EASTCONN
Where Learning Comes to Life

PERSONNEL
Series 4000
Policy #4005.1.1

REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR REPORTS OF SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the EASTCONN Board of Directors (the "Board") to require ALL EMPLOYEES of EASTCONN to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, but to ALL EMPLOYEES of EASTCONN.

2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon the child other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to the child's well-being, or (d) has been abused.

"School employee" means (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by EASTCONN or who is working in an EASTCONN elementary, middle or high school; or (b) any other person who, in the performance of that person's duties, has regular contact with students and who provides services to or on behalf of students enrolled in the EASTCONN Schools ("District"), pursuant to a contract with the EASTCONN.

"Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

"Statutorily mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutorily mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen years of age or older.

3. What Must Be Reported

a) A report must be made when any employee of EASTCONN in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years:

i) has been abused or neglected;

ii) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon the child;

iii) is placed at imminent risk of serious harm; or

b) A report must be made when any employee of EASTCONN in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by EASTCONN or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:

i) sexual assault in the first degree;

ii) aggravated sexual assault in the first degree;

iii) sexual assault in the second degree;

iv) sexual assault in the third degree;

v) sexual assault in the third degree with a firearm; or

vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

c) The suspicion or belief of an EASTCONN employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

4. Reporting Procedures for Statutorily Mandated Reporters

The following procedures apply only to statutorily mandated reporters, as defined above.

a) When an employee of EASTCONNN who is a statutorily mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

(1) The employee shall make an oral or electronic report as soon as practicable, but not later than twelve (12) hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee.

(a) An oral report shall be made by telephone or in person to the Commissioner of the Department of Children and Families ("DCF") or the local law enforcement agency. DCF has established a 24 hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.

(b) An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Executive Director or Executive Director's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.

(2) The employee shall also make an oral report as soon as practicable to the Building Principal or Building Principal's designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Executive Director or Executive Director's designee directly.

(3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student by a school employee, the Executive Director or Executive Director's designee shall immediately notify the child's parent or guardian that such a report has been made.

(4) Not later than forty-eight (48) hours after making an oral report, the employee shall submit a written or electronic report to the Commissioner of DCF or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Executive Director or Executive Director's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.

(5) The employee shall immediately submit a copy of the written or electronic report to the Building Principal or Building Principal's designee and to the Executive Director or the Executive Director's designee.

(6) If the report concerns suspected abuse, neglect, or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of DCF (or Commissioner of DCF's designee) shall submit a copy of the written or electronic report to the Commissioner of Education (or Commissioner of Education's designee).

5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

The following procedures apply only to employees who are not statutorily mandated reporters, as defined above.

a) When an employee who is not a statutorily mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

(1) The employee shall make an oral report as soon as practicable, but not later than twelve (12) hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Executive Director or Executive Director's designee, to be followed by an immediate written report to the Executive Director or Executive Director's designee.

(2) If the Executive Director or Executive Director's designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee, the Executive Director or designee shall cause reports to be made in accordance with the procedures set forth for statutorily mandated reporters.

b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse, neglect or sexual assault by a school employee from reporting the same directly to the Commissioner of DCF.

6. Contents of Reports

Any report made pursuant to this policy shall contain the following information, if known:

a) The names and addresses of the child* and the child's parents or other person responsible for the child's care;

b) the age of the child;

c) the gender of the child;

d) the nature and extent of the child's injury or injuries, maltreatment or neglect;

e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;

f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or the child's siblings;

g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;

h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;

i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;

j) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and

k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

*For purposes of this Paragraph, the term "child" includes any victim of sexual assault by a school employee, as described in Paragraph 3, above.

7. Investigation of the Report

a) The Executive Director or Executive Director's designee shall thoroughly investigate reports of suspected abuse, neglect or sexual assault if/when such report involves an employee of EASTCONN or other individual under the control of the Board, provided the procedures in subparagraph (b), below are followed. In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.

b) Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student's sexual assault by school employees, the Executive Director's investigation shall permit and give priority to any investigation conducted by the Commissioner of DCF or the appropriate local law enforcement agency. The Executive Director shall conduct EASTCONN's investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of DCF or the appropriate local law enforcement agency that the District's investigation will not interfere with the investigation of the Commissioner of DCF or the local law enforcement agency.

c) The Executive Director shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect or sexual assault, as appropriate.

d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Executive Director with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.

e) When EASTCONN is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of EASTCONN or other individual under the control of the Board, the Executive Director's investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual

assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Executive Director may suspend an EASTCONN employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the District, pursuant to a contract with EASTCONN, the Executive Director may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.

8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

a) If, upon completion of the investigation by the Commissioner of DCF ("Commissioner"), the Executive Director has received a report from the Commissioner that the Commissioner has reasonable cause to believe that (1) a child has been abused or neglected by a school employee, as defined above, and the Commissioner has recommended that such employee be placed on the DCF Child Abuse and Neglect Registry, or (2) a student is a victim of sexual assault by a school employee, the Executive Director shall request (and the law provides) that DCF notify the Executive Director not later than five (5) working days after such finding, and provide the Executive Director with records, whether or not created by DCF, concerning such investigation. The Executive Director shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.

b) Not later than seventy-two (72) hours after such suspension, the Executive Director shall notify the Board and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Executive Director shall disclose such records to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.

c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Executive Director and/or Board acts pursuant to the provisions of Conn. Gen. Stat. §10—151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Executive Director shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.

d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Executive Director and/or Board acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Executive Director shall notify the Commissioner of Education,

or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.

e) Regardless of the outcome of any investigation by the Commissioner of DCF and/or the police, the Executive Director and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Executive Director's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.

f) The District shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 2 of this policy.

9. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of EASTCONN

If the investigation by the Executive Director and/or the Commissioner of DCF produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the District, pursuant to a contract with EASTCONN, the Executive Director shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District.

10. Delegation of Authority by Executive Director

The Executive Director may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

11. Confidential Rapid Response Team

The Executive Director shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 2, above, and (2) provide immediate access to information and individuals relevant to the department's investigation. The confidential rapid response team shall consist of a teacher and the Executive Director, a local police officer and any other person the Board, acting through its Executive Director, deems appropriate.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 14 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

13. The District shall not hire any person whose employment contract was previously terminated by a board or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual assault has been substantiated.

14. Non-Discrimination Policy/Prohibition Against Retaliation

The Board expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

15. Distribution of Policy, Guidelines and Posting of Careline Information

This policy shall annually be distributed electronically to all school employees employed by EASTCONN. EASTCONN shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 16, below. Guidelines regarding identifying and reporting child sexual abuse developed by the Governor's task force on justice for abused children shall annually be distributed electronically to all school employees, Board members, and the parents or guardians of students enrolled in the schools under the jurisdiction of the Board. The Board shall post the Internet web site address and telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

16. Training

a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of DCF.

b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of DCF at least once every three years.

c) The principal for each school shall annually certify to the Executive Director that each school employee, as defined above, working at such school, is following the training provisions in this policy and as required by state law. The Executive Director shall certify such compliance to the State Board of Education.

d) Beginning July 1, 2023, all school employees, as defined above, shall complete the (1) training regarding the prevention and identification of, and response to, child sexual abuse and assault; (2) bystander training program; and (3) appropriate interaction with children training program. Each employee must repeat these trainings at least once every three years. Such trainings shall be identified or developed by DCF.

17. Records

a) EASTCONN shall maintain in a central location all records of allegations, investigations, and reports that a child has been abused or neglected by a school employee employed by EASTCONN or that a student has been a victim of sexual assault by a school employee employed by EASTCONN, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to DCF. The State Department of Education shall have access to such records upon request.

b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of DCF, upon request and for the purposes of an investigation by the Commissioner of DCF of suspected child abuse or neglect by a teacher employed by EASTCONN, any records maintained or kept on file by EASTCONN. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of Executive Director employed by the Board in a position requiring a certificate issued by the State Board of Education.

18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of the sexual assault and abuse prevention and awareness program identified or developed by DCF, as outlined in Board Policy #4005.1.1, Child Abuse, Neglect and Sexual Assault Reporting. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator in addition

to complying with the school employee's obligations under this Policy and the law regarding mandatory reporting of abuse, neglect and sexual assault.

Beginning July 1, 2023, and annually thereafter, information regarding the sexual abuse and assault awareness and prevention program identified or developed by DCF shall be distributed electronically to all school employees, Board members, and the parents or guardians of enrolled students.

Legal References:

Connecticut General Statutes:

Section 10-151	Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.
Section 10-221s	Posting of Careline telephone number in schools. Investigations of child abuse and neglect. Disciplinary action.
Section 17a-101 et seq.	Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.
Section 17a-101q	Statewide Sexual Abuse and Assault Awareness and Prevention Program.
Section 17a-103	Reports by others. False reports. Notifications to law enforcement agency.
Section 46b-120	Definitions.
Section 53a-65	Definitions.

Public Act No. 22-87, "An Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children*."*

Public Act 23-47, "An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes."

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REVISED:

Appendix A

RELEVANT EXCERPTS OF STATUTORY DEFINITIONS OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY REPORTING LAWS AND THIS POLICY

An employee of EASTCONN must make a report in accordance with this policy when the employee of EASTCONN in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by EASTCONN or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

Intimate Parts (Conn. Gen. Stat. § 53a-65)

"Intimate parts" means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

Sexual Intercourse (Conn. Gen. Stat. § 53a-65)

"Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

Sexual Contact (Conn. Gen. Stat. § 53a-65)

"Sexual contact" means (A) any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person, or (B) for the purposes of subdivision (4) of subsection (a) of section 53a-73a, … any contact with the intimate parts of a dead human body, or any contact of the intimate parts of the actor with a dead human body, for the purpose of sexual gratification of the actor.

Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70)

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other

persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services

under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)
A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal; or (4) such person engages in sexual contact with a dead human body; or (5) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (6) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (7) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (8) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another

person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (9) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (10) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

APPENDIX B

Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut DCF.

For the purposes of these operational definitions,

- A person responsible for a child's health, welfare or care means:
    - the child's parent, guardian, or foster parent; an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- A person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child.
- A person entrusted with the care of a child is a person who is given access to a child by a person responsible for the health, welfare or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined in the policy above may be classified as a victim of child abuse and/or neglect; only a "person responsible," "person given access," or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
    - While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an employee of EASTCONN in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by EASTCONN or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, as set forth in this policy, and the perpetrator is a school employee.

Physical Abuse

A child may be found to have been physically abused who:

has been inflicted with physical injury or injuries other than by accidental means,

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, and/or

has injuries at variance with the history given of them.

Evidence of physical abuse includes, but is not limited to the following:

excessive physical punishment;

bruises, scratches, lacerations;

burns, and/or scalds;

reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.;

injuries to bone, muscle, cartilage, ligaments:
fractures, dislocations, sprains, strains, displacements, hematomas, etc.;

head injuries;

internal injuries;

death;

misuse of medical treatments or therapies;

malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion;

deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child; and/or

cruel punishment.

Sexual Abuse/Exploitation Sexual Abuse/Exploitation

Sexual Abuse/Exploitation is any incident involving a child's non-accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

rape;

penetration: digital, penile, or foreign objects;

oral / genital contact;

indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;

incest;

fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;

sexual exploitation, including possession, manufacture, or distribution of child pornography, online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website;

coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior;

disease or condition that arises from sexual transmission; and/or

other verbal, written or physical behavior not overtly sexual but likely designed to "groom" a child for future sexual abuse.

Legal References: Federal Law 18 U.S.C. 2251 Sexual Exploitation of Children.

Emotional Maltreatment-Abuse

Emotional Maltreatment-Abuse is an:

act(s), statement(s), or threat(s), which

has had, or is likely to have an adverse impact on the child; and/or

interferes with a child's positive emotional development.

Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:

rejecting;

degrading;

isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or

exposing the child to brutal or intimidating acts or statements.

Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:

depression;

withdrawal;

low self-esteem;

anxiety;

fear;

aggression/ passivity;

emotional instability;

sleep disturbances;

somatic complaints with no medical basis;

inappropriate behavior for age or development;

suicidal ideations or attempts;

extreme dependence;

academic regression; and/or

trust issues.

Physical Neglect

A child may be found neglected who:

has been abandoned;

is being denied proper care and attention physically, educationally, emotionally, or morally;

is being permitted to live under conditions, circumstances or associations injurious to the child's well-being; and/or

has been abused.

Evidence of physical neglect includes, but is not limited to:

inadequate food;

malnutrition;

inadequate clothing;

inadequate housing or shelter;

erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;

permitting the child to live under conditions, circumstances or associations injurious to the child's well-being including, but not limited to, the following:

substance abuse by caregiver, which adversely impacts the child physically;

substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs;

psychiatric problem of the caregiver which adversely impacts the child physically;

exposure to family violence which adversely impacts the child physically;

exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety;
non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances;

voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, *e.g.,* persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes; persons appearing on the Central Registry;

non-accidental or negligent exposure to pornography or sexual acts;

inability to consistently provide the minimum of child-caring tasks;

inability to provide or maintain a safe living environment;

action/inaction resulting in death;

abandonment;

action/inaction resulting in the child's failure to thrive;

transience;

inadequate supervision:
creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities;

holding the child responsible for the care of siblings or others beyond the child's ability; and/or

failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

Note:

- Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.

- Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability and developmental level.

- The presence of legal or illegal substances in the bodily fluids of (1) a parent or legal guardian or (2) a pregnant person shall not form the sole or primary basis for any action or proceeding by the Department. Any action or proceeding by the Department must be based on harm or risk of harm to a child and the parent or guardian's ability to provide appropriate care for the child.

- Adverse impact may not be required if the action/inaction is a single incident that demonstrates a serious disregard for the child's welfare.

Medical Neglect

Medical Neglect is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

Evidence of medical neglect includes, but is not limited to:

frequently missed appointments, therapies or other necessary medical and/or mental health treatments;

withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions; and/or

withholding medically indicated treatment from disabled infants with life-threatening conditions.

Note: Failure to provide the child with immunizations or routine well-child care in and of itself does not constitute medical neglect.

Educational Neglect

Except as noted below, **Educational Neglect** occurs when a school-aged child has excessive absences from school through the intent or neglect of the parent or caregiver.

Definition of School-Aged Child: Except as noted below, a school-aged child is a child five years of age and older and under 18 years of age who is not a high school graduate. **Note:** Excessive absenteeism and school avoidance may be presenting symptoms of a failure to meet the physical, emotional or medical needs of a child. Careline staff shall consider these potential additional allegations at the time of referral.

Criteria:

- **For children school-aged to age 12, excessive absenteeism** may be indicative of the parent's or caregiver's failure to meet the educational needs of a student.
- **For children older than age 12, excessive absenteeism**, coupled with a failure by the parent or caregiver to engage in efforts to improve the child's attendance, may be indicative of educational neglect.
    - For children older than age 12, excessive absenteeism through the child's own intent, despite the parent's or caregiver's efforts, is not educational neglect. Rather, this is truancy, which is handled through the school district.

Child's Characteristics. In determining the criteria for excessive absenteeism, the following characteristics of the child shall be considered by the social worker:

- Age;
- Health;
- Level of functioning;
- Academic standing; and
- Dependency on parent or caregiver

Parent or Caregiver's Characteristics. In determining the criteria for excessive absenteeism, the following characteristics of the parent or caregiver shall be considered by the social worker:

- Rationale provided for the absences;
- Efforts to communicate and engage with the educational provider; and
- Failure to enroll a school-aged child in appropriate educational programming (including homeschooling)

Exceptions (in accordance with Conn. Gen. Stat. § 10-184):

1. A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school

district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.

2. A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

Note: Failure to sign a registration option form for such child is not in and of itself educational neglect.

Emotional Neglect

Emotional Neglect is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

Note: Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability and developmental level. Adverse impact is not required if the action/inaction is a single incident which demonstrates a serious disregard for the child's welfare.

Note: The adverse impact may result from a single event and/or from a consistent pattern of behavior and may be currently observed or predicted as supported by evidence-based practice.

Evidence of emotional neglect includes, but is not limited to, the following:

inappropriate expectations of the child given the child's developmental level;

failure to provide the child with appropriate support, attention and affection;

permitting the child to live under conditions, circumstances or associations;

injurious to the child's well-being including, but not limited to, the following:

substance abuse by caregiver, which adversely impacts the child emotionally;

psychiatric problem of the caregiver, which adversely impacts the child emotionally; and/or

exposure to family violence which adversely impacts the child emotionally.

Indicators may include, but are not limited to, the following:

depression;

withdrawal;

low self-esteem;

anxiety;

fear;

aggression/ passivity;

emotional instability;

sleep disturbances;

somatic complaints with no medical basis;

inappropriate behavior for age or development;

suicidal ideations or attempts;

extreme dependence;

academic regression; and/or

trust issues.

Moral Neglect

Moral Neglect: Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

Evidence of Moral Neglect includes but is not limited to:

stealing;

using drugs and/or alcohol; and/or

involving a child in the commission of a crime, directly or by caregiver indifference.

Appendix C

INDICATORS OF CHILD ABUSE AND NEGLECT

Indicators of Physical Abuse

HISTORICAL

Delay in seeking appropriate care after injury

No witnesses

Inconsistent or changing descriptions of accident by child and/or parent

Child's developmental level inconsistent with history

History of prior "accidents"

Absence of parental concern

Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent

Unexplained school absenteeism

History of precipitating crisis

PHYSICAL

Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso

Clusters of skin lesions; regular patterns consistent with an implement

Shape of lesions inconsistent with accidental bruise

Bruises/welts in various stages of healing

Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges

Fractures/dislocations inconsistent with history

Laceration of mouth, lips, gums or eyes

Bald patches on scalp

Abdominal swelling or vomiting

Adult-size human bite mark(s)

Fading cutaneous lesions noted after weekends or absences

Rope marks

BEHAVIORAL

Wary of physical contact with adults

Affection inappropriate for age

Extremes in behavior, aggressiveness/withdrawal

Expresses fear of parents

Reports injury by parent

Reluctance to go home

Feels responsible (punishment "deserved")

Poor self-esteem

Clothing covers arms and legs even in hot weather

Indicators of Sexual Abuse

HISTORICAL

Vague somatic complaint

Excessive school absences

Inadequate supervision at home

History of urinary tract infection or vaginitis

Complaint of pain; genital, anal or lower back/abdominal

Complaint of genital itching

Any disclosure of sexual activity, even if contradictory

PHYSICAL

Discomfort in walking, sitting

Evidence of trauma or lesions in and around mouth

Vaginal discharge/vaginitis

Vaginal or rectal bleeding

Bruises, swelling or lacerations around genitalia, inner thighs

Dysuria

Vulvitis

Any other signs or symptoms of sexually transmitted disease

Pregnancy

BEHAVIORAL

Low self-esteem

Change in eating pattern

Unusual new fears

Regressive behaviors

Personality changes (hostile/aggressive or extreme compliance)

Depression

Decline in school achievement

Social withdrawal or poor peer relationships

Indicates sophisticated or unusual sexual knowledge for age

Seductive behavior, promiscuity or prostitution

Substance abuse

Suicide ideation or attempt

Runaway

Indicators of Emotional Abuse

HISTORICAL

Parent ignores/isolates/belittles/rejects/scapegoats child

Parent's expectations inappropriate to child's development

Prior episode(s) of physical abuse

Parent perceives child as "different"

PHYSICAL

(Frequently none)

Failure to thrive

Speech disorder

Lag in physical development

Signs/symptoms of physical abuse

BEHAVIORAL

Poor self-esteem

Regressive behavior (sucking, rocking, enuresis)

Sleep disorders

Adult behaviors (parenting sibling)

Antisocial behavior

Emotional or cognitive developmental delay

Extremes in behavior - overly aggressive/compliant

Depression

Suicide ideation/attempt

Indicators of Physical Neglect

HISTORICAL

High rate of school absenteeism

Frequent visits to school nurse with nonspecific complaints

Inadequate supervision, especially for long periods and for dangerous activities

Child frequently unattended; locked out of house

Parental inattention to recommended medical care

No food intake for 24 hours

Home substandard (no windows, doors, heat), dirty, infested, obvious hazards

Family member addicted to drugs/alcohol

PHYSICAL

Hunger, dehydration

Poor personal hygiene, unkempt, dirty

Dental cavities/poor oral hygiene

Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day

Constant fatigue or listlessness

Unattended physical or health care needs

Infestations

Multiple skin lesions/sores from infection

BEHAVIORAL

Comes to school early, leaves late

Frequent sleeping in class

Begging for/stealing food

Adult behavior/maturity (parenting siblings)

Delinquent behaviors

Drug/alcohol use/abuse