school employee or staff member at a public or private institution or facility that provides child care, he or she must also submit the written report to the person in charge of the school, facility, or institution or his or her designee ([CGS § 17a-101c](#)).

## **Connecticut Penalties for Failing to Report Abuse or Neglect**

In Connecticut, mandated reporters who fail to report at all or within the prescribed timeframes may be charged with a class A misdemeanor, punishable by up to a year in prison, up to a \$2,000 fine, or both. The reporter may be charged with a class E felony if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter has actual knowledge that a child was abused or neglected or a student was a victim of sexual assault. In addition, it is generally a class D felony to intentionally and unreasonably interfere with or prevent a mandated reporter from making a required report ([CGS § 17a-101a\(b\)](#)). In addition to the misdemeanor or felony penalties, any person found guilty must also participate in an educational and training program.

By law, a mandated reporter who, in good faith, makes a report to DCF or law enforcement alleging child abuse or neglect, is exempt from criminal and civil liability. The law also exempts them from liability in any judicial proceeding that results from such a report, provided the reporter was not the perpetrator ([CGS § 17a-101e](#)).

In addition to the misdemeanor or felony penalties, any person found guilty must also participate in an educational or training program ([CGS § 17a-101a\(b\)\(3\)](#)).

## **Other States' Penalties for Failing to Report Abuse or Neglect**

A 2019 U.S. Administration on Children, Youth, and Families [report](#) provides summaries of the failure to report penalties in each state, and lists the applicable terms of imprisonment and fines that states can impose on mandated reporters who fail to report suspect child abuse or neglect.

In addition to criminal penalties, seven states, including New York and Rhode Island, impose penalties in which the mandated reporter may be civilly liable for damages caused by their failure to report. At least 10 states, including Alabama, Maryland, Minnesota, Pennsylvania, and Wyoming impose penalties against an employer who obstructs an employee from reporting suspected child abuse or neglect.

Several states impose more severe penalties for reporting failures under certain circumstances. For example, when the failure to report results in a child’s serious bodily injury or death or when the mandated reporter willfully fails to report with the intent to conceal the abuse.

As of February 2019, 20 states specified the penalties for failure to report in their reporting laws. Depending on the individual circumstances, a mandated reporter convicted of failure to report can face a jail term ranging from 30 days to five years, a fine ranging from \$300 to \$5,000, or both a jail term and a fine. In some states, civil penalties may also apply. Table 1 below provides the penalties that each state can impose on mandated reporters who fail to report suspect child abuse or neglect as of February 2019.

**Table 1: State Penalties for Failure to Report Child Abuse and Neglect by Mandated Reporters**

<i>State (statute)</i>	<i>Statutory Penalty</i>	<i>Criminal Penalty</i>
Alabama (Ala. Code §§ 26-14-3(g); 26-14-13)	Misdemeanor for knowing failure	Up to six months imprisonment or a fine of up to \$500
Alaska (Alaska Stat. § 47.17.068)	Class A misdemeanor for knowing failure	Not specified within the reporting law
Arizona (Ariz. Rev. Stat. §13-3620(O), (P))	Class 1 misdemeanor, except Class 6 felony for failing to report certain offenses	Not specified within the reporting law
Arkansas (Ark. Code Ann. § 5-26-303 et seq.)	Class C misdemeanor for reckless failure; Class A misdemeanor for knowingly failing to report	Not specified within the reporting law
California (Cal. Penal Code §§ 11166(c); 11166.01)	Misdemeanor for failure to report	Up to six months imprisonment and/or up to \$1,000 fine; Up to 1 year imprisonment and/or up to \$5,000 fine for certain willful failures when death or great bodily injury results
Colorado (Colo. Rev. Stat. § 19-3-304(4))	Class 3 misdemeanor for failure to report	Not specified within the reporting law

**Table 1 (continued)**

<b>State (statute)</b>	<b>Statutory Penalty</b>	<b>Criminal Penalty</b>
Connecticut (CGS §§ 17a-101a; 17a-101e(a))	Class A misdemeanor, except a Class E felony if the failure is a subsequent violation; was willful, intentional, or due to gross negligence; or the person had actual knowledge of the abuse or neglect	Not specified within the reporting law
Delaware (Del. Code Ann. tit.16, § 914)	Civil liability	Civil penalty not to exceed \$10,000 for the first violation and \$50,000 for any subsequent violation
Florida (Fla. Stat. § 39.205(1)-(4))	3 <sup>rd</sup> degree felony for knowingly and willfully failing to report	Up to five years imprisonment and a \$5,000 fine
Georgia (Ga. Code Ann. § 19-7-5(h))	Misdemeanor for knowingly and willfully failing to report	Not specified within the reporting law
Hawaii (Haw. Rev. Stat. Ann. § 350-1.2)	Petty misdemeanor for knowingly failing to report	Not specified within the reporting law
Idaho (Idaho Code Ann. § 16-1605(4))	Misdemeanor for failure to report	Not specified within the reporting law
Illinois (325 Ill. Comp. Stat. 5/4.02)	Class A misdemeanor for the first violation, class 4 felony for a second or subsequent violation	Not specified within the reporting law
Indiana (Ind. Code Ann. § 31-33-22-1)	Class B misdemeanor for knowingly failing to report	Not specified within the reporting law
Iowa (Iowa Code § 232.75(1)-(2))	Simple misdemeanor for knowingly and willfully failing to report; civilly liable for damages	Not specified within the reporting law

**Table 1 (continued)**

<b>State (statute)</b>	<b>Statutory Penalty</b>	<b>Criminal Penalty</b>
Kansas (Kan. Stat. Ann. § 38-2223(e))	Class B misdemeanor for knowingly and willfully failing to report	Not specified within the reporting law
Kentucky (Ky. Rev. Stat. Ann. § 620.030(6))	Class B misdemeanor for the 1 <sup>st</sup> offense, Class A misdemeanor for the 2 <sup>nd</sup> offense, and Class D felony for each subsequent offense	Not specified within the reporting law
Louisiana (LA. Child. Code Ann. Art. 609; LA Rev. Stat. § 14:403)	Knowingly and willfully failing to report subjects offender to criminal prosecution	Up to six months imprisonment and/or fine of up to \$500, except Up to three years imprisonment with or without hard labor and/or fine of up to \$3,000 when results in serious bodily injury or death
Maine (ME. Rev. Stat. Ann. 22, § 4009)	Civil violation for knowing violation	Fine of up to \$500
Maryland (MD Code Ann. Fam. Law §5-705.4)	Investigating agency may file a complaint with the county board of education or the appropriate entity at which the person is employed if the person is an educator or a human service worker suspected of knowingly failing to report	Not specified within the reporting law
Massachusetts (Mass. Gen. Laws Ann. Ch. 119, § 51A)	Fine of up to \$1,000 for failure	Fine of up to \$1,000 or more, except up to 30 months imprisonment, and/or fine of up to \$5,000 if results in serious bodily injury or death
Michigan (Mich. Comp. Laws § 722.633(1), (2))	Civilly liable for failure to report; Misdemeanor for knowingly failing to report	Misdemeanor punishable by up to 93 days imprisonment and/or a fine of up to \$500

**Table 1 (continued)**

<b>State (statute)</b>	<b>Statutory Penalty</b>	<b>Criminal Penalty</b>
Minnesota (Minn. Stat. § 626.556)	Misdemeanor for failure to report abuse within the preceding three years;	Not specified within reporting law
	Failure to report by a parent, guardian, or caregiver results in: Gross misdemeanor if results in serious bodily injury or Felony if results in death	Felony: up to two years imprisonment and/or a fine of up to \$4,000 if the child dies due to lack of medical care
Mississippi (Miss. Code Ann. § 43-21-353(7))	Misdemeanor	Up to one year imprisonment and/or fine of up to \$5,000
Missouri (Mo. Ann. Stat. §§ 210.165(1); 573.215)	Class A misdemeanor for violation	Not specified within the reporting law
Montana (Mont. Code Ann. § 41-3-207)	Civilly liable for failure to report; Misdemeanor for purposely or knowingly failing to report	Not specified within the reporting law
Nebraska (Neb. Rev. St. § 28-717)	Class III Misdemeanor for willfully failing to report	Not specified within the reporting law
Nevada (Nev. Rev. Stat. § 432B.240)	Misdemeanor for the first violation of knowing and willful failure to report; Gross misdemeanor for each subsequent violation	Not specified within the reporting law
New Hampshire (N.H. Rev. Stat. Ann. § 169-C:39)	Misdemeanor for knowing violation	Not specified within the reporting law
New Jersey (N.J. Stat. Ann. § 9:6-8:14)	Disorderly persons charge for knowing violation	Not specified within the reporting law
New Mexico (N.M. Stat. Ann. § 32A-4-3(F))	Misdemeanor for violation	Up to one year imprisonment and/or up to a \$1,000 fine

**Table 1 (continued)**

<b>State (statute)</b>	<b>Statutory Penalty</b>	<b>Criminal Penalty</b>
New York (N.Y. Soc. Serv. Law § 420)	Class A misdemeanor for willful failure; Civilly liable for knowingly and willfully failing to report	Not specified within the reporting law
North Carolina (N.C. Gen. Stat. § 7B-301)	Class I misdemeanor for knowingly or wantonly failing to report	Not specified within the reporting law
North Dakota (N.D. Cent. Code §§ 50-25.1-13; 50-25.1-09.1)	Class B misdemeanor for willful failure	Not specified within the reporting law
Ohio (Ohio Rev. Code Ann. § 2151.99)	4th degree misdemeanor for failure to report	Not specified within the reporting law
Oklahoma (Okla. Stat. Ann. 10A, § 1-2-101(B)(4); (C))	Misdemeanor for knowingly and willfully failing to report	Not specified within the reporting law
Oregon (OR. Rev. Stat. § 419B.010(3))	Class A violation for violation (18-month statute of limitation after offense)	Not specified within the reporting law
Pennsylvania (23 PA. Cons. Stat. § 6319; 18 PA, Cons. Stat. § 4958)	3 <sup>rd</sup> degree misdemeanor for the first willful violation, 2 <sup>nd</sup> degree misdemeanor for a second or subsequent violation	Not specified within the reporting law
Rhode Island (R.I. Gen. Laws § 40-11-6.1)	Misdemeanor and civilly liable for knowingly failing to report	Up to one year imprisonment and/or up to \$500 fine
South Carolina (S.C. Code Ann. § 63-7-410)	Misdemeanor for knowing failure	Up to six months imprisonment and/or up to \$500 fine
South Dakota (S.D. Codified Laws §§ 26-8A-3)	Class 1 misdemeanor for knowingly and intentionally failing to report	Not specified within the reporting law



**Table 1 (continued)**

<b>State (statute)</b>	<b>Statutory Penalty</b>	<b>Criminal Penalty</b>
Tennessee (Tenn. Code Ann. § 37-1-412)	Class A misdemeanor for knowing failure	Up to \$2,500 fine
Texas (Tex. Fam. Code Ann. § 261.109)	Class A misdemeanor for knowing failure	Not specified within the reporting law
Utah (Utah Code Ann. § 62A-4a-411)	Class B misdemeanor for willful failure	Not specified within the reporting law
Vermont (Vt. Stat. Ann. tit. 33, § 4913(d)(2); (f))	Up to a \$500 fine for violators	Up to a \$500 fine
Virginia (VA Code Ann. § 63.2-1509(D)-(E))	Subject to fines for failing to report; Class I misdemeanor for knowingly and intentionally failing to report certain sexual abuse offenses	Up to \$500 for the first failure, at least \$1,000 for each subsequent failure
Washington (Wash. Rev. Code §§ 26.44.080; 9A.20.021)	Gross misdemeanor for knowing failure	Up to 364 days imprisonment and/or fine of up to \$5,000
West Virginia (W. Va Code. Ann. § 49-2-812)	Misdemeanor for knowing failure	Up to 90 days imprisonment and/or fine of up to \$5,000
Wisconsin (Wis. Stat. § 48.981(6))	Subject to fine and/or imprisonment for intentional violation	Up to six months imprisonment and/or fine of up to \$1,000
Wyoming (Wyo. Stat. Ann. § 14-3-205)	No penalty identified	Not specified within the reporting law

Source: Penalties for Failure to Report and False Reporting of Child Abuse and Neglect, [Child Welfare Information Gateway](#), February 2019

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