



## CHILD ABUSE OR NEGLECT INVESTIGATIONS

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### MANDATED REPORTERS

The law designates certain professionals as mandated reporters of child abuse and neglect. The list includes various health professionals, school employees, and occupations that involve interacting with or caring for children.

OLR Report [2016-R-0197](#) provides more information about the professionals designated as mandated reporters as well as an overview of the major changes to the mandated reporter law since its enactment in 1965.

### ISSUE

What steps does the Department of Children and Families (DCF) take when it receives a report of alleged child abuse or neglect from a mandated reporter?

### SUMMARY

By law, mandated reporters of child abuse or neglect must report to 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 ([CGS § 17a-101a](#)).

This report describes the steps DCF takes to investigate these reports. If, following an investigation, the DCF commissioner determines that the child was abused or neglected, the alleged perpetrator may be added to the state's child abuse and neglect registry either immediately or after exhausting all administrative appeals, depending on the circumstances. DCF maintains the registry, which includes information on individuals found responsible for abuse or neglect. It may disclose limited information from the registry when DCF receives lawful requests for background check purposes related to employment, licensure, and benefit decisions.

Additional measures DCF must take when the allegations of child abuse or neglect involve a school employee are discussed in OLR Report 2016-R-0219.



## **MANDATED REPORTER RESPONSIBILITIES**

Mandated reporters must file an oral report, by telephone or in person, with DCF or a law enforcement agency as soon as practicable but within 12 hours if they have reasonable cause to do so. If the law enforcement agency receives such a report, it must immediately notify the DCF commissioner ([CGS § 17a-101b](#)).

The mandated reporter must provide a written report to DCF within 48 hours of orally reporting to DCF or law enforcement agency ([CGS § 17a-100a\(b\)](#)). 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.

### ***Report Content***

All oral and written reports must include the following information, if known:

1. the names and addresses of the child and his or her parents or caretaker;
2. the child's age and gender;
3. the nature and extent of the child's injury or injuries, maltreatment, or neglect and the approximate date and time they occurred;
4. any previous injury or injuries to, or maltreatment or neglect of, the child or his or her siblings;
5. the alleged perpetrator's name and the reasons the reporter suspects he or she caused the injuries, maltreatment, or neglect;
6. any previous cases in which the perpetrator was suspected of injuring, maltreating, or neglecting a child; and
7. what action, if any, was taken to shelter or otherwise assist the child ([CGS § 17a-101d](#)).

### ***Penalties***

A mandated reporter's failure to report suspected child abuse or neglect or report within the required time periods is a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both. The reporter must also participate in an educational and training program on identifying and reporting child abuse and neglect ([CGS § 17a-101a\(b\)](#)).

Additionally, anyone who knowingly makes a false report of child abuse or neglect may be imprisoned for up to one year, fined up to \$2,000, or both ([CGS § 17a-101e](#)).

### ***Immunity***

Any person who, or institution or agency that, in good faith, reports suspected child abuse or neglect is immune from civil and criminal liability. The immunity extends to any judicial proceeding that results from such a report, provided the person is not the alleged perpetrator. The same immunity applies if the person, institution or agency, in good faith, does not make such a report ([CGS § 17a-101e](#)).

### **DCF INVESTIGATIONS**

DCF must classify and immediately evaluate child abuse or neglect reports it receives in which the alleged perpetrator is (1) the child's caretaker, (2) provided access to the child by the child's caretaker, or (3) entrusted with the care of another child. (If the alleged perpetrator does not fall into any of these categories, DCF must refer the report to the appropriate law enforcement authority for the town where the child resides or in which the alleged abuse or neglect occurred.)

If the report contains sufficient information to warrant an investigation, the DCF commissioner (1) must make her best efforts to begin investigating within two hours of receiving the report if it concerns imminent risk of harm to a child and (2) commence an investigation of any other report within 72 hours of receiving it ([CGS § 17a-101g\(a\)](#)).

DCF must also notify the appropriate law enforcement agency within 12 hours when it receives a report alleging sexual abuse or serious physical abuse, including cases in which a child has (1) died, (2) been sexually assaulted or exploited, (3) suffered brain damage or organ or bodily function loss or serious impairment, or (4) suffered serious non-accidental physical injury ([CGS § 17a-101g\(d\)](#)).

The reporter must provide the investigator with all the related information he or she possesses, unless expressly prohibited by law ([CGS § 17a-101h](#)).

### ***Child Interviews***

During the investigation, the investigator must (1) attempt to minimize the number of times he or she interviews a child and (2) share information with other people authorized to conduct such investigations, as appropriate. The commissioner must obtain consent from the child's parent or guardians for the investigator to interview the child unless the parent or caregiver is the alleged perpetrator or seeking consent would put the child at imminent risk of physical harm. If consent is not

required, a disinterested adult must be present during the interview unless one is not available and the interview must be conducted immediately to protect the child from imminent risk of physical harm ([CGS § 17a-101h](#)).

### ***Assessment Referrals***

DCF may refer a report of alleged child abuse or neglect to appropriate community providers for family assessment or services through the Differential Response system at any point during an investigation or if it decides not to investigate a case that it classifies as presenting a lower safety risk. In the latter circumstance, DCF must perform an initial safety assessment of the family's circumstances and criminal background checks on all adults involved in the report before referring the report for family assessment ([CGS § 17a-101g\(g\)](#)).

### ***Emergency Removals***

If the commissioner or her designee has probable cause to believe that any child in the household is in imminent risk of physical harm and that immediate removal from the surroundings is necessary to ensure the child's safety, he or she must authorize any DCF employee or law enforcement officer to remove the child for up to 96 hours from the surroundings without the parent's or guardian's consent. The commissioner must record in writing the reasons the child was removed and include the record with the investigation report ([CGS § 17a-101g\(e\)](#)).

During the removal, DCF must provide medical and other necessary care to the child. The medical care may include an examination by a physician or mental health professional without the parent's or caregiver's consent as long as the doctor or health professional makes reasonable attempts to obtain such consent.

During a medical examination, the physician may perform diagnostic tests and procedures needed to detect child abuse or neglect. Additionally, the physician may take photographs of any visible trauma area on the child. The photos must be sent to the local police department and DCF. DCF must pay for the diagnostic tests and procedures if they are not covered by insurance, but the state may recover the costs from the parent if he or she is found guilty of the child's abuse or neglect.

If the child is not returned home within 96 hours, DCF must seek a court order to have the child temporarily placed outside the home (i.e., with a family member or other suitable person or agency) ([CGS §§ 17a-101f, 17a-101g\(f\)](#)) .

### ***Investigation Report***

DCF must complete its investigation within 45 days of receiving the report of alleged abuse or neglect. The investigation report must include:

1. a home visit during which the child and any siblings are observed, if appropriate;
2. a determination of (a) the nature, extent, and cause or causes of the reported abuse or neglect and (b) who is suspected of causing the abuse or neglect;
3. the name, age, and condition of other children living in the home;
4. an evaluation of the parents and the home; and
5. a review of the (a) alleged perpetrators criminal history and (b) previous abuse or neglect allegations relating to the children in the home or family violence ([CGS § 17a-101g\(b\)](#)).

## **FINDINGS**

When the investigation is complete, the DCF commissioner must determine, based on reasonable cause, if the child was abused or neglected and, if so, whether (1) an identifiable person was responsible for the abuse or neglect; (2) that person poses a risk to children's health, safety, or well-being; and (3) the person should be recommended for placement on the child abuse and neglect registry. Once the commissioner makes these determinations, she must notify the alleged perpetrator of her finding.

If the commissioner determines that the parent or guardian inflicting abuse or neglecting a child needs substance abuse services, she must refer him or her for appropriate treatment. If she has reasonable cause to believe that the child was sexually abused or seriously physically abused, she must notify the appropriate law enforcement authority and state's attorney and provide a copy of the mandated reporter's report.

The perpetrator may not be added to the child abuse and neglect registry until he or she has exhausted or waived all administrative appeals unless the abuse or neglect resulted in or involves:

1. death, serious physical harm, or sexual abuse of a child;
2. the risk of serious physical injury or emotional harm to a child;
3. a person's arrest due to child abuse or neglect; or
4. a petition filed by the DCF commissioner to terminate parental rights.

Under these circumstances, the finding may be entered into the child abuse and neglect registry before the individual exhausts or waives the appeals process ([CGS §§ 17a-101g\(b\) & \(c\)](#)).

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