Mandated Reporter’s Failure to Report

Policy

The Department of Children and Families (DCF) shall notify the Chief State’s Attorney whenever the Commissioner or designee, after considering the criteria set forth in this policy, suspects or knows that a mandated reporter has failed to make a Careline referral no later than 12 hours after developing a reasonable suspicion or belief that a child may have been neglected, abused or placed at imminent risk of serious harm.


Investigation and Notification to State’s Attorney of Failure to Report by a Mandated Reporter

Whenever a person employed by DCF learns that a mandated reporter has failed to report or has delayed reporting an incident of suspected child abuse or neglect, the DCF employee shall contact the DCF Area Office Attorney and provide all available information regarding the failure to or delay in reporting, including the mandated reporter’s explanation, if any. The DCF Area Office Attorney shall then immediately notify the Agency Legal Director or designee, who shall enter the information in a centralized database maintained by the Office of Legal Affairs.

The Social Worker conducting the related CPS investigation shall investigate the circumstances of the failure to report or delay in reporting.

The DCF Area Office Attorney, in collaboration with the DCF staff assigned to the case, shall then review the available information and determine whether the mandated reporter failed to make a report or failed to make a timely report (within 12 hours). In determining whether it is appropriate to notify the Chief State’s Attorney, the DCF Area Office Attorney may take the following into consideration:

- when the mandated reporter became aware that a child may have been neglected or abused or placed at imminent risk of serious harm;
- whether the mandated reporter had a reasonable belief that another mandated reporter would take responsibility for making the report;
- whether the mandated reporter ever made a report or caused a report to be made, either to the Careline or to someone in his or her chain of command;
- whether there was a barrier to making the report;
- the mandated reporter’s explanation for the failure to report or delay in reporting;
- the length of time between the reportable incident and the report to the Careline;
- whether or not other employees working with the mandated reporter were aware of the failure to or delay in reporting; and
- what actions were or will be taken by the mandated reporter’s employer in response to the failure to or delay in reporting.

If the DCF Area Office Attorney determines there is a legal basis for notification to the Chief State’s Attorney or designee, he or she shall promptly send a letter to that office and provide relevant information about the incident. A copy of this letter shall be sent to the Agency Legal Director or designee who shall enter the information in the centralized database.

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Investigation and Notification to State’s Attorney of Failure to Report by a Mandated Reporter (Continued)

If the DCF Area Office Attorney determines there is an insufficient legal basis for notification to the Chief State’s Attorney, he or she shall document that analysis in a memorandum to the Agency Legal Director or designee. The Agency Legal Director or designee shall enter this information in the centralized database.

All documentation related to the legal review of a potential failure to report or delayed reporting by a mandated reporter shall be filed in the uniform case record and a legal narrative regarding the decision shall be entered in the computer system by the DCF AO Attorney. A copy of the narrative shall be sent to the Agency Legal Director or designee.

Database

The Office of Legal Affairs shall maintain a database of all cases in which a mandated reporter failed to report or delayed reporting. The database shall include:

- the name of the mandated reporter who allegedly failed to report or delayed reporting;
- the mandated reporter’s employer, if any;
- the approximate date when the mandated reporter should have been aware of the abuse, neglect or imminent risk;
- the date the report was actually made;
- who made the report;
- if the reporter is a school employee, any actions taken by the employing local or regional board of education or superintendent of schools for the district in response to the failure to report;
- whether the Chief State’s Attorney or designee was notified; and
- whether the mandated reporter or his or her employer were required to participate in mandated reporter training.

The database shall be reviewed by the Agency Legal Director or designee on a quarterly basis to determine whether there are patterns or clusters of incidences of failure to report or delayed reporting that require further review.

Mandated Reporter Training

In any case of failure to report or delay in reporting that is referred to the Office of the Chief State’s Attorney, DCF shall require the mandated reporter and his or her employer, if appropriate, to participate in a mandated reporter training developed by DCF.

In any other case of failure to report or delay in reporting or upon the identification of a pattern or cluster of incidences, the Commissioner or designee may, in his or her discretion, require the mandated reporter and his or her employer, if appropriate, to participate in a mandated reporter training approved by DCF.

Such training may be online or in person and all cost associated therewith shall be paid by the participants.

Documentation

All documentation related to the legal review of a potential failure to report or delayed reporting by a mandated reporter shall be filed in the case record and a legal narrative regarding the decision shall be entered in the computer system by the Area Office Attorney. A copy of the narrative shall be sent to the Agency Legal Director or designee.

Trend Review

The Agency Legal Director or designee shall review the database at least quarterly and report any trends or clusters related to failure to report or delay in reporting child abuse and neglect to the Commissioner for appropriate follow-up activities including but not limited to offering mandated reporter training to those individuals or entities that will benefit from such training.

Referrals for Additional Training

Upon completion into the investigation of the mandated reporter’s failure to report or delay in reporting, the investigator shall consult with the Area Office Attorney. For cases investigated by the Special Investigations Unit, the Investigations Social Worker shall consult with a legal manager.

If it is determined that the failure to report, delay in reporting or interfering with a report being made was the result of:

- confusion;
- mistake;
- lack of training; or
- good faith belief that a report had previously been made,

the Social Worker shall send a letter to the mandated reporter advising of the violation of the reporting mandates and of the requirement that the mandated reporter participate in an educational and training program.

This notification shall contain information regarding mandated reporter trainings provided by DCF’s Academy for Workforce Development.