

## **Center for Children's Advocacy**

University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105

### **TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY** **PROVIDED TO CONNECTICUT GENERAL ASSEMBLY JOINT INFORMATIONAL HEARING** **ON MANDATED REPORTERS OF CHILD ABUSE**

January 24, 2012

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University Of Connecticut School Of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. Through our Child Abuse Project, the Center represents individual children in child abuse and neglect proceedings.

Edwin, a developmentally disabled child, was eight years old when he was taken from his parent, a single father, due to concerns regarding educational neglect. Amanda was only days old when she was removed from her mother's care after her mother was hospitalized with injuries suffered as a result of a domestic violence incident. Kameron was a five month old baby when he was placed in foster care after presenting with a cracked skull and broken ribs in the hospital emergency room. It was to his lawyer that three year old Samuel's foster mother reported that the child did not know to wrap his legs around her waist when she picked him up because "he just didn't know what it meant to be held." Edwin, Amanda, Kameron and Samuel are but a few of the many children that CCA represents. We see their faces and learn their stories, and we speak up both for their right to be safe and healthy and their right to be with loving, nurturing families. We understand firsthand the need to ensure that abused and neglected children, often suffering in silence, are identified by caring adults and brought to the attention of child welfare professionals.



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It is through the lens of experience and commitment to work on behalf of abused and neglected children that the Center urges caution as the legislature reviews the mandatory reporting framework. All of us seek to build a system that will ensure each and every abused and neglected child is identified and given the aid and support he or she so badly needs. Our research and experience, however, suggests that well-meaning reforms that are not carefully tailored to meet specific problems may result in our limited resources being pulled away from those who most need it.

In support of the legislature's efforts to review the mandatory reporting framework, Connecticut General Statute Sections 17a-101 et. seq., we respectfully offer the following observations and recommendations:

**I. Assessment of the Current System: State Child Welfare Resources Must Be Allocated to Ensure Identification of Children at Risk of Emotional or Physical Harm.**

As many testifiers today will surely report to these committees, the Department of Children and Families receives almost 100,000 calls each year alerting the agency to families or children in crisis. According to the agency's most recent reports, approximately 6,800 of those calls result in a substantiation for abuse or neglect.<sup>1</sup> The vast majority of calls to DCF do not deal with clear cut cases of child physical or sexual abuse but rather parental neglect, often arising from conditions of poverty and mental health concerns. Any effort to require all adults to serve as mandated reporters will surely increase the percentage of unfounded allegations of abuse or neglect and take away from the critical resources that the child welfare agency must bring to bear to investigate and address situations where children are at risk of imminent physical and emotional harm.

The current statutory scheme, C.G.S. § 17a-101 et. seq., provides essential and worthy elements of a mandatory reporting framework. The statutes enumerate myriad professionals that work with and have access to information about children and require these individuals to use their experience, observations and professional knowledge to alert the child welfare agency regarding potential abuse or neglect. The statutes provide for DCF to facilitate training of mandated reporters (though this training is not required for all categories of mandated reporters), provide whistleblower protections to individuals who make reports in good faith, and also set out penalties for failure to fulfill the reporting obligations.

Key questions moving forward include whether to add additional categories of professionals to the enumerated list of reporters, such as university officials, collegiate or private community coaches; whether to mandate that all adults in state report suspected abuse or neglect; how best to ensure that reporters are knowledgeable about their obligations and are incentivized to report suspicions; and finally, how to ensure that the child welfare agency has the appropriate resources to support a comprehensive hotline assessment program.

**III. Connecticut Should Focus on Assessing Effectiveness of Current System of Reporting and Ensuring Adequate Support and Training for Reporters**

We seek to ensure that our system of mandatory reporting is designed to identify children who are in imminent risk of harm due to abuse or neglect. It is therefore imperative that the professionals we have already identified as reporters are adequately supported in their efforts to fulfill this important function. Connecticut could revise its statutes to require comprehensive training for mandated reporters, consistency of curriculum, and updated trainings after major changes in the law. While there are few studies detailing the effectiveness of mandated reporter statutes, in 2009, Pennsylvania conducted a state-wide survey of mandated reporters to identify gaps in the system.<sup>2</sup> The results of

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<sup>1</sup> <http://www.ct.gov/dcf/cwp/view.asp?a=2565&Q=314326>

<sup>2</sup> PA Survey Results can be found on the web at Protect Our Children.org, <http://www.protectpachildren.org/files/mrreport3292011.pdf>

the study indicated that many professionals were unsure of their status as mandated reporters, were unclear as to what they were required to report and had never received training regarding their reporting obligations. Recommendations arising out of the survey are instructive for this joint committee's purpose and include:

- a. Require training for all mandated reporters, with updates after substantial changes to the law;
- b. Ensure consistency of training content;
- c. Make training accessible both in person and on-line, with post training tests to ensure effectiveness;
- d. Develop a state website to serve as a clearinghouse regarding mandatory reporting;
- e. Develop a state-sponsored public relations strategy to reach out to our network of mandated reporters and make them aware of their status and obligations;
- f. Improve agency response to mandated reporter calls including on-hold time, responsiveness and application adequate resources to assessment of calls;
- g. Publicly report information on call rate, response rate, substantiation rate, and resource concerns.

**IV. Care Should be Taken to Ensure that Revising The Mandated Reporting Statutes Will Not Exacerbate the Problem of Overrepresentation of Minority Families in the Connecticut Child Welfare System.**

Any revisions of the mandated reporter statutes must be carefully tailored to ensure that individuals required to make reports are in a position to observe a child who might be at risk and that the person making the report has the necessary training to identify potential abuse or neglect. In such a way, we will avoid exacerbating the problem of overrepresentation of minority families involved with DCF.

National studies show that minorities are overrepresented in all phases of the child welfare system in almost all states. A 2003 study published in *Children and Youth Services Review* concluded that African Americans are investigated for child abuse and neglect twice as often as Caucasian.<sup>3</sup> Federal reviewers of state child welfare practices also determined that once children are in foster care, white children achieved permanency outcomes at a higher rate than children of color.<sup>4</sup> Data from Connecticut has shown that even as recently as 2008, more than fifty percent of all children in DCF care were Hispanic or African American.<sup>5</sup>

Contributing to this problem are families' issues as they related to poverty or homelessness and reporters' lack of certainty as to what constitutes abuse or neglect. Reporters may confuse poverty with neglect, and together with reporting and intake bias, the result is that a higher percentage of

<sup>3</sup> Yaun, J. J. Hedderson and P. Curtis, Disproportionate representation of Race and Ethnicity in Child Maltreatment: Investigation and Victimization, *Children and Youth Services Review*, 25 (2003): 359-373 – Places to Watch.

<sup>4</sup> See National Child Welfare Resource Center (2006) referencing outcome of first round of CFSR data.

<sup>5</sup> See attached chart.

minority families are referred to the child welfare agency and more minority children are taken into foster homes.

Expanding mandatory reporting requirements without careful attention to training or guidance as to what individuals' obligations are and what constitutes abuse or neglect will likely result in a worsening of this problem. Individuals will hasten to report families out of fear of facing statutory penalties and the child welfare system will be ill equipped to thoughtfully respond to this volume. Moreover, as Connecticut recently passed Public Act 11-154, *An Act Concerning Detention of Children and Disproportionate Minority Contact in the Juvenile Justice System*, any change to the child welfare statutes that may increase the risk of Disproportionate Minority Contact in the Child Welfare system should be undertaken in a planful and evidence based manner.

#### Impact on Differential Response System

Finally, DCF is currently implementing its Different Response System (DRS) statewide. The system is an evidence-based child welfare practice designed to ensure that families who simply need community services rather than court involvement and child protective services are supported through an alternative system of support. DRS is also considered a "promising practice" for the remediation of minority overrepresentation in the child welfare system. As the hotline remains the sole intake system for all calls coming into the Department, it is critical that DCF have the resources to adequately assess every call made on behalf of a needy child or family.

#### V. A Thoughtfully Constructed Legislative Taskforce Can Review and Recommend Effective Reforms to the Legislature Within a One-Year Time Frame

Several states have already created legislative taskforces to review state reporting requirements and issue recommendations to state leaders.<sup>6</sup> One of these taskforces, the Iowa Child Sexual Abuse Prevention Taskforce, recently decided *against* adding college officials to the list of mandatory reporters in favor of increasing training delivery to already enumerated reporters.<sup>7</sup> In Pennsylvania, where the high profile Penn State sexual abuse scandal emerged, the legislature created a taskforce on child protection to create and deliver a final report to the Governor by November 30, 2012.<sup>8</sup> Missouri created the Task Force for the Prevention of Sexual Abuse of Children, which must provide recommendations to the legislature by 2013.<sup>9</sup>

A review of the National Conference of State Legislators clearinghouse reveals dozens of draft bills from across the country, raised during the past year, designed to improve states' mandated reporter

<sup>6</sup> For e.g., Iowa Child Sexual Abuse Prevention Taskforce, created by Iowa Code 2011, Section 87 of Senate File 533;

<sup>7</sup> <http://www.wowt.com/home/headlines/iowa>

[Sex Abuse Panel Backs More Detection Training 135162533.html](http://www.wowt.com/home/headlines/iowa)

<sup>8</sup> Pennsylvania House Resolution No. 522, Senate Resolution No. 250, both adopted on December 12, 2011

<sup>9</sup> Missouri Code Section 160.2100 RSMo.

statutes. The recommendations range from adding coaches of private teams to the list of mandated reporters to making everyone a mandated reporter and ensuring that failure to report is a felony. It should be noted that while eighteen states already have universal reporting requirements there is no empirical evidence that such statutes improve the identification rate of abused children.

### Conclusion

Ultimately, an effective system of identifying and addressing problems of child abuse will ensure that reporters are strategically identified and appropriately trained. They must have confidence in the child welfare system's ability to effectively respond to claims of abuse or neglect and assist families referred to the agency in achieving positive outcomes. In this way, reporters will have the knowledge and confidence that they need to be effective partners in the community's effort to protect children from abuse.

We welcome the opportunity to work with you or any of your staff to show you statutory models around the country that work better and could be implemented with little or no cost in Connecticut.

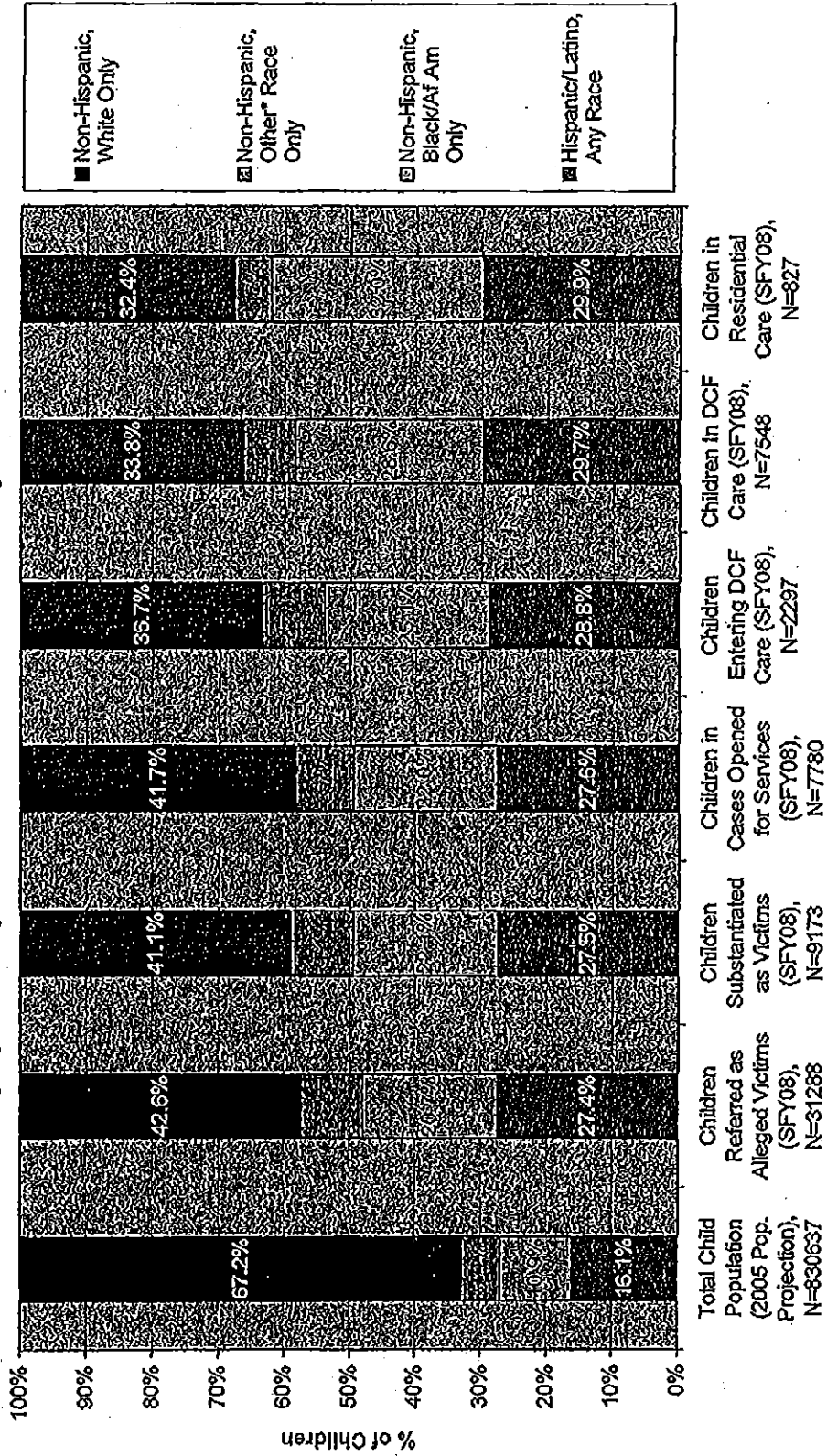
Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'Sarah Eagan', written in dark ink.

Sarah Eagan, J.D.

Director, Child Abuse Project

# Racial/Ethnic Disproportionality Across The CT Child Protection System SFY08: STATEWIDE



\*Other Race includes: American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander, Other, Multi-Racial, and Missing/Unknown/UTD

Data Run Date:  
Statewide: 2/1/09