



Connecticut Sexual Assault Crisis Services, Inc.

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Joint Informational Hearing on Mandated Reporters of Child Abuse

Select Committee on Children and Judiciary Committee

Anna Doroghazi, Director of Public Policy and Communication

Tuesday, January 24, 2012

Good afternoon, Senator Coleman, Senator Gerratana, Representative Fox, Representative Urban, and members of the Select Committee on Children and the Judiciary Committee. My name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, information, and referrals to over 5,700 victims and survivors of sexual violence. Over 1,000 of these victims were children and adolescents. Advocates also provided community education and training to over 35,000 individuals throughout the state.

Based on our experience and expertise working with victims of child sexual abuse and their families - and as mandated reporters - we are pleased to be included in this discussion regarding mandated reporting.

General Thoughts on Child Abuse and Mandated Reporting

We understand that this conversation about mandated reporting has come about in large part due to recent revelations of alleged abuse committed by Jerry Sandusky, the former assistant football coach at Penn State. In order to put our thoughts about mandated reporting into context, we would like to briefly address this case and what it illustrates about child sexual abuse, offenders, and how adults respond (or fail to respond) to suspected abuse.

First and foremost, the Penn State incident illustrates that it is not uncommon for otherwise responsible and well-meaning adults to fail to recognize abuse and/or take appropriate action when it occurs. One reason for this is that perpetrators of child abuse do not often comport with stereotypes. As a society, we tend to imagine that abusers are blatantly evil and easy to identify. The reality is that abusers can be friendly, charming, and successful. Most parents would not permit their children to spend time with someone who seemed dangerous, so abusers work hard to present a good image and gain the trust of their communities. Because abusers often appear to be kind and trustworthy, other adults find it hard to believe that they would harm a child, and they may hesitate to file a report against someone who does not "seem like" an abuser.

It is not uncommon for these successful and seemingly trustworthy offenders to occupy positions of authority and influence. Jerry Sandusky was in leadership positions at both Penn State and his charity, Second Mile, which reached out to "troubled" boys. He was able to offer boys and young men access to incredible experiences - football games, travel, and the mentorship of a

respected community member. At the same time that these actions built his reputation within the community, they also gave him virtually unrestricted access to and authority over young men. This aspect of the Sandusky case is fairly common. Offenders often occupy roles of influence in their victims' lives.

In addition to illustrating some of the dynamics at play with child predators, the Penn State case also highlights some of the issues that arise when individuals do not accept responsibility for reporting abuse. Much of the discussion about the Penn State incident has focused on Mike McQueary, the 6'4" graduate assistant who, instead of using his stature to intervene, allegedly turned his back and walked away when he discovered Sandusky raping a ten year old boy in a locker room shower. According to media reports, McQueary went home and talked to his father about what to do before reporting the incident to former head football coach Joe Paterno the next day.

While it would have been ideal for McQueary to physically intervene to stop the assault and to then immediately report to police, his actions were technically legal, and he has not been charged with any crimes. His actions, and the lack of legal repercussions, raise interesting and problematic public policy questions: To what extent is it possible to legislate common sense and good moral decision making? Would McQueary have acted differently if he had been a mandated reporter under Pennsylvania law? What prior knowledge or training could McQueary have had to improve his response in that situation?

It remains to be seen if the Penn State administration actively engaged in efforts to cover up Sandusky's crimes, but it is clear that they did not report his actions to the police or prevent his continued access to children. While the lack of action may have been due to a desire to protect the reputation of the institution, it may have also been due to a lack of understanding about how to report abuse and who is responsible for reporting it. Such a problem would not be unique to Penn State – reports of child abuse easily fall through the cracks when institutional policies require employees to report abuse to a supervisor or another designee within an agency. In such cases, individuals may believe that they have met their moral and legal obligations to report by passing the information on to someone else within the institution, even if no action is taken to help the child who is being abused. The result is a sort of "institutional bystander effect" in which everyone assumes that someone else has taken responsibility for reporting the abuse to law enforcement or child protection services. The further away a person is from the abuse, the less likely they are to take action to stop it.

Although we are not aware of any pressing problems with Connecticut's existing mandated reporting statutes, the tragic incident at Penn State has provided Connecticut with an excellent opportunity to review its own mandated reporting policies. CONNSACS applauds the Select Committee on Children and the Judiciary Committee for taking the time to have this conversation, and we would like to contribute to this discussion by first describing our vision for what constitutes an ideal response to child maltreatment:

When a child experiences abuse or neglect, the child will encounter an adult who accepts their responsibility to report, understands how to make a report, and knows how to support the child at the time of the disclosure.

Two public policy responses seem to have good potential to achieve this goal, especially if they are implemented in concert with one another:

- expanding the existing list of mandated reporters to include a broader range of professionals who come into contact with children
- requiring all mandated reporters to be trained in how to identify and report suspected child abuse while providing a supportive response to the child

Expanding the existing list of mandated reporters could put more children into contact with adults who know how to respond to their situation.

Following the revelations of abuse at Penn State, there has been concern about university employees and coaches like Jerry Sandusky who have extensive contact with children but are not considered mandated reporters. While CONNSACS believes that it could be effective to add additional categories of workers to Connecticut's list of mandated reporters, it should be noted that there were mandated reporters who had knowledge of Jerry Sandusky's alleged actions. The problem in the Penn State case was not that there were too few mandated reporters – Tim Curley and Gary Schultz, two administrators who had knowledge of the abuse allegation, have both been charged with failure to report due to their status as mandated reporters – but that the individuals who were required to report failed to do so either because they believed that someone else within their institution would handle the reporting or because they were trying to protect the reputation of their institution.

This said, there are a few categories of professionals who regularly come into contact with children but who are not currently listed as mandated reporters in section 17a-101. These individuals include:

- Any athletic coach
- School vice principals
- Administrators and employees of private and public day and overnight camps
- Administrators and employees of public or private youth centers, youth recreations programs, or youth organizations

Expanding the list of mandated reporters will be effective if it puts children in contact with more adults who can identify and respond to abuse. It should be noted, however, that simply adding classes of professionals to a list does not accomplish this. Having more mandated reporters will only be helpful if they understand and take seriously their obligations and if they are trained in how to appropriately identify and respond to abuse. Therefore:

If all mandated reporters receive training, they will be better able to identify and respond to suspected instances of child abuse and neglect.

Connecticut requires the Commissioner of Children and Families to “develop an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training shall be *made available* to all persons mandated to report child abuse and neglect...” [Section 17a-101(c)]. Instead of making training *available*, Connecticut could make training *required* for all persons mandated to report child abuse and neglect.

unintended consequence of creating a sort of “bystander effect.” When all adults are mandated reporters, individuals with knowledge of child maltreatment may assume that that someone else has already reported or that someone else might have more information and be able to make a better report.

Another unintended consequence of universal mandated reporting is that adults who are trying to protect themselves and their children could face penalties for failing to report, even when reporting is not in their best interest or the best interest of their children. It is not uncommon to encounter situations in which one perpetrator is abusing both a child and the child’s mother (or another caretaker). In such situations, the mother/caretaker may refrain from making a report due to fear of retaliation or escalated violence. In these cases, not reporting abuse may be a calculated decision made in the interest of safety.

Criminal penalties for failure to report do not seem to improve outcomes for children.

Currently, failure to report is a misdemeanor in forty-two states. In four of these states, the crime can be upgraded to a felony in certain circumstances. Connecticut is one of eight states that do not have a misdemeanor or felony designation for failure to report; failure to report carries a fine of between \$500 and \$2500 and required participation in an educational and training program (C.G.S. Section 17a-101a).

One investigation conducted in the wake of the Penn State scandal found that very few individuals are charged with failure to report, regardless of the associated penalties: of the twenty-five states reviewed in the investigation, sixteen averaged fewer than two charges for failure to report each year.³ In the past decade, only fifteen people in Connecticut have been cited for failure to report, and all but two of those cases were dropped.⁴ To put these numbers in context, Connecticut’s Department of Children and Families substantiated approximately 6,800 reports of child abuse or neglect in 2010 alone. Given the infrequency with which existing punishments are pursued in Connecticut, it seems unlikely that increasing penalties would produce tangible benefits for children.

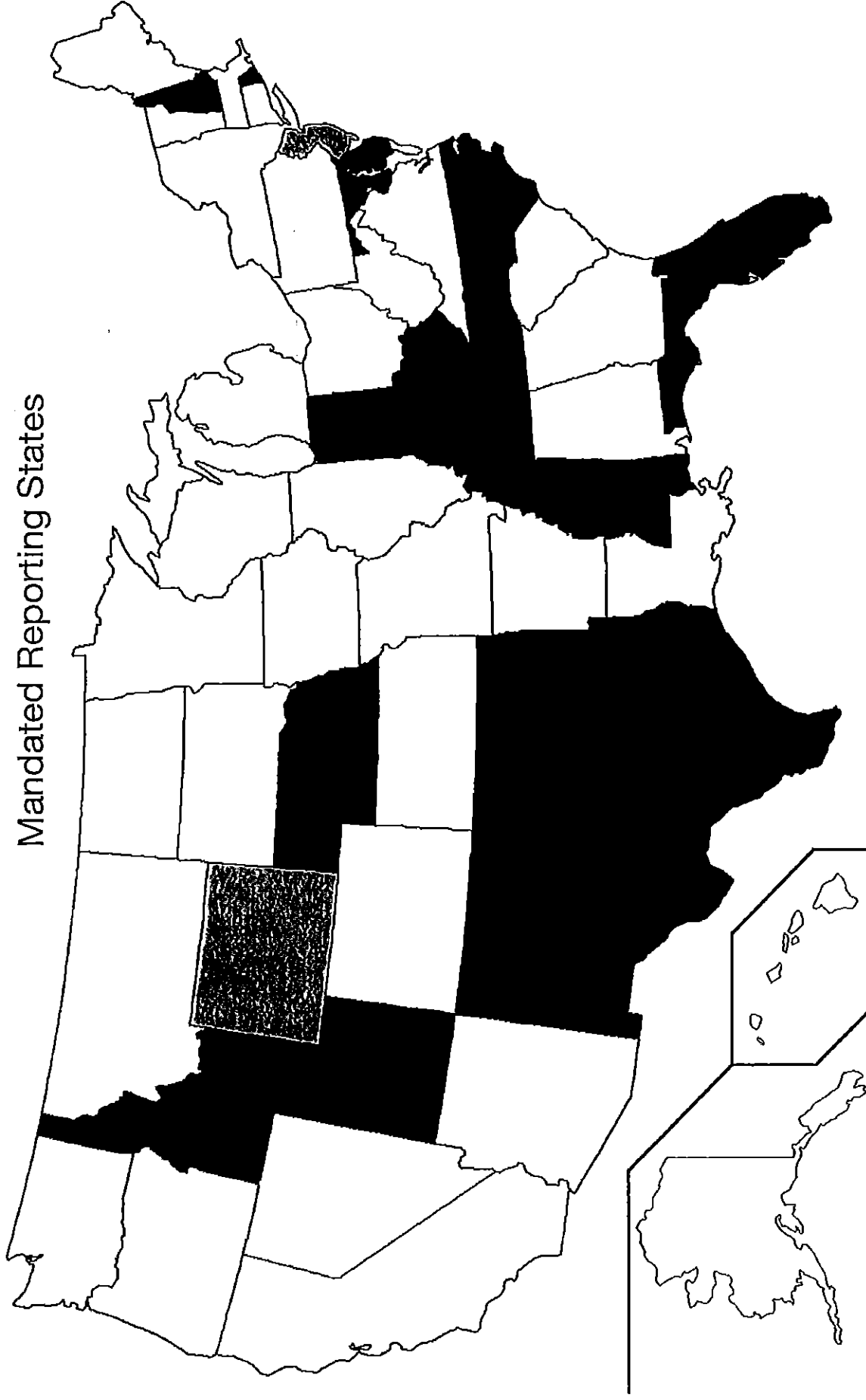
Although there does not seem to be an need to make sweeping revisions to Connecticut’s mandated reporting statutes, children could likely benefit from changes such as: listing as mandated reporters additional professionals whose work puts them in regular contact with children, requiring training for either all mandated reporters or those who are licensed through the state, having employees sign a written statement explaining and acknowledging their duties as a mandated reporter, and encouraging institutions to review their internal policies to promote reporting.

Thank you again for this opportunity to comment on mandated reporting. We look forward to continuing this conversation about how to best protect and support children.

³ Heath, Brad. “Few penalties for keeping child abuse secret.” *USA Today* 16 December 2011.

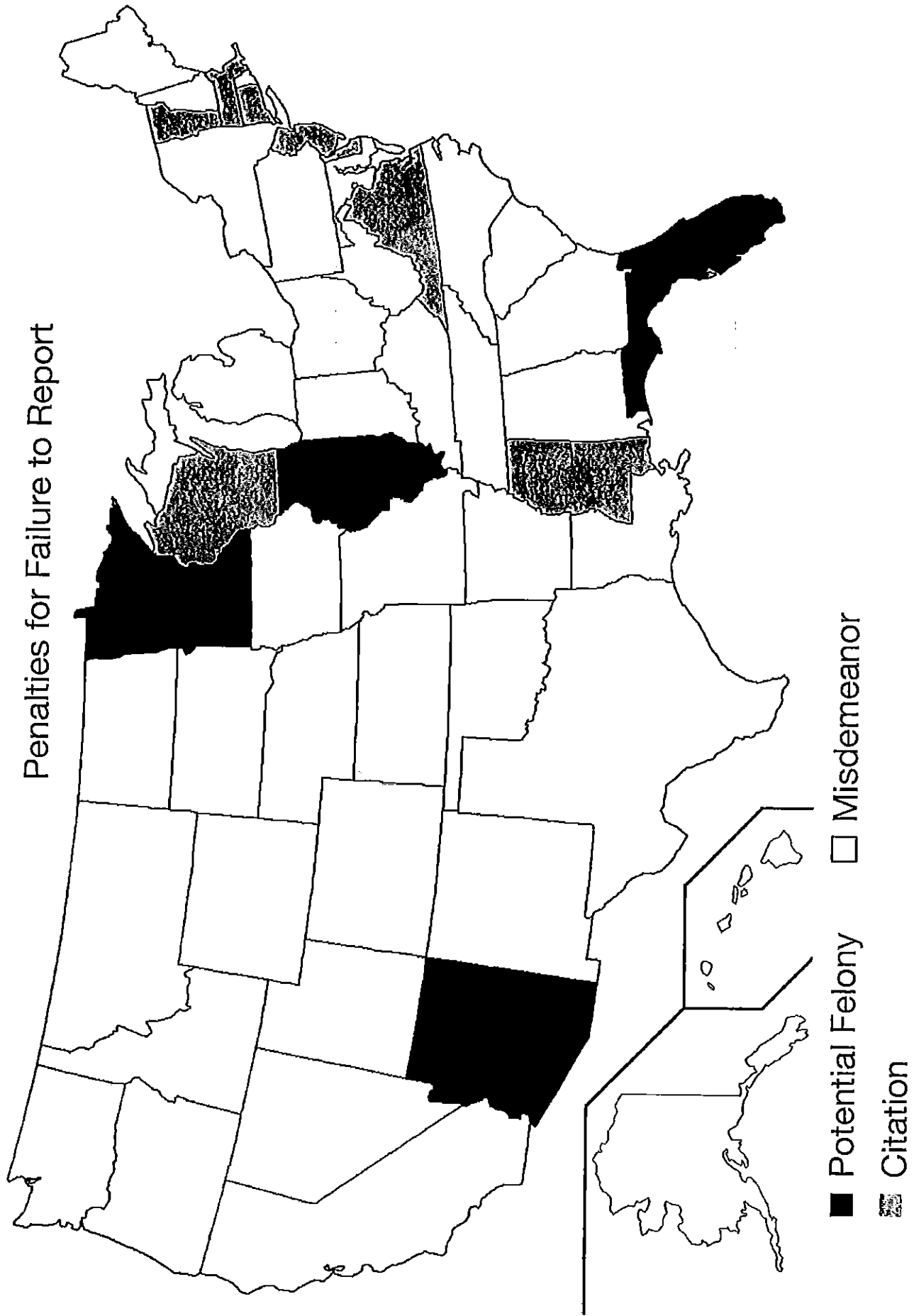
⁴ *ibid.*

Mandated Reporting States

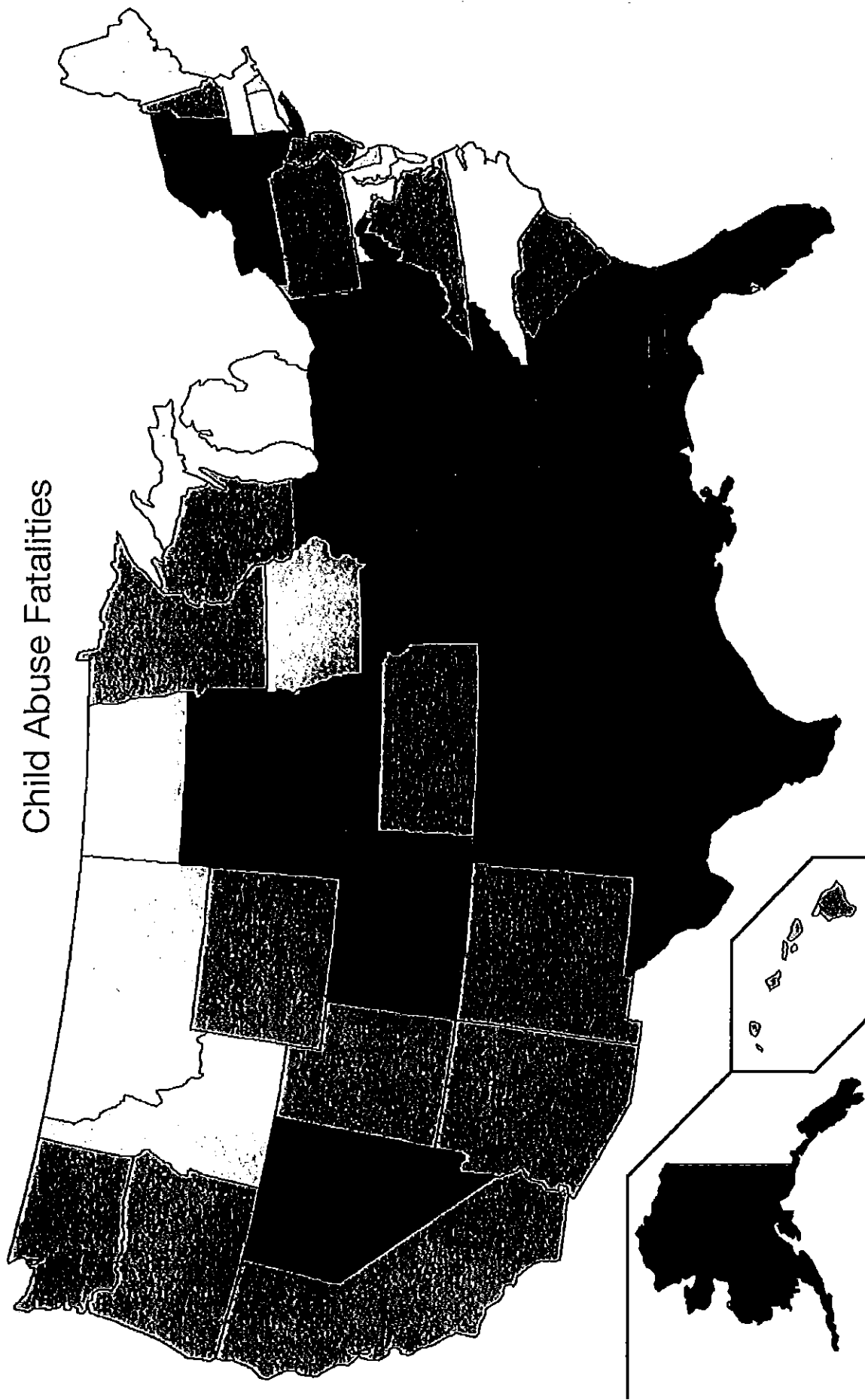


- No professions specified in state statute — universal mandated reporting
- Professions specified in statute along with universal mandated reporting

Penalties for Failure to Report



Child Abuse Fatalities

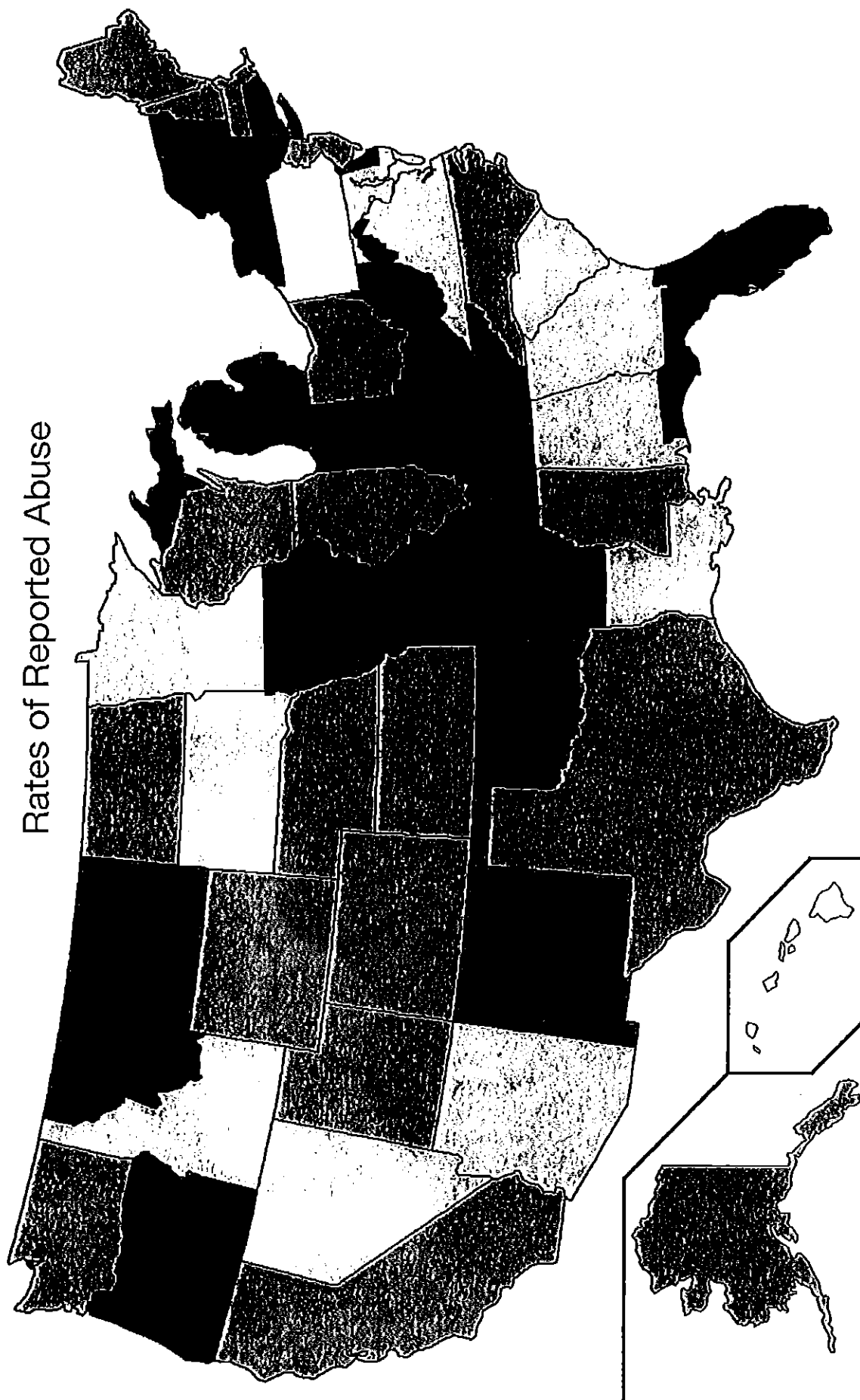


■ >3* ■ 1 - 1.99* □ No Data Available

■ 2 - 2.99* ■ <1*

*per 100,000 children

Rates of Reported Abuse



■ 40-49.9 ■ 20-29.9 □ 0-9.9

■ 30-39.9 ■ 10-19.9

*per 1,000 children