

## **SUMMARY OF LEGAL REQUIREMENTS CONCERNING CHILD ABUSE/NEGLECT**

*from p. 2 of CT Form DCF-136 10/1/02 (Rev)*

### **PUBLIC POLICY OF THE STATE OF CONNECTICUT**

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, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.

### **WHO IS MANDATED TO REPORT CHILD ABUSE/NEGLECT?**

Battered Women's Counselors	Optometrists
Chiropractors	Parole Officers (Juvenile or Adult)
Dental Hygienists	Pharmacists
Dentists Physical	Therapists
Department of Children and Families Employees	Physician Assistants
Licensed/Certified Alcohol and Drug Counselors	Podiatrists
Licensed/Certified Emergency Medical Services Providers	Police Officers
Licensed Marital and Family Therapists	Psychologists
Licensed or Unlicensed Resident Interns	Registered Nurses
Licensed or Unlicensed Resident Physicians	School Coaches
Licensed Physicians	School Guidance Counselors
Licensed Practical Nurses	School Paraprofessionals
Licensed Professional Counselors	School Principals
Licensed Surgeons	School Teachers
Medical Examiners	Sexual Assault Counselors

Members of the Clergy

Social Workers

Mental Health Professionals

Probation Officers (Juvenile or Adult)

Any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home which is licensed by the State.

Department of Public Health employees responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps.

The Child Advocate and any employee of the Office of the Child Advocate.

#### **DO THOSE MANDATED TO REPORT INCUR LIABILITY?**

No. Any person, institution or agency which, in good faith, makes or does not make a report, shall be immune from any civil or criminal liability provided such person did not perpetrate or cause such abuse or neglect.

#### **IS THERE A PENALTY FOR NOT REPORTING?**

Yes. Any person, institution or agency required to report who fails to do so shall be fined \$500.00 - \$2,500.00 and shall be required to participate in an educational and training program.

#### **IS THERE A PENALTY FOR MAKING A FALSE REPORT?**

Yes. Any person, institution or agency who knowingly makes a false report of child abuse or neglect shall be fined not more than \$2,000.00 or imprisoned not more than one year or both. The identity of such person shall be disclosed to the appropriate law enforcement agency and to the alleged perpetrator of the abuse.

#### **WHAT ARE THE REPORTING REQUIREMENTS?**

- An oral report shall be made by a mandated reporter by telephone or in person to the DCF Careline or to a law enforcement agency as soon as practicable, but not later than 12 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 a law enforcement agency

receives an oral report, it shall immediately notify Careline. Oral reports to the Careline shall be recorded on tape.

- Within forty-eight hours of making an oral report, a mandated reporter shall submit a written report to the DCF Careline.
- When the report concerns an employee of a facility or institution which is licensed by the State, the mandated reporter shall also send a copy of the written report to the executive head of the state licensing agency.

## **DEFINITIONS OF ABUSE AND NEGLECT**

Child Abuse: any child or youth who has a non-accidental physical injury, or injuries which are at variance with the history given of such injuries, or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment.

Child Neglect: any child or youth who has been abandoned or is being denied proper care and attention, physically, educationally, emotionally, or morally or is being permitted to live under conditions, circumstances or associations injurious to his wellbeing.

Exception: The treatment of any child by an accredited Christian Science practitioner shall not of itself constitute neglect or maltreatment.

Child Under 13 with Venereal Disease: a physician or facility must report to Careline upon the consultation, examination or treatment for venereal disease of any child not more than twelve (12) years old.

## **DO PRIVATE CITIZENS HAVE A RESPONSIBILITY FOR REPORTING?**

Yes. Any person having reasonable cause to suspect or believe that any child or youth under the age of eighteen (18) is in danger of being abused or has been abused or neglected, may cause a written or oral report to be made to the Careline or a law enforcement agency. A person making the report in good faith is also immune from any liability, civil or criminal. However, the person is subject to the penalty for making a false claim.

## **WHAT IS THE AUTHORITY AND RESPONSIBILITY OF THE DEPARTMENT OF CHILDREN AND FAMILIES (DCF)?**

All children's protective services are the responsibility of the Department of Children and Families.

Upon the receipt of a child abuse/neglect report, the Careline shall cause the report to be classified, evaluated immediately and forwarded to the appropriate investigation unit for the commencement of an investigation within timelines specified by statute and policy.

If the investigation produces evidence of child abuse/neglect, the Department shall take such measures as it deems necessary to protect the child, and any other children similarly situated, including, but not limited to, immediate notification to the appropriate law enforcement agency, and the removal of the child or children from his home with the consent of the parents or guardian or by order of the Superior Court, Juvenile Matters.

If the Department has probable cause to believe that the child or any other child in the household is in imminent risk of physical harm from his surroundings, and that immediate removal from such surroundings is necessary to ensure the child's safety, the Commissioner or designee shall authorize any employee of the Department or any law enforcement officer to remove the child and any other child similarly situated from such surroundings without the consent of the child's parent or guardian. The removal of a child shall not exceed ninety-six (96) hours. If the child is not returned home within such ninety-six hour period, with or without protective services, the Department shall file a petition for custody with the Superior Court, Juvenile Matters.

## **WHAT MEANS ARE AVAILABLE FOR REMOVING A CHILD FROM HIS HOME?**

- 96-Hour Hold by the Commissioner of DCF (see above)
- 96-Hour Hold by a Hospital – Any physician examining a child with respect to whom abuse or neglect is suspected shall have the right to keep such child in the custody of a hospital for no longer than ninety-six hours in order to perform diagnostic tests and procedures necessary to the detection of child abuse or neglect and to provide necessary medical care with or without the consent of such child's parents or guardian or other person responsible for the child's care, provided the physician has made reasonable attempts to (1) advise such child's parents or guardian or other person responsible for the child's care that he suspects the child has been abused or neglected and (2) obtain consent of such child's parents or guardian or other person

responsible for the child's care. In addition, such physician may take or cause to be taken photographs of the area of trauma visible on a child who is the subject of such report without the consent of such child's parent's or guardian or other person responsible for the child's care. All such photographs or copies thereof shall be sent to the local police department and the Department of Children and Families.

- Custody Order – Whenever any person is arrested and charged with an offense under Section 53-20 or 53-21 or under Part V, VI, or VII of Chapter 952, as amended, the victim of which offense was a minor residing with the defendant, any judge of the Superior Court may, if it appears that the child's condition or circumstances surrounding his case so require, issue an order to the Commissioner of the Department of Children and Families to assume immediate custody of such child and, if the circumstances so require, any other children residing with the defendant and to proceed thereon as in cases reported.

#### **WHAT IS THE CHILD ABUSE CENTRAL REGISTRY?**

The Department of Children and Families maintains a registry of reports received and permits its use on a twenty-four hour daily basis to prevent or discover child abuse of children. Required confidentiality is ensured.

DCF CHILD ABUSE AND NEGLECT CARELINE: 1-800-842-2288

STATUTORY REFERENCES: §17a-28; §17a-101

et. seq.; §46b-120.