Recognizing and Responding to Child Abuse and Neglect

Connecticut’s Child Abuse and Neglect Laws and Procedures

Presented by: Francis J. Carino
Supervisory Assistant State’s Attorney

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NOTE: This material was updated on July 1, 2013 and may have been amended or changed as a result of intervening legislation, court decisions or agency policies. Your local State’s Attorney’s office should be consulted for the latest information.
Introduction

Child abuse and neglect are a serious concern of the law enforcement officer.

Connecticut law requires officers to report any actual or even suspected child abuse or neglect to the Department of Children and Families for further investigation and possible removal of the child if necessary.

It is critical that the officer understand and be able to recognize:

- the obvious and subtle signs and characteristics of abused and neglected children,
- the risk factors and situations where a child might be in danger, and
- the correct procedure for reporting such situations.
Course Objectives

Upon completion of the class, the officer will know:

- Who is a Mandated Reporter? (CGS §17a-101)
- Child Protection Definitions (CGS §46b-120)
- Signs of Child Abuse and Neglect
- Risk Factors for Child Abuse & Neglect
- What must be reported? (CGS §17a-101a & PA 11-180)
- When and how is a report made? (CGS §17a-101b & c)
- What is included in the report? (CGS §17a-101d & PA 13-297)
- What is the penalty for failing to report? (CGS §17a-101a)
- Is there a penalty for filing a false report? (CGS §17a-101e(c))
- What if no abuse or neglect is found? (CGS §17a-101e(b))
Mandated Reporter Requirements
Who is a Mandated Reporter? (CGS §17a-101)

- Chiropractors
- Clergy
- Dentists & Dental Hygienists
- Domestic Violence Counselors, Sexual Assault/Battered Victim’s Counselors
- Licensed Marital and Family Therapists
- Licensed or Unlicensed Resident Interns or Resident Physicians
- Licensed Physicians, Practical Nurses, Substance Abuse Counselors or Surgeons
- Medical Examiners
- Mental Health Professionals, Licensed Professional Counselor & Psychologists
- Optometrists, Osteopaths
- Pharmacists
- Physical Therapists
- Physician Assistants
- Podiatrists
- Police, Juvenile/Adult Probation/Parole Officers, Licensed/Certified EMS provider
- Registered Nurses
- School Guidance Counselors, Paraprofessionals, Principals, Teachers, Coaches, Supt.
- Social Workers
- Any person paid to care for a child in any public or private facility, day care center, group day care home or family day care home licensed by the State
- The Child Advocate or an employee of the Office of the Child Advocate
- DCF/DPH employee responsible for licensing child/group/family day care homes/camps
Who else is a Mandated Reporter? (PA 11-93)

Section 3(b) of Public Act 11-93 added the following to the list of mandated reporters:

(1) substitute teachers;
(2) school administrators;
(3) coaches employed by schools rather than all coaches, including intramural or interscholastic coaches; and
(4) any other person who has a contract with the school and regular contact with students in grades K-12 and provides services to or on behalf of students in the course of his or her duties.
Reporting Responsibilities and Procedures
Where do you call?

To report suspected abuse/neglect: Child Abuse and Neglect Hotline (Available: 24/7)

For information about available services: DCF Information and Referral services (Available: 8:30 am to 5:00 pm, Monday through Friday)

The Hotline: 1-800-842-2288

TDD Number: 1-800-624-5518

Law Enforcement Dedicated Line: 860-550-6550 (police only)

The Hotline is staffed by full-time, highly-skilled professionals of the Department who receive and process reports of alleged child abuse and neglect. The Hotline worker gathers critical information from the caller to determine if a report meets Connecticut's statutory criteria for child abuse or neglect. Those reports that meet the criteria are forwarded to a DCF case investigator for prompt and appropriate action.
Child Protection Definitions
Abused - a child or youth who:

(A) has been inflicted with physical injury or injuries other than by accidental means, or

(B) has injuries that are at variance with the history given of them, or

(C) is in a condition that is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;
Neglected - a child or youth who:
(A) has been abandoned, or
(B) is being denied proper care and attention, physically, educationally, emotionally or morally, or
(C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth;
Uncared for - a child or youth who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child requires.
Signs of Child Abuse or Neglect
Signs of Child Abuse or Neglect

1. **Unexplained injuries.** Visible signs of physical abuse may include unexplained burns or bruises in the shape of objects. You may hear unconvincing explanations of a child's injuries.

2. **Changes in behavior.** Abuse can lead to many changes in a child's behavior. Abused children often appear scared, anxious, depressed, withdrawn or more aggressive.

3. **Returning to earlier behaviors.** Abused children may display behaviors shown at earlier ages, such as thumb-sucking, bed-wetting, fear of the dark or strangers. For some children, even loss of acquired language or memory problems may be an issue.

4. **Fear of going home.** Abused children may express apprehension or anxiety about leaving school or about going places with the person who is abusing them.

5. **Changes in eating.** The stress, fear and anxiety caused by abuse can lead to changes in a child's eating behaviors, which may result in weight gain or weight loss.
6. Changes in sleeping. Abused children may have frequent nightmares or have difficulty falling asleep, and as a result may appear tired or fatigued.

7. Changes in school performance and attendance. Abused children may have difficulty concentrating in school or have excessive absences, sometimes due to adults trying to hide the children's injuries from authorities.

8. Lack of personal care or hygiene. Abused and neglected children may appear uncared for. They may present as consistently dirty and have severe body odor, or they may lack sufficient clothing for the weather.

9. Risk-taking behaviors. Young people who are being abused may engage in high-risk activities such as using drugs or alcohol or carrying a weapon.

10. Inappropriate sexual behaviors. Children who have been sexually abused may exhibit overly sexualized behavior or use explicit sexual language.

Source: www.joyfulheartfoundation.org
Risk Factors for Child Abuse and Neglect
While child abuse and neglect occurs in all types of families - even in those that look happy from the outside - children are at a much greater risk in certain situations.

**Domestic violence.** Witnessing domestic violence is terrifying to children and emotionally abusive. Even if the mother does her best to protect her children and keeps them from being physically abused, the situation is still extremely damaging.

**Alcohol and drug abuse.** Living with an alcoholic or addict is very difficult for children and can easily lead to abuse and neglect. Parents who are drunk or high are unable to care for their children, make good parenting decisions, and control often-dangerous impulses. Substance abuse also commonly leads to physical abuse.
**Risk Factors for Child Abuse & Neglect**

**Untreated mental illness.** Parents suffering from depression, anxiety disorder, or another mental illness have trouble taking care of themselves, much less their children. A mentally ill or traumatized parent may be distant and withdrawn from his or her children, or quick to anger without understanding why.

**Lack of parenting skills.** Some caregivers never learned the skills necessary for good parenting. Teen parents might have unrealistic expectations about how much care babies and small children need. Parents who were victims of child abuse may only know how to raise their children the way they were raised.

**Stress and lack of support.** Parenting can be a very time-intensive, difficult job. Caring for a child with a disability, special needs, or difficult behaviors is also a challenge.

*Source: www.helpguide.org*
Illegal activity. Parents or other household members, including other persons permitted access to the residence or to the children, may also place children at risk in the following ways:

- giving higher priority to conducting the illegal activity than to the care and welfare of the children;

- endangering the children by exposing them to the illegal activity or to dangerous persons or situations associated with the activity;

- the children themselves may be used as part of the illegal activity or as payment or collateral for debts or insurance associated with the activity;
When investigating a crime such as a drug crime, prostitution, human trafficking, domestic violence or animal cruelty, be alert for signs that a child might be endangered by the criminal activity or environment.

Consider adding a risk of injury, reckless endangerment or cruelty to persons charge.
Making the Report
Mandated reporters are required to report or cause a report to be made when, in their professional capacity, they have reasonable cause to suspect or believe that a child under the age of 18

- has been abused, neglected, or
- has had non-accidental physical injury, or injury which is at variance with the history given of such injury, or
- is placed in imminent risk of serious harm
What must be reported? (PA 11-180)

- Police are also required to report to DCF the arrest of any 16 or 17 year old youth for a violation of CGS §53a-82 (prostitution).

- PA 10-115 amended CGS §53a-82 so only a person 16 or older can be charged with the crime of prostitution and in any prosecution of a person 16 or 17 years old for prostitution, there is a presumption that the person was coerced into committing the offense by another person.

NOTE: since the purpose of this new law is to protect minors from the harms associated with sexual exploitation and human trafficking, a report should be made in the case of any child under the age of 18 who is engaged in or being used for such activity even if the child or youth is not arrested on the specific charge of prostitution. See PA 11-180.
When and how is a report made? (CGS §17a-101b & c)

- Mandated reporters are required to make an oral report, by telephone or in person to DCF or the police, as soon as practical but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm.

- If police receive an oral report, they shall immediately notify DCF.

- A written report (DCF form 136) shall be filed within 48 hours of the oral report.
What is included in the report? (CGS §17a-101d)

Oral and written reports shall contain (if known):

- names and addresses of the child and his parents or responsible caregiver(s)
- child's age and gender
- nature and extent of injury, maltreatment or neglect
- approximate date and time the injury, maltreatment or neglect occurred
- previous injury, maltreatment or neglect of the child or siblings
- the circumstances in which the injuries, maltreatment or neglect became known to the reporter
- name of the person suspected to be responsible for the injury, maltreatment or neglect
- any action taken to treat or help the child
- any other information the reporter believes would be helpful
What else must be included in the report? (PA 11-93)

PA 11-93 (§15) also requires oral and written reports of all mandated reporters to contain, if known:

- the reasons the reporter believes the person or persons are suspected of causing the child’s injuries, maltreatment or neglect, and
- any information concerning any prior cases in which the alleged perpetrator has been suspected of causing the child harm;

PA 11-93 also requires anyone reporting child abuse or neglect, including non-mandated reporters, to provide an authorized investigator all information that the reporter possesses related to the investigation, except that information that state or federal law expressly prohibits.
What is the penalty for failing to report? (CGS §17a-101a)

Until October 1, 2013

Fine of not less than $500 nor more than $2500 and required participation in an educational and training program.

After October 1, 2013

The failure of a mandated reporter to make a timely report of suspected child abuse or neglect is a class A misdemeanor along with the required participation in an educational and training program. (PA 13-297)
What is the penalty for failing to report? (CGS §17a-101a)

PA 11-93 also requires the DCF Commissioner to promptly notify the Chief State’s Attorney when there is reason to believe that a mandated reporter has failed to make a required report or makes a late report.

By law, the Chief State’s Attorney must notify the State Department of Education Commissioner in writing when individuals holding State Board of Education issued credentials are fined under the mandated reporter law. (CGS §10-149a)

Mandated reporters could also be sued for damages if further injury is caused to the child because they failed to file the required report.
Changes Regarding Sending Copies of Report

By law, when a mandated reporter submits to DCF a written report of suspected abuse or neglect involving an employee of a public or private school or institution, the reporter must also submit a copy of the report to the person in charge of the school.

Under prior law, if the report concerned a school employee who held a state certificate, authorization, or permit, the person in charge of the school had to send a copy of the report to the State Department of Education commissioner or his designee.

**PA 11-93 (§9) now requires the DCF commissioner to send SDE the copy.**
Changes Regarding Sending Copies of Report

Previously, if the employee in question worked for a state-licensed facility or institution that provided care for a child, the mandated reporter also had to send a copy of the report to the “executive head of the state licensing agency.”

**PA 11-93 (§9) now requires the DCF commissioner to send it instead.**
Is there a penalty for filing a false report? (CGS §17a-101e(c))

Any person who knowingly makes a false report of child abuse or neglect shall be fined not more than $2000 or imprisoned not more than one year or both.
What if no abuse or neglect is found? (CGS §17a-101e(b))

Anyone participating in good faith in the making of a report of child abuse and who has reasonable grounds for making the report, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report.

Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.
Tip:

When in doubt...

File a Report!!!

There is a penalty if you don’t. There is immunity if you do.
For more information, contact:

Francis J. Carino
Supervisory Assistant State’s Attorney
Office of the Chief State’s Attorney
300 Corporate Place
Rocky Hill, CT 06067
Tel.: (860) 258-5826
Fax: (860) 258-5858
Voice Pager: (860) 490-0647
E-mail: francis.carino@ct.gov
CT Juvenile Law website: www.francarino.com