



State of Connecticut
Department of Developmental Services

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DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE HUMAN SERVICES COMMITTEE

March 13, 2017

Senators Moore and Markley, Representatives Abercrombie and Case and members of the Human Services Committee. I am Jordan A. Scheff, Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to submit testimony on **H.B. No. 5257 AN ACT CONCERNING REPORTS OF ABUSE OR NEGLECT OF PERSONS WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER.**

This bill would reduce the time in which a mandated reporter of abuse or neglect of a person with intellectual disability or a person who receives services from the Department of Social Services' (DSS) Division of Autism Spectrum Disorder (ASD) Services would be required to report abuse or neglect from seventy-two hours to twenty-four hours. It also adds language that would exempt mandated reporters from penalty if the attempt to report abuse or neglect were unsuccessful because the report was made on a weekend or after normal business hours.

The requirement that abuse or neglect be reported as soon as practicable but no later than seventy-two hours by mandated reporters has been in the Office of Protection and Advocacy for Persons with Disabilities' (OPA) statutes since October 1, 2004. Prior to this date, mandated reporters had five calendar days to report abuse and neglect to OPA. When OPA's Abuse Investigations Division (AID) was moved to DDS in 2017, its statutory charge of receiving and investigating reports of abuse or neglect of persons 18 to 59, inclusive, who have intellectual disability or who receive services from the DSS Division of Autism Spectrum Disorder Services became DDS's responsibility.

While DDS appreciates all efforts to protect persons with disabilities from abuse or neglect, we do have some concerns with shortening the time frame allowed for reporting of abuse and neglect by mandated reporters. Mandated reporters are professionals who come forward to report instances of abuse or neglect. Many professionals have codes of ethics or other professional standards that require them to report abuse or neglect, however, it still is up to each individual professional to decide if what was witnessed constitutes abuse or neglect and whether to step forward to report it.

Statutorily, there is a penalty (\$500 fine), which can be imposed for not reporting abuse or neglect within the prescribed time period, however, it would be difficult at best, within our current appropriations, to track the time frame of each abuse or neglect report and to determine whether it fell within the required time limit. While an egregious incident certainly may lead to a penalty being imposed by DDS if

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suspected abuse or neglect were not reported and a poor outcome resulted, in most instances, DDS does not have the administrative resources to investigate when a mandated reporter actually knew abuse or neglect had occurred in comparison to when he or she had reported it.

The difficulty in determining if and when a mandated reporter has reported abuse or neglect in the prescribed time frame is evidenced in the bill's additional caveat that if a mandated reporter reports on the weekend or after hours then the twenty-four hour period is waived and the standard is "reasonable attempts are made to reach the commissioner as soon as practicable." The existing statute now states that reports should be made "as soon as practicable" and we feel that those professionals who are required to report, for the most part, are going to report as soon as they are able whether the time frame for reporting is seventy-two or twenty-four hours. But by tightening the time frame, you may discourage reports from those professionals who, for whatever reason, were not able to report within the first twenty-four hour period and then for fear of monetary penalty or professional sanction would not report the incident of abuse or neglect at all.

Another issue for consideration is that the reporting of abuse or neglect of adults is often more difficult to determine for mandated reporters. Is what the reporter witnesses or sees the result of the adult's actions or has someone perpetrated what appears to be abuse or neglect? Does the adult in question have intellectual disability or receive services from the DSS ASD Services Division? Does the adult have a guardian or not? All of these factors may require more thought on the part of mandated reporters for adults before reporting suspected abuse or neglect.

Thank you again for the opportunity to offer testimony on [H.B. No. 5257](#) **AN ACT CONCERNING REPORTS OF ABUSE OR NEGLECT OF PERSONS WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER**. If you have any questions, please contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs, at (860) 418-6066.