

DIOCESE OF NORWICH

SEXUAL MISCONDUCT POLICY

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TABLE OF CONTENTS

Introduction

Article One: General Provisions

Article Two: Roles and Responsibilities

Article Three: Processes

Appendix I: Definitions

Appendix II: Connecticut Reporting Requirements and the Diocese of Norwich
DCF Reporting Forms – CT
Frequently Asked Questions – CT

Appendix III: New York Reporting Requirements and the Diocese of Norwich (for Our Lady of
Grace Parish, Fishers Island, New York)
DCF Reporting Forms – NY
Frequently Asked Questions – NY

INTRODUCTION

On September 19, 1990, the first written policy created specifically for the Diocese of Norwich to deal with issues of sexual misconduct, the sexual abuse of children, and child abuse was published. It was an important first step forward. It established the diocesan Pastoral Care Committee and a process for dealing with these most important issues. It reminded diocesan personnel of their reporting obligations and raised awareness at every level of diocesan functioning. It was, indeed, one of the early efforts of the Church in the United States to deal in objective, charitable, and just fashion, with both the victims and the accused in these cases.

Subsequent experience of the Pastoral Care Committee and the evolving nature of the problem highlighted the need for an even more comprehensive and detailed policy, which was created in 1994 in consultation with attorneys, therapists, and social workers, who deal on a day-to-day basis with the issues that are raised by sexual misconduct, the sexual abuse of children, and child abuse.

More recent events and responses, including the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel*, have highlighted the need for more policy revisions.

The three articles that follow are a reflection of the experience of the Church of Norwich, as well as that of many experts in the field.

Article One contains general statements of policy from which specific procedural recommendations in the balance of the documents follow.

Article Two establishes the roles and responsibilities for the development, implementation, and review of diocesan policies on sexual misconduct. After affirming the ultimate responsibility of the Bishop, it establishes an Office of Internal Affairs (responsible for the investigative processes), the Diocesan Review Board (responsible for the review of complaints and the formulation of recommendations for action to the Bishop), the Assistance Coordinator (responsible for enhancing communications, fostering the diocesan relationship with various victims' and survivors' services agencies, as well as responding to the needs of all those affected by sexual misconduct and sexual abuse by diocesan personnel), and the Policy Review Board (responsible for the review of and recommendations for revisions to diocesan policies on

screening, sexual misconduct, and pastoral conduct, as well as other Office of Safe Environments policies and protocols). This Article also addresses the relationship of the diocese to members of institutes of consecrated life and societies of apostolic life.

Article Three develops the actual procedures that will be followed when an accusation of sexual misconduct arises. Specifically, this article provides procedures for the receipt and handling of incident reports. It sets forth the process that will be followed in treating complaints, including immediate review by the Office of Internal Affairs and referrals to state or local police in the appropriate jurisdictions, as well as to the Department of Children and Families (in Connecticut) or Child Protective Services of the Office of Children and Family Services (in New York). The various steps that will be followed in dealing with the incident are described, including the investigations phase, the initiation of action, the determination of culpability or lack thereof, and supplementary reviews of dispositions.

Sexual misconduct affects the whole Church. The solution to the problem must involve the whole Church. The following policies and procedures are another step in the continuing effort of the Diocese of Norwich to provide for the well-being of the people among whom it carries on its pastoral mission.

ARTICLE ONE

GENERAL PROVISIONS

- 1.1 Establishment of Policy. Sexual misconduct, by any Christian, violates Christ's commandment to love one another. Sexual misconduct by personnel of the Diocese of Norwich violates God's law, assaults human dignity, and irreparably damages the mission of the Church. Thus, no sexual conduct which is contrary to the moral and spiritual tradition and teaching of the Roman Catholic Church can be sanctioned or condoned as part of the ministry of the Diocese of Norwich. Therefore:
- it is the policy of the Diocese of Norwich that, since sexual misconduct and/or sexual abuse of children, and/or child abuse, by the personnel of the diocese is not only contrary to every Christian principle, but also, by its very nature, outside the scope of the duties and employment of all personnel of the diocese, acts of sexual misconduct are strictly forbidden and will be cause for the imposition of sanctions, including, but not limited to, loss of employment, removal from office, dismissal from the clerical state, suspension, and/or excommunication;
 - the following policies and procedures are hereby established (1) in an effort to prevent sexual misconduct by diocesan personnel and the resulting harm to others while the work of the diocese is being performed and (2) to provide internal guidance to the personnel of the diocese on how to respond to allegations of sexual misconduct if they do occur.
- 1.2 Definitions. The scope and content of these policies shall be construed in accord with the definitions provided in Appendix I, attached hereto and incorporated herein by reference.
- 1.3 Funding. The Diocese shall provide reasonable funding, in amounts to be determined by the Bishop, in order to provide for the staff, such liability insurance as necessary and appropriate, and the facilities necessary for the implementation of these policies. The Diocese of Norwich shall not create, fund, or establish victims' services but shall act in every reasonable manner to support and cooperate with the existing agencies already providing such services.
- 1.4 Interpretation. These policies are to be understood and construed in a fashion consistent with the 1983 *Code of Canon Law*, as amended from time to time, *Sacramentorum Sanctitatis Tutela*, the *Charter for the Protection of Children and Young People*, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel*.

- 1.5 Review and Amendment. Annually the Policy Review Board established in Article Two shall review at least one of the following policies: the Comprehensive Screening Policy; the Pastoral Code of Conduct; or the Sexual Misconduct Policy. The Review Board shall make any recommendations for changes to the Bishop, who may implement the recommendations at his own discretion. In this fashion each policy will be reviewed and proposals for modifications suggested at least once every three years. The Bishop may always amend these policies and procedures at any time at his own initiative.

ARTICLE TWO

ROLES AND RESPONSIBILITIES

This article addresses the roles and responsibilities of the following:

- The Diocesan Bishop
- The Office of Internal Affairs
- The Diocesan Review Board
- The Assistance Coordinator
- The Policy Review Board
- Institutes of Consecrated Life and Societies of Apostolic Life

- 2.1 The Diocesan Bishop. The Bishop of the Diocese of Norwich shall have ultimate responsibility for the development, review, and implementation of these policies. He shall be assisted by groups and persons in the manner and fashion described in Article Two below. In the event of the Bishop's absence, the Vicar General of the Diocese shall act in his place. In the event of a vacant or impeded see, the Administrator of the Diocese shall act in the place of the Bishop.
- 2.2 The Office of Internal Affairs. The Office of Internal Affairs shall consist of the Bishop's Delegate for Internal Investigations assisted by a team of no fewer than two investigators, all appointed by the Bishop for a specified term. The primary responsibility of this Office is to assist the Bishop in his obligation to investigate allegations of sexual misconduct by diocesan personnel.
- 2.2.1 The Delegate for Internal Investigations is bound by office to promote the truth and to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors or vulnerable persons to civil authorities and to cooperate with them in their investigations in accord with state law. The Delegate for Internal Investigations shall be a person of unimpaired reputation, with a background in civil or canon law or law enforcement, with appropriate experience, discretion and sound judgment.
- 2.2.2 The investigators shall be lay persons with background or experience in the investigation and/or prosecution of allegations of sexual misconduct. Preferably there will be at least one female and one male investigator. They shall be persons of unimpaired reputations capable of objective and impartial treatment of all concerned.

2.2.3 The duties of the Office of Internal Affairs, under the supervision of the Delegate for Internal Investigations and the Diocesan Bishop, shall be to:

-receive and assess all complaints of sexual misconduct by diocesan personnel;

-if warranted, investigate the same complaints in a manner consistent with the provisions of canon law, the *Charter for the Protection of Children and Young People*, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel*;

-transmit the results of the investigation to the Bishop and the Diocesan Review Board. The Bishop may further share the results of the investigation as he deems appropriate;

-assist the Diocesan Review Board by preparing, submitting, and presenting reports pertaining to allegations and such other information as may be requested from time to time by the Diocesan Review Board, always bearing in mind the duty to respect and protect the privacy, good reputation, and well-being of the alleged victim and the alleged perpetrator;

-prepare and assist in the pursuit of such canonical penal processes as may be appropriate when requested to do so by the Bishop.

2.3 The Diocesan Review Board. The Diocesan Review Board serves as a standing consultative body to the Bishop of Norwich. Its purpose is to advise the Bishop in his assessment of allegations of sexual misconduct made against any diocesan personnel and that persons' suitability for ministry and/or ongoing employment by the Diocese. It receives and reviews the findings of the Office of Internal Affairs and assists the Bishop in formulating a course of action in response to that report.

2.3.1 **Membership.** The Diocesan Review Board shall consist of voting and non-voting members. There shall be at least five (5) voting members of outstanding integrity and good judgment who are in full communion with the Church. The majority of these members shall be lay persons not employed by the Diocese of Norwich. At least one member of the board should have particular expertise in the treatment of the sexual abuse of minors. Non-voting members shall include the Judicial Vicar of the Diocese or his delegate, the Bishop's Delegate for Safe Environments, the Diocesan Attorney, and the Claims/Risk Manager for Catholic Mutual Relief Society.

- 2.3.2 **Term.** Appointments for voting members shall be for a term of five (5) years or until a successor is appointed. Non-voting members serve ex officio.
- 2.3.3 **Officers.** The Bishop shall designate one voting member of the Diocesan Review Board to serve as chairperson for a one year term. The chairperson will ordinarily call and preside at meetings of the committee.
- 2.3.4 **Relationship to Bishop.** The Diocesan Review Board will serve the Bishop directly and shall be directly accountable to him.
- 2.3.5 **Compensation.** None of the members of the Diocesan Review Board shall receive compensation for his/her services, but may be reimbursed for necessary expenses at the discretion of the Bishop.
- 2.3.6 **Quorum.** One more than half of the voting membership of the Diocesan Review Board shall constitute a quorum for business.
- 2.3.7 **Meetings.**
- 2.3.7.1 *Generally.* The Diocesan Review Board shall meet regularly to perform its duties and as called by the Chairperson whenever necessary.
- 2.3.7.2 *Attendance.* Attendance at the Diocesan Review Board meetings shall be limited to the Bishop, the members of the Board, and the Delegate for Internal Investigations and/or the Assistance Coordinator when deemed necessary, unless the Bishop determines otherwise.
- 2.3.7.3 *Nature of the meetings.* The meetings of the Diocesan Review Board are intended as sessions at which the Board receives and considers information, deliberates, and formulates its determinations and recommendations.
- 2.3.7.4 *Right to Counsel.* Any party, either a complainant or the accused, appearing at a meeting with the permission of the Bishop, shall have the right to appear with legal and/or canonical counsel.
- 2.3.8 **Duties.** The Diocesan Review Board shall have the duty to:
- review those complaints brought to its attention by the Office of Internal Affairs and to make recommendation to the Bishop regarding the

continuation in ministry and/or employment of accused diocesan personnel;

- make recommendations to the Bishop regarding appropriate methods of outreach to affected parties;
- provide advice and assistance to the Bishop regarding notification to insurance carriers, possible legal obstacles, and canonical concerns.
- provide such other services to the Bishop as may be requested from time to time.

2.4 Assistance Coordinator. There shall be an Assistance Coordinator who will reach out to and coordinate assistance for persons affected by sexual misconduct by a priest, deacon, or others who minister, work, or volunteer in the Diocese of Norwich. The primary responsibility of this Coordinator is to assist the Bishop in his ministry and obligation of providing assistance to victims of sexual misconduct by diocesan personnel. In carrying out the duties and responsibilities of this office, a deep respect for the dignity and well-being of all those affected by abuse is to be maintained at all times. The work and ministry of the Assistance Coordinator is one of outreach and assistance in the healing process, not one of advocacy.

2.4.1 **Relationship to the Bishop.** The Assistance Coordinator shall serve the Bishop directly and shall be directly responsible to him. This person is appointed by the bishop for a specified term.

2.4.2 **Compensation.** The Assistance Coordinator shall serve without compensation. He/She may also be reimbursed for necessary expenses at the discretion of the Bishop.

2.4.3 **Duties and Responsibilities.** The duties of the Assistance Coordinator shall be to:

- Function as a liaison to victims' and survivors' assistance agencies, enhancing communications and fostering the diocesan relationship with victims' service agencies. The Assistance Coordinator shall report regularly to the Bishop, the Diocesan Review Board, and the Policy Review Board the concerns and suggestions of these agencies and organizations. Similarly, the Assistance Coordinator will carry the concerns and suggestions of the Diocese to those bodies.
- Assist those affected by sexual misconduct by personnel of the Diocese. The Assistance Coordinator shall maintain a current directory of victim

service agencies within the Diocese of Norwich. Complainants and alleged victims of diocesan personnel shall regularly be referred to these local victims' service agencies for assistance. It shall be the obligation of the Assistance Coordinator to familiarize and update local agencies with diocesan policies and procedures, so as to assist those agencies in dealing effectively with complainants, victims, and their families when wrongdoing has been alleged against diocesan personnel.

- Keep private, conversations with persons seeking assistance, according to the wishes of the alleged victim, *except* as necessary in order to fulfill civil and diocesan mandated reporting requirements and to protect other potential victims.
- Communicate to the Diocesan Bishop or his representative requests of victims and/or survivors for financial assistance for services. The response of the Bishop to such requests will be communicated by way of the Assistance Coordinator to those seeking assistance.
- Support the alleged victim through the investigative process. Inquiries may be made to the Office of Internal Affairs as to the progress of the investigation with the view of keeping the alleged victim informed of the status of the investigative process. The scope of information communicated in response to such inquiries will be determined by the Delegate for Internal Investigations, with a view toward keeping the alleged victim informed, while simultaneously safeguarding against any interference in the justice process.
- Communicate requests, both to and from the Bishop of Norwich, for meetings with the victims and/or survivors with the Bishop and/or his delegate.

2.5 Policy Review Board. There shall be a Policy Review Board whose members are appointed by and serve at the discretion of the Bishop of Norwich. Once the first members of the board have been appointed, the Bishop will, in the future and whenever possible, hear existing members of the Policy Review Board regarding future appointments. The primary responsibility of this Board is to review and make recommendations for revisions to diocesan policies and protocols on comprehensive screening, sexual misconduct, pastoral conduct and other safe environment matters.

2.5.1 **Membership.** The Policy Review Board shall consist of no fewer than three (3) and no more than (7) members. Board Membership shall consist of Catholics in full communion with the church who possess expertise that is relevant to the policies under consideration.

- 2.5.2 **Term.** The initial appointments to the board shall be for staggered terms of one, two, and three years. Thereafter, appointments shall be for a term of three (3) years or until a successor is appointed.
- 2.5.3 **Officers.** The Bishop shall designate one member of the Board to serve as chairperson and another to serve as secretary, each for one year terms. The chairperson will ordinarily call and preside at meetings of the Board. The secretary will keep minutes of the meeting.
- 2.5.4 **Relationship to Bishop.** The Policy Review Board will serve the Bishop directly and shall be directly responsible to him.
- 2.5.5 **Compensation.** Members of the Board shall serve without compensation. They may, however, be reimbursed for necessary expenses at the discretion of the Bishop.
- 2.5.6 **Quorum.** Three (3) members of the Board shall constitute a quorum for business.
- 2.5.7 **Meetings.**
- 2.5.7.1 *Generally.* The Policy Review Board shall meet as often as necessary to perform its duties.
- 2.5.7.2 *Attendance.* Attendance at the Board meetings shall be limited to the Bishop and members of the Board, unless the Bishop determines otherwise.
- 2.5.7.3 *Nature of the meetings.* The meetings of the Policy Review Board are intended to be sessions at which the members receive information, deliberate, and formulate policy recommendations for the Bishop of the diocese.
- 2.5.8 **Duties.** The Policy Review Board shall have the following duties:
- to annually review at least one of the following policies: the Comprehensive Screening Policy; the Pastoral Code of Conduct; or the Sexual Misconduct Policy. They shall make any recommendations for changes to the Bishop, who may implement the recommendations at his own discretion. In this fashion, each policy will be reviewed and changes for modifications suggested at least once every three years.

- to annually review and evaluate the functioning of the Diocesan Review Board, the Office of Internal Affairs, and the Assistance Coordinator

2.6 Institutes of Consecrated Life & Societies of Apostolic Life.

2.6.1 As a condition for permission to engage in ministry in the Diocese of Norwich, all men's clerical and non-clerical institutes of consecrated life and societies of apostolic life, shall comply with the standards for accreditation established through the Conference of Major Superiors of Men (CMSM: Instruments of Hope and Healing, or successor standards and/or policies).

- Proof of accreditation must be provided at the time that any new clerical or non-clerical men's institute of consecrated life or society of apostolic life requests permission to enter the Diocese of Norwich. Institutes or societies lacking accreditation through a CMSM sponsored program shall be denied permission to establish a *domus*, residence, house of formation, or ministry in the Diocese of Norwich.
- Clerical, or non-clerical, men's institutes of consecrated life or societies of apostolic life who lack the requisite accreditation and send individual members into the Diocese of Norwich will be asked to remove their individual members (see canon 679).
- Clerical or non-clerical men's institutes of consecrated life or societies of apostolic life in the Diocese of Norwich at the time that this modification of diocesan policy takes effect, will be given three years to work out an accreditation plan with the Conference of Major Superiors of Men and to present the same to the Diocese of Norwich. Should the institute fail to work out an accreditation plan with CMSM, the institute or society, will be requested to remove all personnel from the diocese.

2.6.2 Institutes of consecrated life or societies of apostolic life for women are expected to comply with all standards for accreditation which may be established in the future by either the Leadership Conference of Women Religious or the Council of Major Superiors of Women Religious.

2.6.3 Members of all institutes of consecrated life and societies of apostolic life with personnel in the Diocese of Norwich will be subject to all diocesan screening and training programs. They will also be expected to comply with the diocesan Pastoral Code of Conduct, as well as the diocesan Sexual Misconduct Policy.

2.6.4 Each institute of consecrated life and society of apostolic life having one or more members living or working in the Diocese of Norwich, shall submit a copy of its

most recent policies and procedures on Sexual Misconduct and any future revisions to the same to the Office for Safe Environments.

- Insofar as such copies are on file with the Office for Safe Environments at the time that any allegations are made against a member of the institute or society, the diocese will defer to the procedures set forth in those policies.
- Insofar as copies are not on file with the diocese at the time that any allegations are made against a member of the institute or society, the diocese will follow its own procedures. The institute or society will be advised of the results of the same.

2.6.5 To ensure continuing collaboration and mutuality of efforts for the protection of children and young people, diocesan representatives and major superiors of institutes of consecrated life and societies of apostolic life or their delegates shall communicate or meet periodically to coordinate their mutual roles relative to the protection of children.

ARTICLE THREE

PROCESSES AND PROCEDURES

- 3.1 Establishment of Process. Actions, determinations, and recommendations taken regarding sexual misconduct by diocesan personnel shall occur according to the processes established by Article Three.
- 3.2 Compliance and Cooperation. All personnel associated with the Diocese of Norwich are expected to comply with their State's established reporting requirements (See Appendices II and III), and to act as responsible citizen's of their State, reporting promptly any suspected incident(s) of abuse or neglect of a child or of a vulnerable adult. In the State of Connecticut, an oral report is to be filed within 12 hours of the time that reasonable suspicion has arisen and follow-up written reports are to be filed within 48 hours to the Department of Children and Families. In the State of New York, oral and written reports are to be filed within 48 hours to the Child Protective Services of the Office of Children and Family Services.

These reports MUST be filed prior to taking any other action in relationship to such allegations.

ONLY EXCEPTION: Under no circumstances, in any state, at any time, is information received, learned or revealed, during the administration of the Sacrament of Reconciliation to be revealed to anyone or used to make any report to any state agency.

- 3.3 Obligation to report. Persons approaching the Diocese of Norwich to make or to present complaints regarding diocesan personnel are expected and encouraged to file all State mandated reports with DCF prior to making or presenting any complaint to the diocese. If no such report has been filed, and the Complainant declines to file such a report after having been encouraged to do so by the Office of Internal Affairs, then one shall be filed promptly by the Office of Internal Affairs as soon as sufficient information is available to do so.

Any ministerial personnel, employees, volunteers, or members of the Diocese of Norwich, having actual knowledge of or reasonable cause to suspect an incident of abuse and/or neglect involving a child or vulnerable adult by anyone, shall immediately comply with state mandated reporting requirements described in paragraph 3.2 above.

If the alleged perpetrator is engaged in ministry on behalf of, employed by, contracting with, or volunteering for any Catholic parish, group, institution or organization within the Diocese of Norwich, the reporting person shall also file an incident report with the Diocese in the manner hereafter described.

- 3.4 **Incident reports.** After the mandated state reports have been filed, formal complaints may be received by the Office of Internal Affairs in the form of a single written statement (hereafter referred to as “incident report”), obtained either in person or by telephone.
- 3.4.1 **In Person.** Written incident reports are to be made in the presence of personnel from the Office of Internal Affairs. The reports must be signed and notarized by either a public or ecclesiastical notary.
- 3.4.2 **By Telephone.** The Office of Internal Affairs shall maintain a separate toll-free number for a reporting line to facilitate the filing of incident reports:
- 3.4.2.1 **Hours.** The reporting line will be available at all times and will be answered by an appropriate electronic device.
- 3.4.2.2 **Purpose.** The reporting line is intended to be a non-emergency line. Its purpose is to receive the names and addresses of persons claiming to have knowledge of sexual misconduct by diocesan personnel so as to communicate information regarding the reporting and complaint processes to them.
- 3.4.2.3 **Process.** The state-mandated report form, as well as a brief explanation of the process for filing the state-mandated report, will be sent to persons making contact on the reporting line. They will be accompanied by an explanatory letter, pamphlet summarizing diocesan procedures, and an incident report form. Persons having difficulty with filing the reports will be encouraged to make an appointment with the Office of Internal Affairs for assistance with completing the forms. The written incident report is to be notarized, by either a public or ecclesiastical notary, and returned to the Office of Internal Affairs by mail or in person.
- 3.4.3 **Reports filed.** Once the written report is filed, or the signed statement completed, a copy of the same will be immediately filed with: (a) the Office of Internal Affairs; (b) the Bishop of the Diocese of Norwich.
- 3.4.4 **Anonymous Complaints.** Anonymous complaints will be refused as a matter of policy.

3.4.5 **Confidentiality.** Confidentiality regarding complaints cannot be assured. However, information generated through incident reports shall be maintained in a private manner, subject to disclosure in accordance with this section.

3.4.5.1 *Custodian.* The Delegate for Internal Investigations is the custodian of all information received through incident reports and is responsible for maintaining the privacy of those involved in accord with the next paragraph.

3.4.5.2 *Release of Information.* The Delegate for Internal Investigations shall release the content of the incident reports only as follows:

- to the Bishop and those designated by him to receive them;
- to state or civil authorities for purposes of conducting an investigation of the same.

3.5 Investigation of incident reports. The investigation of incident reports shall occur in the following manner:

3.5.1 If on its face the incident report alleges conduct which is criminal in nature:

3.5.1.1 The Delegate for Internal Investigations shall promptly forward a copy of the incident report to state or local police and defer his / her own investigation until such time as police investigators are satisfied that it will not interfere with their own investigation(s).

3.5.1.2 The Delegate for Internal Investigations shall promptly inform the Bishop and Diocesan Review Board of the pending matter. Insofar as he is able to do so, he shall regularly update the Bishop and the Diocesan Review Board on the same.

3.5.1.3 The person against whom allegations have been made shall be placed on a paid administrative leave of absence as soon as civil authorities are satisfied that to do so will not compromise their investigation.

3.5.1.4 Any personnel of the Diocese of Norwich who plead guilty, *nolo contendere*, or are found guilty in any criminal court, of any incident of sexual misconduct, shall, at the discretion of the Bishop of Norwich, hearing the Diocesan Review Board: (a) be immediately terminated from employment, if he or she is a layperson; (b) be promptly removed from within the Diocese of Norwich and returned to the supervision of his or her proper

superior, if a member of an institute for consecrated life or society of apostolic life, or a cleric incardinated in another diocese; (c) be subject to penal sanctions, including dismissal from the clerical state, pursuant to the Code of Canon Law of the Roman Catholic Church, and other relevant Church laws and/or policies, if he is a cleric incardinated in the Diocese of Norwich.

3.5.2 If on its face the incident report is non-criminal in nature, or if the police and/or civil authorities have completed or declined to proceed with an investigation:

3.5.2.1 The Office of Internal Affairs will promptly begin a full and complete investigation of the same.

3.5.2.1.1 **Allegations found to have substance.**

- If the Office of Internal Affairs finds a reasonable basis to believe that the alleged incident may have occurred, the Delegate for Internal Investigations shall report that determination to the Bishop without delay, and to the Diocesan Review Board as soon as possible. Action shall be commenced promptly by the Bishop to place the accused diocesan personnel (clergy or lay employee) on an immediate administrative leave of absence, with pay.
- If the investigation develops information indicative of possible criminal conduct, the civil authorities shall be notified and the procedures outlined in 3.5.1.1 – 3.5.1.4 shall be followed.

3.5.2.1.2 **Allegations found not to have substance.** If the Office of Internal Affairs finds no substance to the incident report, or is otherwise unable to act upon its contents, that conclusion will be reported to the Bishop, the Diocesan Review Board, and the Assistance Coordinator. If they are in accord with the finding it will be recorded with the incident report in the Office of Internal Affairs. If they are not in accord with the finding, further investigation shall occur. Information surfaced during the course of the investigations will be maintained in the manner described paragraph 3.4.5 above.

3.6 Initiation of action. If the allegation is found to have substance by the Office of Internal Affairs, the Bishop of Norwich or his representative shall:

- arrange to meet with the accused. At this meeting the accused will be informed of his or her canonical rights and the processes which will be followed by the Diocesan Review Board and the Assistance Coordinator;
- make notifications to the diocesan attorney, to the Bishop of any other diocese involved, to the immediate superior(s) of any lay employees, and to any other ecclesiastical superiors as may be required.
- call a meeting of the Diocesan Review Board. The Diocesan Review Board shall meet with the Bishop and Delegate for Internal Affairs to discuss: the results of the investigation, consultation with such experts or professionals as may be appropriate, the further suspension of the accused from duties or assignments on behalf of the Diocese, the possible civil processes which may be involved, available canonical remedies, the diocesan relationship with the media, as well as the best manner of outreach to the person(s) alleged to have been injured by the incident (s) of sexual misconduct. After hearing the Board, the Bishop shall make all final determination regarding these matters and request the cooperation of individual committee members in the implementation of his decisions.

3.7. Determination of sexual misconduct. The Office of Internal Affairs shall continue its investigation of the alleged incident(s) until such time as a determination of sexual misconduct or lack of sexual misconduct is made.

Any personnel of the Diocese of Norwich who are found by the Office of Internal Affairs to have engaged in any incident of sexual misconduct shall, at the discretion of the Bishop of Norwich, hearing the Diocesan Review Board: (a) be immediately terminated from employment, if he or she is a layperson; (b) be promptly removed from within the Diocese of Norwich and returned to the supervision of his or her proper superior, if a member of an institute for consecrated life or society of apostolic life, or a cleric incardinated in another diocese; (c) be subject to penal sanctions, including dismissal from the clerical state, pursuant to the Code of Canon Law of the Roman Catholic Church, and other relevant Church laws and/or policies, if he is a cleric incardinated in the Diocese of Norwich.

3.8. Supplementary Reviews. The Bishop and the Diocesan Review Board may conduct such supplementary reviews as may be necessary from time to time:

3.8.1 **Questions for Review.** The Bishop and Diocesan Review Board may consider new information about a previous determination, review a placement or a request to return to ministry, oversee the program and treatment for a cleric incardinated in the Diocese, or consider any other matter requested by the Bishop.

- 3.8.2 **Initiation.** A Supplementary Review may be initiated at any time at the discretion of the Bishop.
- 3.8.3 **Determinations and recommendations.** The Diocesan Review Board may make the same kinds of determinations and recommendations as in the earlier stages of the process, subject to the approval of the Bishop.

APPENDIX I

Definitions

For purposes of these policies only the following definitions apply:

AI.1 “Sexual misconduct” for purposes of this policy means any sexual conduct engaged in by personnel of the Diocese of Norwich which is: (a) unlawful; or (b) contrary to the moral teachings or the 1983 Code of Canon Law of the Roman Catholic Church and causes injury to another.

AI.2 “Sexual abuse of children” for purposes of this policy means any sexual misconduct involving, or against, a person under the age of eighteen, by the personnel of the Diocese of Norwich.

AI.3 “Child abuse” as defined by state statute involves any child under the age of eighteen who has had physical injury or injuries inflicted upon him/her by a person responsible for his/her health, welfare, or care, or by a person given access to the child by the responsible person, other than by accidental means, or has injuries which are at variance with the history given of them, or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual abuse, sexual exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment, or has been neglected.

AI.4 “Child neglect” as defined by statute involves a child under the age of eighteen who has been abandoned, or is being denied proper care and attention, physically, emotionally, or morally, or is being permitted to live under conditions, circumstances, or associations injurious to his/her well-being, or has been abused.

AI.5 “Child at risk” by state law refers to a case where there is reasonable cause to believe or suspect a child is in danger of being abused, as opposed to the belief that abuse has actually occurred.

AI.6 “Personnel” for purposes of this policy includes all persons engaged or employed by, acting as volunteers of, or specifically placed on ministerial assignment in, the Diocese of Norwich and/or its parishes, schools, and agencies or other institutions. It includes all administrators / managers, employees, clerics and lay personnel, as well as members of institutes of consecrated life and societies of apostolic life.

AI.7 The terms “cleric,” “laity,” and “institutes of consecrated life and societies of apostolic life” are to be construed and understood in accord with the 1983 Code of Canon Law.

AI.8 “Diocese” refers to the Roman Catholic Diocese of Norwich, Connecticut. “Diocesan” means of or pertaining to the Roman Catholic Diocese of Norwich.

AI.9 “Bishop” refers to the Bishop of the Roman Catholic Diocese of Norwich.

AI.10 “Ordinary” is to be understood and construed in accord with the 1983 Code of Canon Law.

AI.11 “DCF” refers to the Connecticut Department of Children and Families.

AI.12 “Extern clerics” are those clerics serving and ministering in the Diocese of Norwich who are incardinated in another diocese.

AI.13 “Incardinated” refers to that process whereby a cleric is attached to a particular church (diocese). Every cleric is attached to either a diocese, religious institute, or society of apostolic life. Unattached clerics are not permitted in the Church.

AI.14 “Members of the Roman Catholic Diocese of Norwich” are those persons incorporated into the Roman Catholic Church by baptism or by a profession of faith, who have resided or intend to reside within the territorial boundaries of the diocese for a period of at least three months.

AI.15 “Major Superior(s)” are those who govern a whole institute of consecrated life or society of apostolic life. A major superior is also a person who governs a province or some part equivalent to a province, or an autonomous house, of an institute of consecrated life or society of apostolic life. Vicars of major superiors are also major superiors.

AI.16 “Reasonable cause” is a belief based upon information that would lead a reasonable and prudent person to conclude that abuse, neglect, or misconduct *might* have occurred. In this regard, reasonable cause pertains to the possibility of occurrences of abuse and not to the credibility of allegations of abuse.

APPENDIX II

Connecticut Reporting Requirements and the Diocese of Norwich

AII.1 It is the policy of the Diocese of Norwich that all Catholic schools within its jurisdiction and all diocesan personnel mandated by Section 17a-101, 17a-102, 17a-103 *ff.* of the Connecticut General Statutes, as amended, comply with the reporting requirements set forth in those statutes, pertaining to child abuse and neglect as statutorily defined and described. Those definitions are summarized in Appendix I of this policy. The statutory reporting requirements are in addition to the requirements set forth in the diocese's internal policy relating to the sexual abuse of children and sexual misconduct generally. ***Under no circumstances is information learned and/or revealed during the sacrament of Penance to be revealed or used in making reports.***

AII.2 In summary the Connecticut General Statutes provide that the following persons are mandated to report child abuse/neglect: physicians; surgeons; hospital interns; hospital residents; physician assistants; registered nurses; licensed practical nurses; medical examiners; dentists; psychologists; school teachers; school principals; school guidance counselors; social workers; police officers; members of the clergy; juvenile or adult probation officers; juvenile or adult parole officers; pharmacists; physical therapists; optometrists, chiropractors, sexual assault counselors; podiatrists; osteopaths; substance abuse counselors; mental health professionals; day care employees; marital/family therapists; licensed professional counselors.

The statutes further provide that persons, institutions, or agencies reporting in good faith are immune from any civil or criminal liability (*Cf.* Connecticut General Statute 17a-101e, subsection (b)). Those obligated to report and failing to do so may be fined between \$500 and \$2500.

An oral report is to be filed immediately (or within twelve (12) hours) with the Commissioner of Children and Families or to his/her representatives at the Department of Children and Families (DCF) or to the local or state police. A written report must follow within 48 hours. A copy of the form to be used is included as an attachment. If a person is making a report as a member of the staff of a hospital, school, social agency, and other institution, the reporter must also notify the head of the institution or his designee that such a report has been made. Agencies receiving such reports must transmit them to the Department of Children and Families within 24 hours.

If a civil investigation indicates that the allegation lacks substance but was made in good faith, the person reporting is immune from liability. If, however, a person has knowingly made a false report, the identity of the person reporting will be disclosed to the appropriate law enforcement agency and to the alleged perpetrator, pursuant to Connecticut General Statute 17a-103, subsection (b).

If someone is in doubt about reporting, i.e., he/she is not entirely sure that abuse might have occurred, he/she should err on the side of reporting and make a report to DCF.

The Department of Children and Families central registry exists to prevent and discover the abuse of children on a 24-hour basis. The registry may be reached by calling CARE-LINE at 1-800-842-2288. Phone numbers for local offices of the Department of Children and Families are included as an attachment to this policy.

AII.3 Any reports of child abuse or neglect, as defined by state statute and summarized herein, which are made by diocesan personnel shall also be reported immediately to the Bishop of Norwich or his designee.

AII.4 Attached hereto and incorporated by reference herein is the written report form.

APPENDIX III

New York Reporting Requirements and the Diocese of Norwich

AII.1 It is the policy of the Diocese of Norwich that all Catholic schools within its jurisdiction and all diocesan personnel mandated by Sections 411 *ff.* of the New York Social Services Statutes, as amended, comply with the reporting requirements set forth in those statutes, pertaining to child abuse and neglect as statutorily defined and described. Those definitions are summarized in Appendix I of this policy. The statutory reporting requirements are in addition to the requirements set forth in the diocese's internal policy relating to the sexual abuse of children and sexual misconduct generally. ***Under no circumstances is information learned and/or revealed during the sacrament of Penance to be revealed or used in making reports.***

AII.2 In summary the New York Social Services Statutes provide that the following persons are mandated to report child abuse/neglect: physicians; surgeons; hospital interns; hospital residents; registered physician assistants; registered nurses; licensed practical nurses; emergency medical technicians; hospital personnel engaged in the admissions, examination, care or treatment of persons; Christian Science practitioners; medical examiners; coroners; dentists; dental hygienists; psychologists; school teachers; school principals; school guidance counselors; school officials; social workers; social services workers; police officers; juvenile or adult probation officers; juvenile or adult parole officers; pharmacists; physical therapists; optometrists, chiropractors, sexual assault counselors; podiatrists; osteopaths; substance abuse counselors; alcoholism counselors; peace officers; mental health professionals; day care employees; marital/family therapists; providers of family or group family day care; district attorneys; staff working in district attorney's offices; licensed professional counselors.

The statutes further provide that persons, institutions, or agencies reporting in good faith are immune from any civil or criminal liability (*Cf.* New York Social Services Statutes § 419). Those obligated to report and "willfully fail to do so shall be found guilty of a Class A misdemeanor" and/or "who knowingly or willfully fail to do so shall be civilly liable for the damages proximately caused by such failure."

An oral report is to be filed immediately with the Statewide Central Registry of Child Abuse and Maltreatment and/or to the local or state police. A written report to the local Child Protection Services must follow within 48 hours. A copy of the form to be used can be obtained from the local office of Child Protective Services in Suffolk County. If a person is making a report as a member of the staff of a hospital, school, social agency, and other institution, the reporter must also notify the head of the institution or his designee that such a report has been made.

If a civil investigation indicates that the allegation lacks substance but was made in good faith, the person reporting is immune from liability.

If someone is in doubt about reporting, i.e., he/she is not entirely sure that abuse might have occurred, he/she should err on the side of reporting and make a report to the Central registry or to Child Protective Services.

The Central Registry of Child Abuse and Maltreatment exists to prevent and discover the abuse of children. The registry may be reached by calling at 1-800-635-1522 (mandated reporters) or 1-800-342-3720.

AI.3 Any reports of child abuse or neglect, as defined by state statute and summarized herein, which are made by diocesan personnel shall also be reported immediately to the Bishop of Norwich or his designee.

REPORT OF SUSPECTED CHILD ABUSE/NEGLECT

DCF-136
02/20/02 SF/AM



HOTLINE
1-800-842-2288

Within forty-eight hours of making an oral report, a mandated reporter shall submit a written report (DCF-136) to the Hotline. See the reverse side of this form for a summary of Connecticut law concerning the protection of children.

Please print or type

CHILD'S NAME	<input type="checkbox"/> Male <input type="checkbox"/> Female	AGE OR BIRTH DATE
CHILD'S ADDRESS		
NAME OF PARENTS OR OTHER PERSON RESPONSIBLE FOR CHILD'S CARE	ADDRESS	PHONE NUMBER
WHERE IS THE CHILD STAYING PRESENTLY IF NOT AT HOME?	PHONE NUMBER	DATE PROBLEM(S) NOTED
NAME OF HOTLINE WORKER TO WHOM ORAL REPORT WAS MADE	DATE OF ORAL REPORT	DATE AND TIME OF SUSPECTED ABUSE/NEGLECT
NAME OF SUSPECTED PERPETRATOR, IF KNOWN	ADDRESS AND/OR PHONE NUMBER, IF KNOWN	RELATIONSHIP TO CHILD

NATURE AND EXTENT OF THE CHILD'S INJURY(IES), MALTREATMENT OR NEGLECT.

INFORMATION CONCERNING ANY PREVIOUS INJURY(IES), MALTREATMENT OR NEGLECT OF THE CHILD OR HIS/HER SIBLINGS.

LIST NAMES AND AGES OF SIBLINGS, IF KNOWN.

DESCRIBE THE CIRCUMSTANCES IN WHICH THE INJURY(IES), MALTREATMENT OR NEGLECT CAME TO BE KNOWN TO THE REPORTER.

WHAT ACTION, IF ANY, HAS BEEN TAKEN TO TREAT, PROVIDE SHELTER OR OTHERWISE ASSIST THE CHILD?

REPORTER'S NAME AND AGENCY	ADDRESS	PHONE NUMBER
REPORTER'S SIGNATURE	POSITION	DATE

WHITE COPY: TO DCF HOTLINE, 505 Hudson Street, Hartford, CT 06106

YELLOW COPY: REPORTER'S COPY

SUMMARY OF LEGAL REQUIREMENTS CONCERNING CHILD ABUSE/NEGLECT

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	Probation Officers (Juvenile or Adult)
Licensed or Unlicensed Resident Interns	Psychologists
Licensed or Unlicensed Resident Physicians	Registered Nurses
Licensed Physicians	School Coaches
Licensed Practical Nurses	School Guidance Counselors
Licensed Professional Counselors	School Paraprofessionals
Licensed Surgeons	School Principals
Medical Examiners	School Teachers
Members of the Clergy	Sexual Assault Counselors
Mental Health Professionals	Social Workers

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 Hotline 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 Hotline. Oral reports to the Hotline 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 Hotline.
- 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 well-being.

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 Hotline 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 Hotline 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 Hotline 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 HOTLINE: 1-800-842-2288

STATUTORY REFERENCES: §17a-28; §17a-101 et. seq.; §46b-120.

Connecticut Department of Children and Families

Frequently Asked Questions about Reporting Child Abuse and Neglect

CARELINE
(24/7)

1-800-842-2288
TDD: 1-800-624-5518

Mandated Reporter

What You
Need to Know

Training

- How do I respond to a child who reports abuse to me?
- What information do I need to report?
- Who must report?
- Who do I need to contact if I suspect child abuse?
- Can I be sued if I make a report?
- What happens after I report?
- Will my report be confidential or anonymous?
- Do I have to notify the parents that I made a report?
- Definitions of Child Abuse and Neglect
- Careline Information
- Mandated Reporters Form DCF-136
- Summary of Reporting Laws: Mandated Reporters

Q. How do I respond to a child who reports abuse to me?

A. Tell the child that you believe them and that you are going to contact people who can help. Respect the privacy of the child. The child will need to tell their story in detail later, so don't press the child for details. Remember, you need only suspect abuse to make a report. Don't display horror, shock, or disapproval of parents, child, or the situation. Don't place blame or make judgments about the parent or child. Believe the child if she/he reports sexual abuse. It is rare for a child to lie about sexual abuse.

Q. What Information Must Be Reported?

A. When making a report, a reporter is required to provide the following information, 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
- the circumstances in which the injuries, maltreatment or neglect became known to the reporter
- previous injury, maltreatment or neglect of the child or siblings
- name of the person suspected to have caused the injury, maltreatment or neglect
- any action taken to treat or help the child
- any other information the reporter believes would be helpful

Mandated reporters are required to report or cause a report to be made when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child under the age of 18 has been abused, neglected or is placed in imminent risk of serious harm. (Connecticut General Statutes §17a-101a)

Child abuse occurs where a child has had physical injury inflicted upon him or her other than by accidental means, has injuries at variance with history given of them, or is in a condition resulting in maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment. (Connecticut General Statutes §46b-120)

Child neglect occurs where a child has been abandoned, is being denied proper care and attention physically, emotionally, or morally, or is being permitted to live under conditions, circumstances or associations injurious to his well-being. (Connecticut General Statutes §46b-120)

Mandated reporters who, outside the ordinary course of their employment or profession, have reasonable cause to suspect or believe that a child under the age of 18 is in imminent risk of being abused or has been abused or neglected, can and should make a report to the Careline.

Q. Who Must Report (Mandated Reporters)

A. The following is an outline of the legal requirements of "mandated reporters," those professionals who, because their work involves regular contact with children, are mandated by law to report suspected child abuse and neglect. For a complete copy of the law, refer to Sections 17a-101 through 17a-103a, inclusive of the Connecticut General Statutes.

Connecticut law requires certain citizens to report suspected child abuse and neglect. These mandated reporters are people in professions or occupations that have contact with children or whose primary focus is children. The law requires that they report suspected child abuse or neglect.

In reporting in good faith, they are immune from civil and criminal liability. However, failure to report could result in fines up to \$500.

Under Connecticut General Statute, Section 17a-101, the following are considered mandated reporters:

- 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.
- Battered Women's Counselors
- Certified substance abuser counselor
- Chiropractor
- Chiropractors
- Clergy
- Day care center
- Dental hygienist
- Dental Hygienists
- Dentist
- Dentists
- Department of Children and Families Employees
- 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.
- Domestic violence counselors
- Family day care home
- Intern
- Licensed Marital and Family Therapists
- Licensed or Unlicensed Resident Interns
- Licensed or Unlicensed Resident Physicians
- Licensed Physicians
- Licensed practical nurse
- Licensed Practical Nurses
- Licensed Professional Counselors
- Licensed Surgeons
- Licensed/Certified Alcohol and Drug Counselors
- Licensed/Certified Emergency Medical Services Providers

- Marital and family therapist
- Medical examiner
- Medical Examiners
- Members of the Clergy
- Mental health professional
- Mental Health Professionals
- Optometrists
- Osteopath
- Parole Officers (Juvenile or Adult)
- Persons paid for caring for children in any public or private facility
- Pharmacist
- Pharmacists
- Physical therapist
- Physical Therapists
- Physician
- Physician assistant
- Physician Assistants
- Podiatrist
- Podiatrists
- Police officer
- Police Officers
- Probation Officers (Juvenile or Adult)
- Psychologist
- Psychologists
- Registered nurse
- Registered Nurses
- School Coaches or Coaches of Intramural or Interscholastic Athletics
- School guidance counselor
- School Guidance Counselors
- School paraprofessional
- School Paraprofessionals
- School principal
- School Principals
- School teacher
- School Teachers
- Sexual assault counselor
- Sexual Assault Counselors
- Social worker
- Social Workers
- The Child Advocate and any employee of the Office of the Child Advocate

Q. Who do I need to contact if I suspect child abuse?

A. The Department has a single point of contact statewide for the reporting of suspected child abuse and neglect. **The Child Abuse and Neglect Careline** operates **24 hours a day and seven days a week**. Anyone who suspects that a child has been abused or neglected or is in danger of abuse or neglect is strongly encouraged to call the Careline. DCF is Required to tape record all reports to the Careline.

If you as a parent are concerned that your child has been abused or neglected, for example, in a day-care home or center, in school or in any other out-of-home care setting, please call the Careline.

If you would like information about services available to you and your children in your area of the state, please call the **DCF Information and Referral Services** through the **Careline at 1-800-**

842-2288. The Information and Referral line is available from 8:30 am to 5:00 pm, Monday through Friday.

HOW TO REPORT

Reporters must report orally to the Department of Children and Families' (DCF) Careline or a law enforcement agency within 12 hours of suspecting that a child has been abused or neglected and must submit a written report (DCF-136 form) to DCF within 48 hours of making the oral report. DCF is required to tape record all reports to the Careline.

Special reporting requirements may apply for staff members of a public or private institution or facility that cares for such child, or a public or private school.

Police must report to DCF immediately upon receipt of any oral report of abuse or neglect.

Upon receipt of any oral report alleging sexual abuse or serious physical abuse or serious neglect, DCF must report to the appropriate state or local law enforcement agency within 12 hours.

Q. Can I be sued if I make a report?

A. 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.

Immunity from civil or criminal liability is granted to people who make required reports in good faith. Immunity is also granted to people who in good faith have not reported. However, failure to report could result in fines, which range from \$500 to \$2,500 and the individual will be required to participate in an educational and training program. In addition, mandated reporters could also be sued for damages if further injury is caused to the child because they did not act. Anyone who knowingly makes a false report of child abuse or neglect shall be

fined up to \$2,000 or imprisoned for not more than one year, or both. The identity of any such person shall be disclosed to the appropriate law enforcement agency and to the perpetrator of the alleged abuse.

Employers may not discharge, discriminate or retaliate against an employee for making a good faith report or testifying in an abuse or neglect proceeding. The Attorney General can bring a court action against any employer who violates this provision, and the court can assess a civil penalty of up to \$2,500 plus other equitable relief.

Q. What happens after I report?

A. DCF is responsible for immediately evaluating and classifying all reports of suspected abuse/neglect/imminent risk. If the report contains information to warrant an investigation, DCF must make its best effort to begin an investigation within two hours if there is an imminent risk of physical harm to a child or another emergency; and within three days for all other reports. In all cases, DCF must complete the investigation in 30 calendar days.

When conducting a child abuse or neglect investigation, DCF or a law enforcement agency must coordinate activities to minimize the number of interviews with any child.

DCF must obtain consent from the parent, guardian or person responsible for the child's care for any interview, unless DCF has reason to believe such person or a member of the child's household is the alleged perpetrator. When such consent is not required, the interview must be conducted in the presence of a 'disinterested adult' (typically, a person who is impartial and has no self-interest in the case). If a disinterested adult is not available after reasonable search and immediate access is necessary to protect the child from imminent risk of serious harm, DCF or a law enforcement agency will still interview the child.

If, after the investigation has been completed, serious physical abuse or sexual abuse is substantiated, DCF must notify the local police, and either the Chief State's Attorney/designee or a state's attorney in the judicial district where the child lives or in which the abuse occurred. A copy of the investigation report must also be sent.

Q. Will my report be Confidential?

A. Mandated reporters are required to give their name when they make a report to DCF, however, reporters may request anonymity to protect their privacy. This means that DCF would not disclose their name or identity unless mandated to do so by law (Connecticut General Statutes, Sections 17a-28 and 17a-101). Unless a reporter gives written consent, his or her name will not be disclosed except to:

- a DCF employee
- a law enforcement officer
- an appropriate state's attorney
- an appropriate assistant attorney general
- a judge and all necessary parties in a court proceeding
- a state child care licensing agency, executive director of any institution, school or facility or superintendent of schools

If DCF suspects or knows that the reporter knowingly makes a false report, his or her identity shall be disclosed to the appropriate law enforcement agency and the person may be subject to the penalty described in the next section.

Q. Do I have to notify the parents that I made a report?

A. Mandated reporters are under no legal obligation to inform parents that they have made a report to DCF about their child. However, depending on the circumstances, it may be necessary and/or beneficial to do so.

- When a child is suspected of being abused, neglected or placed at imminent risk of serious harm by a member of the staff of a private or public school or an institution that cares for the child, the person in charge of the school or facility must notify the child's parent or other person responsible for the child's care that a report has been made. It is DCF's responsibility to notify the head of such school, facility or institution that a report has been made.
- Health care professionals may need to talk with parents to assess the cause of the child's injury(ies). Mental health professionals or members of the clergy may want to talk with the parents to offer support and guidance.

However, in cases of serious physical abuse or sexual abuse, it may not be wise to talk with parents before reporting the case to DCF. This may put the child at greater risk and could interfere with a potential criminal investigation.

Reporting Form For Mandated Reporters

By law, mandated reporters of suspected child abuse and neglect must provide written information to DCF on a form known as DCF-136.

Information about the Careline

The Careline is staffed by full-time, highly-skilled professionals of the Department who receive and process reports of alleged child abuse and neglect. The Careline 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.

Current law requires that DCF make its best effort to begin an investigation within two hours if there is imminent risk of physical harm and within 72 hours for other reports.

In situations where it has been determined that an investigation is not warranted, the Careline worker may refer the caller to an appropriate service program in his/her community.

If child abuse or neglect is substantiated, a case may be opened by the Department for protective services provided by staff from the DCF Regional Office or sub-office covering the child's hometown.

Content Last Modified on 2/14/2012 10:03:28 AM

**NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
REPORT OF SUSPECTED
CHILD ABUSE OR MALTREATMENT**

Report Date	Case ID	Call ID
Time : <input type="checkbox"/> AM <input type="checkbox"/> PM	Local Case #	Local Dist/Agency

SUBJECTS OF REPORT										
Line #	Last Name	First Name	Aliases	Sex (M, F, Unk)	Birthdate or Age Mo/Day/Yr	Race Code	Ethnicity (Ck Only If Hispanic/Latino)	Relation Code	Role Code	Lang. Code
1.							<input type="checkbox"/>			
2.							<input type="checkbox"/>			
3.							<input type="checkbox"/>			
4.							<input type="checkbox"/>			
5.							<input type="checkbox"/>			
6.							<input type="checkbox"/>			
7.							<input type="checkbox"/>			

MORE

List Addresses and Telephone Numbers (Using Line Numbers From Above)	(Area Code) Telephone No.

BASIS OF SUSPICIONS

Alleged suspicions of abuse or maltreatment. Give child(ren)'s line number(s). If all children, write "ALL".

<input type="checkbox"/> DOA/Fatality	<input type="checkbox"/> Child's Drug/Alcohol Use	<input type="checkbox"/> Swelling/Dislocation/Sprains
<input type="checkbox"/> Fractures	<input type="checkbox"/> Poisoning/Noxious Substances	<input type="checkbox"/> Educational Neglect
<input type="checkbox"/> Internal Injuries (e.g., Subdural Hematoma)	<input type="checkbox"/> Choking/Twisting/Shaking	<input type="checkbox"/> Emotional Neglect
<input type="checkbox"/> Lacerations/Bruises/Welts	<input type="checkbox"/> Lack of Medical Care	<input type="checkbox"/> Inadequate Food/Clothing/Shelter
<input type="checkbox"/> Burns/Scalding	<input type="checkbox"/> Malnutrition/Failure to Thrive	<input type="checkbox"/> Lack of Supervision
<input type="checkbox"/> Excessive Corporal Punishment	<input type="checkbox"/> Sexual Abuse	<input type="checkbox"/> Abandonment
<input type="checkbox"/> Inappropriate Isolation/Restraint (Institutional Abuse Only)	<input type="checkbox"/> Inadequate Guardianship	<input type="checkbox"/> Parent's Drug/Alcohol Misuse
<input type="checkbox"/> Inappropriate Custodial Conduct (Institutional Abuse Only)	<input type="checkbox"/> Other (specify) _____	

State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem. (If known, give time/date of alleged incident)

MO
DAY
YR

Time : AM PM

Additional sheet attached with more explanation. The Mandated Reporter Requests Finding of Investigation YES NO

CONFIDENTIAL

SOURCE(S) OF REPORT

CONFIDENTIAL

NAME	(Area Code) TELEPHONE	NAME	(Area Code) TELEPHONE
ADDRESS		ADDRESS	
AGENCY/INSTITUTION		AGENCY/INSTITUTION	

RELATIONSHIP

Med. Exam/Coroner Physician Hosp. Staff Law Enforcement Neighbor Relative Instt. Staff
 Social Services Public Health Mental Health School Staff Other (Specify) _____

For Use By Physicians Only	Medical Diagnosis on Child	Signature of Physician who examined/treated child	(Area Code) Telephone No.
	Hospitalization Required: <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/> Under 1 week <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> Over 2 weeks		
Actions Taken Or About To Be Taken <input checked="" type="checkbox"/> Medical Exam <input checked="" type="checkbox"/> X-Ray <input checked="" type="checkbox"/> Removal/Keeping <input type="checkbox"/> Not Med Exam/Coroner <input checked="" type="checkbox"/> Photographs <input checked="" type="checkbox"/> Hospitalization <input checked="" type="checkbox"/> Returning Home <input checked="" type="checkbox"/> Notified DA			
Signature of Person Making This Report:		Title	Date Submitted Mo. Day Yr.

X

TO ACCESS A COPY OF THE LDSS-2221A FORM: Via Internet: <http://www.ocfs.state.ny.us/main/forms/cps/>
Via Intranet: <http://ocfs.state.nyenet/admin/forms/SCR/> OR

TO ORDER A SUPPLY OF FORMS ACCESS FORM (OCFS-4627) Request for Forms and Publications, from either site above, fill it out and send to: **Office of Children and Family Services, Resource Distribution Center, 11 Fourth Ave, Rensselaer, NY 12144.**
If you have difficulty accessing this form from either site, you can call **The Forms Hot Line at 518-473-0971.** Leave a detailed message including your name, address, city, state, the form number you need, the quantity and a phone number in case we need to contact you.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

RACE CODE	ETHNICITY CODE	RELATION CODES FAMILIAL REPORTS <i>(Choose One)</i>		ROLE CODE <i>(Choose One)</i>	LANGUAGE CODE <i>(Choose One)</i>	
AA: Black or African-American	<i>(Check Only If Hispanic/Latino)</i>	AU: Aunt/Uncle	XX: Other	AB: Abused Child	CH: Chinese	KR: Korean
AL: Alaskan Native		CH: Child	PA: Parent	MA: Maltreated Child	CR: Creole	MU: Multiple
AS: Asian		GP: Grandparent	PS: Parent Substitute	AS: Alleged Subject (Perpetrator)	EN: English	PL: Polish
NA: Native American		FM: Other Family Member	UH: Unrelated Home Member	NO: No Role	FR: French	RS: Russian
PI: Native Hawaiian/Pacific Islander		FP: Foster Parent	UK: Unknown	UK: Unknown	GR: German	SI: Sign
WH: White		DC: Daycare Provider	IAB REPORTS ONLY		HI: Hindi	SP: Spanish
XX: Other		AR: Administrator		IN: Instit. Non-Prof	HW: Hebrew	VT: Vietnamese
UNK: Unknown		CW: Child Care Worker		IP: Instit. Pers/Vol.	IT: Italian	XX: Other
		DO: Director/Operator		PI: Psychiatric Staff	JP: Japanese	

Abstract of Sections from Article 6, Title 6, Social Services Law
Section 412. Definitions

- Definition of Child Abuse.** (see also N.Y.S. Family Court Act Section 1012(e))
An "abused child" is a child less than eighteen years of age whose parent or other person legally responsible for his care:
 - Inflicts or allows to be inflicted upon the child serious physical injury, or
 - Creates or allows to be created a substantial risk of physical injury, or
 - Commits sexual abuse against the child or allows sexual abuse to be committed.
- Definition of Child Maltreatment.** (see also N.Y.S. Family Court Act, Section 1012(f))
A "maltreated child" is a child under eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:
 - in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
 - in providing the child with proper supervision or guardianship; or
 - by unreasonably inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
 - by misusing a drug or drugs; or
 - by misusing alcoholic beverages to the extent that he loses self-control of his actions; or
 - by any other acts of a similarly serious nature requiring the aid of the Family Court; or
 - By abandoning the child.

Section 415. Reporting Procedure. Reports of suspected child abuse or maltreatment shall be made immediately by telephone and in writing within 48 hours after such oral report.

Submit the written paper copy of the LDSS-2221A form originally signed to: the County Department of Social Services (DSS) where the abused/maltreated child resides. To locate your local DSS, visit this site <http://www.ocfs.state.ny.us/main/localdss.asp>.

Residential Institutional Abuse Reports: Submit a paper copy of form, LDSS 2221A, originally signed. It must be submitted directly to the Office of Children and Family Services (OCFS) Regional Office, associated with the county in which the abused/maltreated child is in care.

NYS CHILD ABUSE AND MALTREATMENT REGISTER: 1-800-635-1522 (FOR MANDATED REPORTERS ONLY)
1-800-342-3720 (FOR PUBLIC CALLERS)

Section 419. Immunity from Liability. Pursuant to Section 419 of the Social Services Law, any person, official, or institution participating in good faith in the making of a report of suspected child abuse or maltreatment, the taking of photographs, or the removal or keeping of a child pursuant to the relevant provisions of the Social Services Law shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any such person, official, or institution required to report cases of child abuse or maltreatment shall be presumed, provided such person, official or institution was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

Section 420. Penalties for Failure to Report.

- Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.
- Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

STAPLE TO LDSS-2221A (IF NEEDED)
**REPORT OF SUSPECTED
CHILD ABUSE OR MALTREATMENT**

(Use only if the space on the LDSS-2221A under "Reasons for Suspicion" is not enough to accommodate your information)

Report Date	Case ID	Call ID
Time <input type="checkbox"/> AM : <input type="checkbox"/> PM	Local Case #	Local Dist/Agency

PERSON MAKING
THIS REPORT: _____

Print clearly if filling out hard copy.

Continued: State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.

(If known, give time/date of alleged incident)

MO
DAY
YR

Time : AM PM



Where Do I Call to Make a Report?

As soon as you suspect abuse or maltreatment, you must report your concerns by telephone to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). The SCR is open 24 hours a day, seven days a week, to receive your call. The timeliness of your call is vital to the timeliness of intervention by the local department of social services' Child Protective Services (CPS) unit. You are not required to notify the parents or other persons legally responsible either before or after your call to the SCR. In fact, in some cases, alerting the parent may hinder the local CPS investigation and adversely affect its ability to assess the safety of the children.

The telephone numbers to report abuse or maltreatment are:

Mandated Reporter (800) 635-1522

Public Hotline (800) 342-3720

Two counties run child abuse hotlines that may be used instead of the SCR:

Onondaga County (315) 422-9701

Monroe County (585) 461-5690

Oral reports to the SCR from a mandated reporter must be followed within 48 hours by a written report to the local department of social services' CPS unit on form LDSS-2221A. A copy of this form and the local mailing address can be obtained by contacting your local department of social services, or by visiting the New York State Office of Children and Family Services (OCFS) website at www.ocfs.state.ny.us. Click on "Forms" and then "Child Protective Services" to access LDSS-2221A. Click on "contact us" and scroll down to "Contacting Your Local Department of Social Services" for addresses.

What Happens When I Call the SCR?

There may be times when you have very little information on which to base your suspicion of abuse or maltreatment, but this should not prevent you from calling the SCR. A trained specialist at the SCR will help to determine if the information you are providing can be registered as a report. The LDSS-2221A mandated reporter form can be used to help you organize the identifying or demographic information you have at your disposal.

Be sure to ask the SCR specialist for the "Call I.D." assigned to the report you have made.

If the SCR staff does not register the child abuse or maltreatment report, the reason for the decision should be clearly explained to you. You may also request to speak to a supervisor, who can help make determinations in difficult or unusual cases.

Local CPS Role and Responsibilities

When a report is registered at the SCR, the local department of social services is immediately notified for investigation and follow-up. A local CPS caseworker will initiate an investigation within 24 hours.

CPS intervention consists of an evaluation of the child and other children in the home and the development of a plan to meet the needs of the child and family. If there is an immediate threat to the child's life or health, CPS may remove the child from the home.

Upon request, CPS may obtain from the mandated reporter those records that are essential to a full investigation of alleged child abuse and maltreatment for any report made by the mandated reporter. The mandated reporter must determine which records are essential to the full investigation and provide those records to CPS when requested to do so.

Within 60 days of initiating the investigation, CPS will determine whether the report is indicated or unfounded. Mandated reporters may ask to be informed of the outcome of the report.

Law Enforcement Referrals

If a call to the SCR provides information about an immediate threat to a child or a crime committed against a child, but the perpetrator is not a parent or other person legally responsible for the child, the SCR staff will make a Law Enforcement Referral (LER). The relevant information will be recorded and transmitted to the New York State Police Information Network or to the New York City Special Victims Liaison Unit. This is not a CPS report, and local CPS will not be involved.

What Protection or Liability Do I Have?

Source Confidentiality

The Social Services Law provides confidentiality for mandated reporters and all sources of child abuse and maltreatment reports. OCFS and local CPS are not permitted to release to the subject of the report any data that would identify the source of a report unless the source has given written permission for them to do so. Information regarding the source of the report may be shared with court officials, police, and district attorneys, but only in certain circumstances.

Immunity from Liability

If a mandated reporter makes a report with earnest concern for the welfare of a child, he or she is immune from any criminal or civil liability that might result. This is referred to as making a report in "good faith."

Protection from Retaliatory Personnel Action

Section 413 of the Social Services Law specifies that no medical or other public or private institution, school, facility or agency shall take any retaliatory personnel action against an employee who made a report to the SCR. Furthermore, no school, school official, child care provider, foster care provider, or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff mandated to report suspected child abuse or maltreatment.

Penalties for Failure to Report

Anyone who is mandated to report suspected child abuse or maltreatment—and fails to do so—could be charged with a Class A misdemeanor and subject to criminal penalties. Further, mandated reporters can be sued in a civil court for monetary damages for any harm caused by the mandated reporter's failure to make a report to the SCR.

Who Provides Training for Mandated Reporters?

The New York State Education Department (SED) Office of the Professions oversees the training requirements for mandated reporters. Some categories—including teachers, many medical professionals, and social workers—need this training as part of their licensing requirement. The training may be included in their formal education program.

The New York State Office of Children and Family Services (OCFS) is proud to be a certified provider authorized by SED to offer mandated reporter training, and has developed a comprehensive curriculum with content customized to medical professionals, educators, law enforcement personnel, day care providers, and human services staff. OCFS has shared this well-

received curriculum with other certified providers of mandated reporter training, as well as with colleges and universities across the state that provide educational programming in the fields covered by the mandated reporter statute.

OCFS provides mandated reporter training through a contractual agreement with the Center for Development of Human Services (CDHS), part of the Research Foundation of SUNY, Buffalo State College.

All training offered through OCFS, including the *new two-hour self-directed online training course*, the two-day Training for Trainers, and satellite video conferences, are accessible at no cost to the participant at www.nysmandatedreporter.org.

Special Note: Mandated Reporters who require licensure or certification through the New York State Department of Education (NYSED) are required to take mandated reporter training from a trainer who has been approved by the New York State Education Department. For more information, please go to www.op.nysed.gov or contact the New York State Education Department at OPPLEUCA@mail.NYSED.gov.

Conclusion

Protecting children and preventing child abuse and maltreatment does not begin or end with reporting. Efforts to prevent child abuse and maltreatment can only be effective when mandated reporters and other concerned citizens work together to improve the safety net in their communities.

To be most effective, your local CPS needs strong partnerships within your community. By getting to know the staff in your local CPS unit, you will gain a better understanding of how your local program is structured, and CPS will better understand how to work more effectively with you.

By working together, we can better protect our vulnerable children.

New York State Office of Children & Family Services

Capital View Office Park, 52 Washington Street
Rensselaer, New York 12144

Visit our website at:
www.ocfs.state.ny.us
To report child abuse
and neglect, call:
1-800-342-3720

For information on the Abandoned
Infant Protection Act, call:
1-866-505-SAFE (7233)
Mandated Reporters Hotline for
making child abuse and
maltreatment reports:
1-800-635-1522

For additional copies of this
pamphlet visit our website at:
www.ocfs.state.ny.us and click on
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www.youtube.com/ocfsnews
Pub. 1159 (Rev. 9/2012)



Summary Guide for Mandated Reporters in New York State



New York State
Office of
Children & Family
Services

This material provides mandated reporters with an overview of their obligations and some basic information about the New York State Child Protective Services (CPS) system.

Who Are Mandated Reporters?

New York State recognizes that certain professionals are specially equipped to perform the important role of mandated reporter of child abuse or maltreatment. Those professionals include:

- * Physician
- * Registered physician's assistant
- * Surgeon
- * Medical examiner
- * Coroner
- * Dentist
- * Dental hygienist
- * Osteopath
- * Optometrist
- * Chiropractor
- * Podiatrist
- * Resident
- * Intern
- * Psychologist
- * Registered nurse
- * Social worker
- * Emergency medical technician
- * Licensed creative arts therapist
- * Licensed marriage and family therapist
- * Licensed mental health counselor
- * Licensed psychoanalyst
- * Hospital personnel engaged in the admission, examination, care, or treatment of persons
- * Christian Science practitioner
- * School official, including (but not limited to):
 - school teacher
 - school guidance counselor
 - school psychologist
 - school social worker
- school nurse
- school administrator or other school personnel required to hold a teaching or administrative license or certificate
- * Social services worker
- * Director of a children's overnight camp, summer day camp or traveling summer day camp
- * Day care center worker
- * School-age child care worker
- * Provider of family or group family day care
- * Employee or volunteer in a residential care facility for children
- * Any other child care or foster care worker
- * Mental health professional
- * Substance abuse counselor
- * Alcoholism counselor
- * All persons credentialed by the NYS Office of Alcoholism and Substance Abuse Services
- * Peace officer
- * Police officer
- * District attorney or assistant district attorney
- * Investigator employed in the office of the district attorney
- * Any other law enforcement official

The entire current list can be found in Article 6, Title 6, Section 413 of the New York Social Services Law, which can be accessed online through the New York State Legislature's Website (<http://public.leginfo.state.ny.us/menuf.cgi>). Click on Laws of New York to access Social Services Law.

When Am I Mandated to Report?

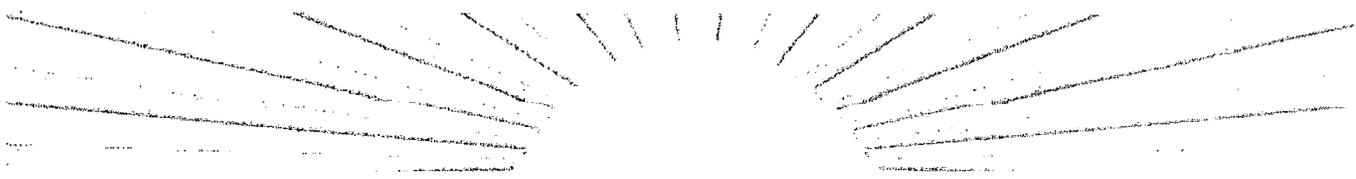
Mandated reporters are required to report suspected child abuse or maltreatment when they are presented with a **reasonable cause** to suspect child abuse or maltreatment in a situation where a child, parent, or other person legally responsible for the child is before the mandated reporter when the mandated reporter is acting in his or her official or professional capacity. "Other person legally responsible" refers to a guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child.

Mandated reporters who are social services workers have expanded reporting requirements. Social services workers are

required to report when, in their official or professional role, they are presented with a reasonable cause to suspect child abuse or maltreatment where **any person** is before the mandated reporter and the mandated reporter is acting in his or her official or professional capacity.

What is a Professional Role?

For example, a doctor examining a child in her practice who has a reasonable suspicion of abuse must report her concern. In contrast, the doctor who witnesses child abuse when riding her bike while off-duty is not mandated to report that abuse. The mandated reporter's legal responsibility to report suspected child abuse or maltreatment ceases when the mandated



reporter stops practicing his/her profession. Of course, anyone may report any suspected abuse or maltreatment at any time and is encouraged to do so.

Reasonable Cause to Suspect

Reasonable cause to suspect child abuse or maltreatment means that, based on your rational observations, professional training and experience, you have a suspicion that the parent or other person legally responsible for a child is responsible for harming that child or placing that child in imminent danger of harm. Your suspicion can be as simple as distrusting an explanation for an injury.

What Is Abuse and Maltreatment?

Abuse

Abuse encompasses the most serious injuries and/or risk of serious injuries to children by their caregivers. An abused child is one whose parent or other person legally responsible for his or her care inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the child. Abuse also includes situations where a parent or other person legally responsible knowingly allows someone else to inflict such harm on a child.

Maltreatment (includes Neglect)

Maltreatment means that a child's physical, mental or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent or other person legally responsible to exercise a minimum degree of care by:

- * failing to provide sufficient food, clothing, shelter, education; or
- * failing to provide proper supervision, guardianship, or medical care (refers to all medical issues, including dental, optometric, or surgical care); or
- * inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs to the extent that the child was placed in imminent danger.

Poverty or other financial inability to provide the above is not maltreatment.

Note: The definitions of abuse and maltreatment are different for children in residential facilities operated or licensed by the state.

How Do I Recognize Child Abuse and Maltreatment?

The list that follows contains some common indicators of abuse or maltreatment. This list is not all-inclusive, and some abused or maltreated children may not show any of these symptoms.

Indicators of Physical Abuse Can Include:

- * Injuries to the eyes or both sides of the head or body (accidental injuries typically only affect one side of the body);
- * Frequent injuries of any kind (bruises, cuts, and/or burns), especially if the child is unable to provide an adequate explanation of the cause. These may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns, or impressions of other instruments;
- * Destructive, aggressive, or disruptive behavior;
- * Passive, withdrawn, or emotionless behavior;
- * Fear of going home or fear of parent(s).

Indicators of Sexual Abuse Can Include:

- * Symptoms of sexually transmitted diseases;
- * Injury to genital area;
- * Difficulty and/or pain when sitting or walking;
- * Sexually suggestive, inappropriate, or promiscuous behavior or verbalization;
- * Expressing age-inappropriate knowledge of sexual relations;
- * Sexual victimization of other children.

Indicators of Maltreatment Can Include:

- * Obvious malnourishment, listlessness, or fatigue;
- * Stealing or begging for food;
- * Lack of personal care—poor personal hygiene, torn and/or dirty clothes;
- * Untreated need for glasses, dental care, or other medical attention;
- * Frequent absence from or tardiness to school;
- * Child inappropriately left unattended or without supervision.