

**PA13-53**

SB0821

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**CHILDREN  
PART 1  
1 – 307**

**2013  
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7  
tk/gbr CHILDREN COMMITTEE

February 14, 2013  
11:00 A.M.

SENATOR LINARES: Thank you, Senator, for your leadership on this issue. Dr. Bernstein, a consultant and expert on children's safety and violence prevention, came to the capital yesterday and had mentioned that these video games, these violent video games, provide satisfaction to individuals who are mentally ill, satisfaction during the killing in the video games, and it also provides practice for them, and unfortunately comfort. So I just wanted to thank you for your leadership on this issue. It's very important and it's a great idea. Thanks.

SENATOR FRANTZ: Thank you, Senator. I appreciate that.

REP. URBAN: Any other questions or comments? Again, Senator, thank you very much for bringing this to the committee's attention, and we look forward to working with -- with you.

SENATOR FRANTZ: I thank all of you.

REP. URBAN: Next on our agenda is Commissioner Katz from the Department of Children and Families, and I know I gave our three-minute rule, but Commissioner, you have a slew of bills here, so -- and we do need to hear how you feel about all of them. So we are going to make sure that we listen to you.

COMMISSIONER JOETTE KATZ: Thank you so much. I used to say in writing opinions, if I had more time I'd make them shorter. So I will do my best. Good morning, Senator Bartolomeo, Representative Urban, and members of the Children's Committee. My name is Joette Katz, and I'm the Commissioner of the Department of Children and Families here to testify on several of the bills on your public hearing

SB 821 SB 822  
SB 832 SB 833  
HB 6346 SB 158  
SB 169 HB 5567  
SB 650

agenda, including 5 DCF-sponsored proposals. With me is our general counsel, Barbara Claire.

First, the Department of Children and Families supports Senate Bill 821, an Act concerning responsibilities of reporters of child abuse and neglect. This proposal is indeed part of DCF's legislative package. The bill provides legal protection from mandated reporters of child abuse from retaliatory actions by their employers.

There is a concern that some employers may screen or interfere with employees who are mandated reporters of child abuse and neglect from discharging their legal responsibilities to report. This bill strengthens existing statutes in a manner that would allow greater enforcement of violations.

Last year DCF CareLine received 45,748 reports of child abuse and neglect, and 27,354 of these reports were accepted for investigation. Approximately 70 percent of these reports come from mandated reporters, including medical professionals, school officials, law enforcement, social workers, psychologists, clergy, day care staff and others identified in 17A-101, but we know that there are many who are mandated reporters who do not report.

Second, Senate Bill 822, AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT. The Department of Children and Families supports this bill, it's an act concerning interviews of children, as we've said, by the department during investigations of abuse and neglect.

The proposal -- this proposal is part of our

the appropriate consent, and it required a court order and those kinds of things. So it's really more for (inaudible) circumstances.

REP. BETTS: So you're looking for an immediate as opposed to treatment that could wait for a couple of weeks?

BARBARA CLAIRE: Yes, yes.

REP. BETTS: Okay. And my last question is dealing with SB-821. You said there's a concern that some employers may screen or interfere with employees. Is that based on knowledge or history that there have been some employers who have tried to interfere with employees trying to report child abuse?

COMMISSIONER JOETTE KATZ: Indeed. I can tell you -- and it's more than just merely anecdotal -- we have had a number of instances where cases came to our attention where employers interfered with employees who were mandated reporters in bringing a case to our attention and phoning it into the care line.

And it's happened in hospital settings, it's happened in medical settings, and it happens in schools.

REP. BETTS: And do they give any reason for interfering, or trying to prevent it being reported?

COMMISSIONER JOETTE KATZ: I can tell you that the child advocate did a study and found similar evidence. Reasons, sometimes they don't want DCF in the facility, in the school, in the hospital. Sometimes, quite frankly, it may be because a doctor feels that he or she can handle the situation. It may be a family that

the doctor's used to treating and feels that they can handle the situation and -- and don't feel the need to bring DCF.

It's not always -- you know, it's not always nefarious, but nevertheless, they're in violation of the statute. So I think the statute needs both teeth, and I think we need to be very concerned for people who, in fact, are concerned about retaliatory actions, excuse me, if indeed they are whistle blowers.

REP. BETTS: Okay. Thank you very much, Madame Chair. Thank you, Commissioner.

REP. URBAN: Representative Candelaria.

REP. CANDELARIA: Thank you, Madame Chair. Good morning, Commissioner.

COMMISSIONER JOETTE KATZ: Good morning.

REP. CANDELARIA: You testified in regards to bill -- House Bill 5567. And I agree with you. And I look forward to working with you. You stated the intent of the bill is really to have or expand actually a lot of the normal settings where children visit, and training them to identify the mental health needs of these children. And I'm looking at the Federal Qualified Health Centers, school-based health clinics, after-school programs that we integrate a system where everybody's communicating.

And we need to actually invest dollars. If we're really interested in serving our children, and address the issue of mental health we need to invest dollars. We need to invest dollars in research. And a lot of that research has to do in regards to evidence-based practices in normal settings.

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11:00 A.M.

been extraordinary. I actually was dealing with a young person who was suicidal, and called 211 and it was amazing.

RICHARD PORTH: Thank you.

REP. URBAN: The help that we got, and the personal sort of leading me through the things that I needed to do in order to get this child to a place where she could be helped, and she wouldn't be another tragedy.

RICHARD PORTH: Thank you.

REP. URBAN: So I really think you guys do a wonderful job, and I think that your suggestion is well taken.

RICHARD PORTH: I appreciate that feedback, thank you.

SENATOR BARTOLOMEO: Questions from other members? Thank you very much, sir. We appreciate your testimony.

RICHARD PORTH: Thanks very much.

SENATOR BARTOLOMEO: Okay. We will now have Jamie Bell, and I will be excusing myself and leaving you in the hands of Representative Urban.

REP. URBAN: Welcome, Jamie.

JAMIE BELL: Thank you. Good afternoon, Senator Bartolomeo, Representative Urban, and distinguished members of the select committee on children. I'm Jamie Bell, the acting child advocate for the State of Connecticut. I'll be speaking primarily today about the Office of the Child Advocate Support for Senate Bill 652, but I also want to state for the record

that the Office of the Child Advocate also supports 273, 821, 650 and 169

The mandate of the Office of the Child Advocate includes delivery -- includes evaluating the delivery of state-funded services to children and advocating for policies and practices that promote their well being and protect their special rights.

So over 50 percent of the work that we do, including response to individual calls for assistance and information, and individual and system advocacy seeks to improve access to developmental health services for children and monitor the emotional, behavioral and overall health systems supports for children and their families across the life span.

Most of the children, adolescents and young adults with whom we work, are either placed in hospitals or residential treatment facilities committed to psychiatric hospitals or incarcerated within the juvenile justice or adults correction system.

The overwhelming majority of those children and young adults were involved with the Department of Children and Families at some point in their lives, and many of them were involved when they were infants and toddlers.

Senate Bill 652 will ensure that the children at highest risk for developmental delays, children who are neglected or abused, will be referred to an appropriate agency for assessment. National data indicates that children referred to the child welfare system for abuse or neglect have very high developmental and behavioral health needs regardless of the level of the child welfare system involvement.



**Connecticut Sexual Assault Crisis Services, Inc.**

96 Pitkin Street · East Hartford, CT 06108 · Phone: 860-282-9881 · Fax: 860-291-9335 · [www.connsacs.org](http://www.connsacs.org)

Testimony of Connecticut Sexual Assault Crisis Services  
**In Support of SB 158, AN ACT ESTABLISHING A TASK FORCE ON THE PREVENTION OF  
 SEXUAL ABUSE OF CHILDREN**

**In Support of SB 821, AN ACT CONCERNING RESPONSIBILITIES OF MANDATED  
 REPORTERS OF CHILD ABUSE AND NEGLECT**

Anna Doroghazi, Director of Public Policy and Communication  
 Thursday, February 14, 2013

Senator Bartolomeo, Representative Urban, and members of the Select Committee on Children: my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, and post-conviction services to over 7,000 victims and survivors of sexual violence. Over 1,100 of these victims were children and adolescents. Based on our experience and expertise working with survivors of child sexual abuse and their families, we would like to offer our support of SB 158 and SB 821.

We support SB 158, AN ACT ESTABLISHING A TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN because one in four girls and one in six boys will experience some form of sexual abuse before their 18<sup>th</sup> birthday, and these children deserve information that could help them identify abuse and safely reach out for help. When responsible adults do not take the time to educate children about abuse, that education is left in the hands of abusers; when education is left to abusers, children hear that the abuse is normal or that the abuse is the child's fault or that something bad will happen if the abuse is disclosed.

CONNSACS would appreciate the opportunity to participate on any task force that examines child sexual abuse prevention and makes recommendations about education and curriculum. CONNSACS and local sexual assault crisis services programs have been providing educational programs to schools and communities for three decades. We understand from our experience that in order to be effective, child abuse prevention education must address the realities of *all* children, including children who face oppression and abuse both at home and within their communities.

Our experience has also taught us that preventing child sexual abuse requires a comprehensive education that goes beyond teaching children about safe touch and how to ask for help. Like other leading voices in the anti-sexual violence movement, we are strong proponents of primary prevention education, a strategy that aims to prevent sexual abuse by providing a framework for healthy relationships and addressing oppressive and aggressive attitudes before they become violent actions. We think that there is great potential to educate Connecticut children in a way would help them identify abuse, respond to abuse when it occurs, and create a culture that will not tolerate violence.

We would also like to offer our support for SB 821, AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT and changes to the General Statutes that would improve employment protections for employees who report suspected child abuse. In recent years, abuse cover-ups at Penn State and various Catholic dioceses have demonstrated the devastating consequences of individuals and institutions putting their reputations above the interests of children. Employees who want to meet their legal and moral obligation to protect children should be able to do so without interference or retaliation from their employers. In cases that could impact an employer's reputation or implicate an employer in the abuse, employment protections could make it easier for employees to do the right thing and speak out on behalf of abused children.

Thank you for the opportunity to comment on SB 158 and SB 821. We appreciate the Committee's efforts to address child sexual abuse prevention and reporting.

Anna Doroghazi  
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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**CHILDREN  
PART 2  
308 - 641**

**2013**



Advocating for teachers  
and public education

**Connecticut Education  
Association**

**Governance**

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Affiliated with the  
National Education Association

WRITTEN TESTIMONY OF

CHRISTOPHER P. HANKINS, LEGAL COUNSEL

CONNECTICUT EDUCATION ASSOCIATION

BEFORE THE

CHILDREN COMMITTEE

REGARDING

SENATE BILL NO. 821

**"AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD  
ABUSE AND NEGLECT"**

FEBRUARY 14, 2013

My name is Christopher P. Hankins and I am Legal Counsel for the Connecticut Education Association. I am commenting on several important aspects of Senate Bill No. 821.

1. Teachers are on the front line of reporting child abuse or neglect since, by being with children for a major portion of the day, they are in the unique position to recognize circumstances where children are, have been or could be in harm's way. This is why teachers are mandated reporters of child abuse and neglect under the law. Anything in the statutes that would strengthen the protection afforded to teachers or anyone who reports suspected child abuse and neglect is welcome.
2. As to Section 1 of Senate Bill 821: The current language of Connecticut General Statutes Section 17a-101e (a) has a generalized prohibition of not discriminating or retaliating against an employee for making a good faith report of child abuse and neglect. The addition of proposed subsection (2) underscores the importance of mandatory reporting and further delineates the protection of reporting suspected child abuse and neglect to specify that an employee cannot be "hindered or prevented" from making report. Further, this subsection will further preempt a school district policy that requires a teacher to report child

abuse or neglect to the school administration as it will give the school employee a clearer indication of the importance of directly reporting child abuse and neglect to the Department of Children and Families (DCF). After the initial report to the DCF, the school employee can then follow the internal reporting policy of the school district.

3. As to Section 2 of Senate Bill 821: The proposed additional language of a subsection (3) of Connecticut General Statutes Section 31-51m (b) strengthens the protection against retaliation for an employee who has reported suspected child abuse or neglect. This dovetails with the increase protection of Section 1 of Senate Bill 821.



**STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES**

Public Hearing Testimony

Children Committee

February 14, 2013



SB 832

SB 833

HB 5346

SB 158

SB 169

SB 650

SB 652

SB 653

HB 5567

HB 6069

**S.B. No. 821 AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT**

The Department of Children and Families supports S.B. No. 821, An Act Concerning Responsibilities of Reporters of Child Abuse and Neglect. This proposal is part of DCF's legislative package.

This bill provides legal protection for mandated reporters of child abuse from retaliatory actions by their employers. There is a concern that some employers may screen or interfere with employees who are mandated reporters of child abuse and neglect when discharging their legal responsibilities to report. This bill strengthens existing statutes in a manner that would allow greater enforcement of violations.

Last year the DCF Careline received 45,748 reports of child abuse or neglect, and 27,354 of these reports were accepted for investigation. Approximately 70% of these reports come from mandated reporters, including: medical professionals; school officials; law enforcement; social workers; psychologists; clergy; day care staff; and others identified in § 17a-101.

**S.B. No. 822 AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT**

The Department of Children and Families supports S.B. No. 822, An Act Concerning Interviews of Children by the Department of Children and Families During Investigations of Child Abuse and Neglect. This proposal is part of DCF's legislative package.

This bill would permit DCF to interview a child in a child protective investigation without parental consent in those limited circumstances when obtaining such consent would place the child at risk of physical harm. Currently, DCF has the legal authority to interview children without parental consent in cases in which the parent or guardian is the alleged perpetrator of physical abuse. The Department believes that this change would strike a reasonable balance between child safety and the rights of the alleged perpetrator, and is consistent with changes the Department is initiating through our new Strengthening Families Practice Model.

Last session, HB 5363 passed the House unanimously, but was not taken up in the Senate.

**Children's Committee Testimony Hartford, CT****February 14, 2013 at 11 am room 2b**

I, Susan McGuinness Getzinger, am here to testify why I oppose nearly all bills being raised and proposed in today's Children's Committee of the **Behavioral Health Partnership Oversight Council**.

I consider these raised and proposed bills to be errors and superficial proposals due to the withholding of evidence by the state of Connecticut in the Adam Lanza case in Newtown, CT.

My focus is the inherent conflicts of interest with the many vendors involved as members of the **Behavioral Health Partnership Oversight Council**.

Since the majority of Governor Malloy's appointed committee member's employers stand to profit from the proposed legislation presented, I oppose the majority of the bills presented. My reasons are printed below each bill, but I will only go over a few due to time restraints.

\*Proposed H.B. No. 5567 AN ACT CONCERNING CHILDREN'S MENTAL HEALTH.

**I Oppose because - Adam Lanza's records are sealed. We are never able to learn from sealed records. It is highly irresponsible to continue to seal Adam Lanza's records.**

The retention schedule of school records and instructions for destruction of school records may be a factor in this case.

Board of Education (BOE) law firms are agents of the school district and so they are able under present law to keep school records on their premises.

**The retention schedule for mental health school records in Connecticut has no requirement to maintain for any amount of time those mental health records or any staff notes or paperwork involved., though vaccine records are to be maintained for 50 years. (M8-380 & M8390) <http://www.cslib.org/publicrecords/reteduction.pdf>**

**Connecticut school law is riddled with conflicts of interest.**

Some Law firms and elected officials have conflicts of interest in the Adam Lanza case, for instance:

**Senator Chris Murphy's father is a partner at Shipman & Goodwin, the law firm that represents the most CT school districts in educational hearings where the districts, using tax dollars, fight against children and families. They represent 180 of the 169 Connecticut towns, including Newtown, CT.**

**Attorney General George Jepsen came from the law firm of Shipman & Goodwin.**

**A Shipman and Goodwin attorney, Tom Mooney, "wrote the book" that BOEs use for school law. This is a conflict of interest that steers tax dollars to the BOE attorneys instead of towards services for children in need.**

**Berchem, Moses and Devlin school law attorneys represent anywhere between 14 and 30 of the 169 districts in Connecticut. They have represented Newtown, CT and so, they may retain school records as agents of the school district, including Adam Lanza's.**

**This information may be why Adam Lanza's records are being sealed. To hide the inadequacy of the records retention policies and procedures in Connecticut schools and any law firm**

expanding, not breaking a negative cycle. Private internships are available across the nation. Tax credits might be considered for businesses (without government contracts) sponsoring foster children.

\*Proposed S.B. No. 650 AN ACT CREATING A PARENTS' SUPPORT HOT LINE FOR PARENTS OF CHILDREN EXHIBITING BEHAVIORAL HEALTH ISSUES.

I Oppose because - unless it is tied to MEDWATCH - the adverse drug reactions will go unchecked.

\*Proposed S.B. No. 652 AN ACT CONCERNING REFERRALS FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE BIRTH TO THREE PROGRAM.

I Oppose because - Direct referrals are being ignored. The Child Find Law is being ignored in districts in Connecticut

\*S.B. No. 821 (RAISED) AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT.

I Oppose because - any act regarding mandating reports are easily manipulated to keep parents in line in districts that are hostile to families and have school attorneys to do the bidding of the administrators that might be seeking vengeance upon families.

\*S.B. No. 822 (RAISED) AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT.

I Oppose because - this is a clear and obvious attempt to usurp from the parents their the God given parental authority. Interviews with children without their parents give the opportunity for strangers to intimidate children who will say anything to please their interviewers to stop the line of questioning.

This creates a scary and hostile environment for children and their families.

\*S.B. No. 832 (RAISED) AN ACT CONCERNING FAMILY ASSESSMENT CASES.

I Oppose because - who are the hired people doing the assessing? Trust has been broken in the Connecticut state agencies where families and children are concerned.

\*S.B. No. 833 (RAISED) AN ACT ADDRESSING THE MEDICAL AND EDUCATIONAL NEEDS OF CHILDREN.

I Oppose because - This is nothing more than a witch hunt for parents. Parents, private doctors and local Boards of education (sans their attorneys' puppeteering) are supposed to be doing this, but those in positions to profit from the allegedly corrupt educational and medical system have already abused it. People on the inside designed, created and now manage this allegedly corrupt system of drugging and not educating our children in Connecticut public schools.

All Council members need to give in writing (on all pages of all documents) to the public and families involved full financial disclosure and any professional conflicts of interest in the past, presently or near future, including attorneys' projected billable hours, before every comment or input they give and any and all decisions they make. The public needs to fully understand the relationships of the committee members and of their personal and commercial financial gains that are in store for them if the CGA passes this legislation.

Since pharmaceutical companies bear no liability for vaccine damage and, as of January of this year, the CGA hastily put forth a bill to protect psychiatrists writing prescriptions in the same manner, how can the taxpayers, let alone families and individuals, trust such a system

**H – 1162**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

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HOUSE OF REPRESENTATIVES

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May 16, 2013

Would Representative Buck-Taylor of the 67th come to the dais to lead us in the Pledge of Allegiance.

REP. BUCK-TAYLOR (67th):

I pledge allegiance to the flag, of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

SPEAKER SHARKEY:

Is there any business on the Clerk's desk?

THE CLERK:

Mr. Speaker, we have today's daily Calendar dated May 16, 2013.

SPEAKER SHARKEY:

Thank you, Mr. Clerk. Are there any announcements or introductions? Seeing none, let's get to work.

Mr. Clerk, will you please call Calendar 548.

THE CLERK:

Mr. Speaker, on Page 31 of the House Calendar, House Calendar Number 548, Senate Bill Number 821 AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT, amended by Senate "A".

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and acceptance of the bill in accordance with the Senate.

SPEAKER SHARKEY:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate. Will you remark, madam?

REP. URBAN (43rd):

Yes, Mr. Speaker. This bill strengthens current law protecting mandated reporters when they're reporting or testifying regarding child abuse or neglect.

Currently, employers can't discharge, discriminate or retaliate against an employee who is a mandated reporter and making a report.

With our new language, the employer can't hinder or prevent, and Mr. Speaker, at this point, I would ask that the Clerk call Amendment LCO 5945, that he call and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 5945, which has been previously designated Senate "A".

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May 16, 2013

THE CLERK:

Mr. Speaker, LCO Number 5945, Calendar Number 101  
designated Senate Amendment Schedule "A", offered by  
Senator Williams et al.

SPEAKER SHARKEY:

The gentle lady, gentle woman, gentle madam,  
seeks leave of the Chamber to summarize. Is there  
objection? Is there objection? You may proceed to  
summarization.

REP. URBAN (43rd):

Thank you, Mr. Speaker. As I was saying, in the  
new language, the employer can't hinder or prevent.  
This Amendment further clarifies that to include the  
language Can't attempt to hinder or prevent.

I move adoption.

SPEAKER SHARKEY:

Thank you, madam. Do you care to remark? Do you  
care to remark further on the Amendment before us?  
Representative Betts of the 78th.

REP. BETTS (78th):

Thank you very much, Mr. Speaker. Good morning.

SPEAKER SHARKEY:

Good morning, sir.

REP. BETTS (78th):

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HOUSE OF REPRESENTATIVES

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Through you, to the proponent of the bill and the Amendment, could you explain to the Chamber the need for this Amendment? Through you.

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. Through you, Mr. Speaker, we had significant testimony in front of the Children's Committee from employees who felt that they were being hindered, or attempted to be hindered or prevented from fulfilling their duties as a mandated reporter.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Betts.

REP. BETTS (78th):

And for the benefit of the Chamber, could you explain or give an example of what hindrance would be, or an example where there actually was an example of hindrance by a player? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Betts. Representative Urban.

REP. URBAN (43rd):

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May 16, 2013

Through you, Mr. Speaker, I would have to say that hindrance is probably in the eyes of the beholder, so that if an employee felt that someone was attempting to hinder or prevent them from fulfilling their role as a mandated reporter, they could then bring that forward.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Betts.

REP. BETTS (78th):

Okay, thank you very much, Mr. Speaker. Thank you for those answers.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the Amendment before us?

If not, let me try your minds. All those in favor of Senate Amendment "A", please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, Nay? The Ayes have it. The  
Amendment is adopted.

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HOUSE OF REPRESENTATIVES

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May 16, 2013

Do you care to remark further on the bill as amended? Do you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives will be voting by Roll Call. Members to the Chamber.

The House of Representatives is voting by Roll Call. Members to the Chamber please.

SPEAKER SHARKEY:

Have all the Members voted? Have all the Members voted. Members please check the board to make sure your vote is properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

THE CLERK:

Yes, Mr. Speaker. Senate Bill Number 821, in concurrence with the Senate as amended by Senate "A".

Total Number Voting	126
Necessary for Passage	64

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HOUSE OF REPRESENTATIVES

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May 16, 2013

Those voting Yea	126
Those voting Nay	0
Those absent and not voting	24

SPEAKER SHARKEY:

The bill as amended passes in concurrence with  
the Senate.

Are there any announcements or introductions?

Representative Chris Wright of the 77th.

REP. WRIGHT (77th):

The point of an introduction.

SPEAKER SHARKEY:

Please proceed, sir.

REP. WRIGHT (77th):

Thank you, Mr. Speaker. In with us today in the Hall is a group of seniors from Asbury United Methodist Church in Forestville. Now, this is my personal church. A number of these people I've known literally their whole life and they were very excited to come here today because a number of them said they had never been to the Capitol before.

So I would just like for us to welcome this group here today.

SPEAKER SHARKEY:

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

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SENATE

257  
May 8, 2013

Mr. President, if the Clerk would now call from  
Calendar page 38, Calendar 101.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Calendar page 38, Number 101, Senate Bill Number  
821, AN ACT CONCERNING RESPONSIBILITIES OF MANDATED  
REPORTERS OF CHILD ABUSE AND NEGLECT, favorable report  
from the Committee on Children.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Hello, Mr. President.

Mr. President, I move acceptance of the joint  
committee's joint favorable report, and I urge passage  
of the bill.

THE CHAIR:

The question before the Chamber is acceptance and  
passage.

Would you care to remark further?

SENATOR BARTOLOMEO:

Yes, thank you, Mr. President.

This bill strengthens the current law for mandated  
reporters and the protections under that law when  
reporting or testifying regarding to child abuse or  
neglect.

And, Mr. President, may the -- the Clerk is in  
possession of an amendment and that would be LCO  
Number 5945. May the Clerk please call that  
amendment, and I be given leave to summarize.

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THE CHAIR:

Would the Clerk please call LCO 5945 to be designated Senate "A."

THE CLERK:

LCO Number 5945, Senate Amendment "A," offered by Senators Williams, Looney, et al.

THE CHAIR:

Senator Bartolomeo, what is your pleasure regarding Senate "A"?

SENATOR BARTOLOMEO:

Thank you.

I move adoption of Senate amendment in that it's a technical amendment and it expands a definition.

THE CHAIR:

Motion before the Chamber is the adoption of Senate "A."

Are there any further remarks to be made on Senate "A"? Any further remarks on Senate "A"?

If not, the Chair will try your minds. The item before the Chamber is Senate Amendment Scheduled "A."

All in favor, please indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say nay.

The ayes have it. Senate "A" is adopted.

Do you care to remark further on the bill as amended?

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SENATOR BARTOLOMEO:

Yes, please --

THE CHAIR:

Senator.

SENATOR BARTOLOMEO:

-- thank you, Mr. President.

Mr. President, this bill as I said is in reference to mandated reporters. And currently, an employer by law is not able to discharge, discriminate or retaliate against a mandated reporter for reporting and/or testifying in the case of suspected child abuse or neglect. What this -- this language of this bill does is it also adds to that and says that an employer may not hinder or prevent the employee from actually making that report or from testifying.

So we currently are -- we currently are covering the employee at the end and after they report or testify, now this would allow them, in the beginning of the process, to not be hindered or prevented from -- from doing their service as a mandated reporter. So I do urge passage of this bill, sir.

THE CHAIR:

Thank you, madam.

Senator Linares.

SENATOR LINARES:

Thank you, Mr. President.

I concur with my chair -- with chair. I think that this bill will definitely broaden protections for those who report child abuse. And if there is -- if there is an event, no one should be afraid to report this type of thing, and hopefully, it will prevent further abuse from taking place anywhere across the

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state and protect our children, so I support this bill. Thank you.

THE CHAIR:

Thank you, sir.

Do you care to remark further on the bill as amended?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President, through you, a few questions to the proponent of the bill.

THE CHAIR:

You may proceed with your question.

SENATOR KANE:

Thank you, Mr. President.

You know, when I see bills like this, I'm curious of where the bill and its origin come from so, if Senator Bartolomeo can indulge me and just tell me where this bill may have started.

Through you.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Sure, I'd be happy to, sir.

Through you, this was a bill that was part of the DCF package, if you will, of things that they would like to see changed. And it's also been supported by the Connecticut Education Association and the Connecticut Sexual Assault Crisis Services.

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Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And, when they brought the bill to your committee, was it because there were employers who were preventing mandated reporters from making -- or ability to testify in child abuse or neglect cases?

Through you.

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Through you, Mr. President, yes sir, that is the case.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Maybe, the good senator can give us an example of where this would take place.

Through you.

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, Mr. President.

Through you, there are actually quite a wide variety of mandated reporters, some of which I wasn't even aware of until I started working on this case -- or on this legislation. So, for instance, many of us are familiar with teachers and that is the scenario which

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we heard the most challenges with or the most problems with. And part of that becomes a situation where it reflects poorly upon the school sometimes, or they're feeling pressure as a school district since they're under such scrutiny that whether it's implied or whether it's overt, we've had situations of teachers feeling as though they were persuaded to maybe not do that, to carry out their duties.

But I also want to point out in relation to that question, the list of mandated reporters, as I said, is much longer than I even originally knew. It includes medical examiners, physicians, surgeons, doctors, which of course we would have known, dentists and dental hygienists, psychologists, school employees, social workers, police officers, juvenile and adult probation and parole officers, clergy, physical therapists, pharmacists, optometrists, chiropractors and podiatrists, licensed and certified emergency medical service providers, licensed or certified alcohol and drug counselors, marital or family therapists. So the list is quite long and so these are -- are people who are obligated, by law, to report any suspicion and who have at times been hindered.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

And in your answer, Senator Bartolomeo, you mentioned -- when I asked for an example, you mentioned possibly a school or a school district. And let's say a teacher being a mandated reporter and they felt pressured to not come forth -- report this neglect or child abuse. Did this -- these occurrences, do they happen at school or is this something that happened at home that they would be notified of by the child or through someone else?

Through you.

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Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, Mr. President.

Through you, it's been posed as teachers, in general, have -- have been concerned and have felt as though they were possibly persuaded or encouraged to not report something that they thought they should, and I -- I think that comes down to it's a lot of interpretation, and so we're -- we're talking about reporting suspicion and so in that regard, they've been hesitant and persuaded that maybe they weren't -- what they were thinking happened didn't happen and they were wrong in thinking that. But -- but they've expressed that they would rather be safe than sorry.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

It says in the OLR report that, by law, mandated reporters are legally required to file a complaint when they have a good-faith belief that a child is being -- or at risk of being harmed by a parent or other person having the responsibility for that child's care or custody. So, if they are mandated reporters required, by law, to legally file -- to file a complaint because they believe that the child is at risk, why would anyone -- well, let me take a step back.

The mandated reporter, being the teacher, is the school and/or administration of that school a mandated reporter?

Through you, Mr. President.

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Senator Bartolomeo

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SENATOR BARTOLOMEO:

Through you, sir, yes.

THE CHAIR:

Senator Kane.

SENATOR KANE:

So, then if the law -- thank you, Mr. President -- says that they are mandated by law to file a report, who's saying not to file the report?

Through you.

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Well, through you, sir, I -- I've already expressed what has been told to me and, therefore, the reason for bringing this forward so going any further would be pure speculation on my part.

THE CHAIR:

Senator Kane.

SENATOR KANE:

No, no, no -- thank you, Mr. President.

You -- earlier you said that those teachers felt pressure from, possibly, the administration or someone at the school because they didn't want the embarrassment or they didn't want the -- the bad -- I don't know what you used, but I guess, you know, a reflection on -- on the school. But you just now told me that the administrator and/or school is mandated by law, so how could there be any misclarification of the law?

Through you.

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THE CHAIR:

Senator Bartolomeo, if you care to respond.

SENATOR BARTOLOMEO:

Thank you, through you.

I don't believe I said that there was any misclarification of the law as you put it. It is the ability to be able to do their job under the law that we are trying to make sure is a clear pathway for them.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

But the law says that they are mandated to file a report. If that's the case, why do we need this law?

Through you.

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, through you, sir.

Again, I believe that I have explained that.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

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I don't believe that I -- that I have gotten that explanation from the good senator because she -- at the onset said that teachers felt that they had pressure to not report, but they're mandated by law. So if the teacher is mandated by law, the administrator is mandated by law, the school is mandated by law, doesn't the law already exist?

Through you, Mr. President.

THE CHAIR:

I'm sorry, sir. Can you rephrase your question?

SENATOR KANE:

Thank you, Mr. President.

Well, my question, I guess, was if the -- if by Senator Bartolomeo's definition the teacher is mandated by law, the principal and the school administration is mandated by law, they're mandated reporters, if that's the law of the land already, why do we need this law?

Through you.

THE CHAIR:

Senator Bartolomeo, if you care to respond.

SENATOR BARTOLOMEO:

Thank you, sir, through you, that is correct. They are mandated, but as we all know in the real world, not every law is necessarily followed to a T. As your good senator and our colleague Senator Linares had mentioned, we heard in the Children's Committee that this was something that was deemed necessary and that it will clear the way for them to be able to do what they're asked to do as a mandated reporter without the fear of retribution. That is currently in it.

Now we need to make sure that they are not prevented or hindering in any -- hindered in any way and have a free path to be able to do what they're asked to do under that law.

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THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I guess I don't understand where retribution would come from because the law says that they are mandated to report. So, maybe Senator Bartolomeo can explain how there would be retribution if everyone is mandated by law to report?

Through you, Mr. President.

THE CHAIR:

Senator, I think that question has been asked about three times. I'd appreciate it if you'd asked another question.

SENATOR KANE:

No, I don't -- no, Mr. President, with all due respect, I asked about retribution.

THE CHAIR:

Senator Bartolomeo, if you care to respond.

SENATOR BARTOLOMEO:

If -- if the good senator wants to repeat his question, I would be happy to respond.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Certainly. I asked what the retribution would be?

Through you.

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THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, sir.

Currently, if you look at the language in the bill, it is already spelled out that they are not able to -- to discharge or discriminate or retaliate against so, therefore, we currently have in statute a prevention for retribution. This is on the forefront of that process so that they are not prevented from -- or attempted to be prevented from doing their duty as a mandated reporter.

(President in the Chair.)

SENATOR KANE:

Thank you, Madam President. Good evening.

THE CHAIR:

Good evening.

SENATOR KANE:

I guess this is where I'm hung up because it has been stated that the -- in our example that we've been talking about that the teacher is a mandated reporter, the administrator is a mandated reporter, the law of the land is that you must file a report and, yet, there is retribution -- oh, and also you said that the law says that they cannot be fired, they cannot be discharged, discipline, or penalized. So that's where -- if that's already the law, I still can't get my arms around why we need this law if the law of the land -- it's almost -- it's kind of like that Few Good Men movie, you know, what I mean, when they went back and forth, and said, well, that's the, you know, you have to follow the rules or people die, you know. And that was the -- I don't understand that because we seem to be adding to -- I guess, the difference -- let me ask you this. Is the difference in this bill the \$2500?

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Through you, Madam President.

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, Madam President.

Through you, and you may prefer to be looking at the underlying portion of the bill, we are now adding something at the front -- or the beginning of the process if you might -- as opposed to what's currently in the language which protects the employee after the process. So I -- sorry to not have another way to explain that to you, but they're very different. Prevent or hinder someone from actually making a report as opposed to firing them after making the report. They're very different processes, with all due respect maybe I'm not understanding the good senator's question.

Through you, Madam Chair.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Madam President, I guess then if what would prevent or hinder the process to begin with if that is already currently the law of the land?

Through you.

THE CHAIR:

Senator Bartolomeo, go ahead.

SENATOR BARTOLOMEO:

Thank you, Madam President

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Through you, again, it would be the administration, a principal, a teacher, anyone who is considered a superior to this mandated reporter by this language would not be able to hinder them or prevent them from making a report or from testifying.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

But they can't now because the law of land says they are a mandated reporter and they have to act within good faith. So that's where I don't understand the propensity or need for this legislation, but I thank the good senator for her answers.

It seems like we're creating a law for a law that already exists, and we're talking about preventing or hindering people from doing their job when it's already in law that they must do their job. So I find it interesting that we -- we take up such a bill when it is already the law of the land.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kane.

Will you remark further? Will you remark further?

If not -- oh, Senator Welch, sorry.

SENATOR WELCH:

Thank you, Madam President.

Madam President, I supported this bill in the Judiciary Committee because I think I get what it's trying to -- to do. And I think that's probably the noble task to set forth and accomplish. I'm very concerned, however, with some of the responses that

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I've heard tonight. And I would like some clarification if I can.

Through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Just so the legislative intent here is -- is very clear to anybody who might be reading this transcript.

I understand Senator Kane's conundrum and I think he makes an interesting point, but I kind of -- in listening to some of the responses, I thought I heard the good senator say that this scenario is intended to deal with close calls, close calls that are subject to interpretation. And that's where there -- these pressures might exist.

In my mind, that's not the scenario that I thought this was intended to deal with, in fact, I thought it was intended to deal with very clear calls where the employee has a duty to report because he or she is aware of something very specific. And nonetheless, his or her superior is somehow discouraging him or her to -- to not report. Because if -- if it's the close call situation now I'm really nervous. And so if I could, through you, Madam President, ask what is the intent here?

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, Madam President

And through you, and I'm glad that the good senator has asked this question so I have an opportunity to clarify. I'm not sure that I used the word -- the terminology "close call," and if I did, I apologize.

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What I was referring to was that when a mandated reporter is making a report, they are making a report based upon their belief from what they've been told, seen or heard. Nothing is substantiated until after a report is made and a case is taken and then it's investigated.

So my point was that I know many teachers, and I know they think long and hard about making a report because you are affecting someone's life, a child, a family, and there is at that point has not yet been an investigation, obviously, that follows the mandated reporter's report. So that was what I meant and I hope that that clarifies.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I think we're part way there, if I could just follow up with I think two more questions and the --

THE CHAIR:

Excuse me, oh --

SENATOR WELCH:

If I -- thank you, Madam President.

Through you, we've talked a lot about generalities. We haven't even really gotten into to a good hypothetical. There's been vague references to what kind of situations this might have -- apply to.

Is there something concrete? Is there a specific scenario that drove this legislation, without naming names, obviously, but just to help us kind of crystallize what it is we're after?

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Through you, Madam President.

THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you, Madam President.

And through you, I can say that when this was brought to our committee, there was not a specific incident that was brought to our attention. It was a concern of a group of employees and -- and that's what was brought to our attention. And -- but I can tell you that in -- in my own personal experiences, I do know a teacher who was in this situation. So, you know, I have seen that in our own school system, but I -- it was not something that I could report -- was brought up in testimony or in the public hearing, so it was something that I certainly -- I think it's a good piece of legislation, based on my own personal experience and my knowledge of some friends who are teachers.

Thank you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

Then I guess my final question would then be, through you, Madam President, that -- well, do you know of a specific scenario where an individual had information that rose to the level of something that he or she had to report because he or she was a mandated reporter and -- and was hindered or prevented by an employer from -- from getting that -- from reporting that information?

Through you, Madam President.

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THE CHAIR:

Senator Bartolomeo

SENATOR BARTOLOMEO:

Thank you. Through you, Madam President, I can tell you that in my own personal experience, I do know of a teacher who had concerns and felt as though the administration would not be supportive of those concerns. But I am not at liberty to -- to speak to that particular school situation or teacher.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

All right. Thank you, Madam President

THE CHAIR:

Thank you very much.

Will you remark further? Will you remark further?

If not, Mr. Clerk, will you call for a roll call vote, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the chamber. Immediate roll call has been ordered in the Senate on Senate Amendment Schedule "A."

Immediate roll call on Senate Bill 821 with Senate "A."

Senators please return to the chamber.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be locked.

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Mr. Clerk, will you please call the tally. Thank you.

THE CLERK:

Senate Bill 821 with Senate "A."

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 38, Calendar 103, Substitute for Senate Bill Number 832, AN ACT CONCERNING FAMILY ASSESSMENT CASES, favorable report of the Committee on Kids.

THE CHAIR:

Senator Bartolomeo, again.

SENATOR BARTOLOMEO:

I thank you, Madam President.

Madam President, I move acceptance of the joint committee's joint favorable report, and I urge passage of the bill.

THE CHAIR:

It's on passage of the bill.

Will you -- will you remark, ma'am? Thank you.

SENATOR BARTOLOMEO:

Thank you, Madam President.

The purpose of this bill is twofold. It renames a category of cases within the DCF system from