

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.41 **Name of Bill:** An act relating to requiring that mandated reporters report all allegations of child sexual abuse to the Department for Children and Families

Agency/ Dept: DCF **Author of Bill Review:** Leslie Wisdom
Date of Bill Review: 2/12/2015 **Related Bills and Key Players :** S.9

Status of Bill: (check one): **Upon Introduction** **As passed by 1st body** **As passed by both**

Recommended Position: DCF recommends that this bill is supported if the standard for all forms of abuse can be changed to a "cause to believe" standard. DCF does not support the bill as drafted with different reporting standards as this creates confusion.

Support **Oppose** **Remain Neutral** **Support with modifications identified in #8 below**

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill was drafted in response to the Milton hazing case, where DCF did not receive a timely report of alleged sexual abuse.

This bill changes the standard for when mandated reporters are required to report allegations of sexual abuse to DCF from a "reasonable cause to believe" standard to a "cause to believe" standard. The standard for mandated reporters to report physical abuse and neglect in the bill is unchanged from the current law (reasonable cause to believe). Finally, the bill provides that for non-mandated reporters (anyone else who is not a mandated reporter), that they may report suspected abuse to the Department if they "have cause to believe" that a child has been abused or neglected.

In creating these different standards for reporting suspected abuse, the bill also seems to have inadvertently removed reference to reports of emotional maltreatment or other forms of abuse. This happened when the bill was broken up into different paragraphs with different reporting standards and by adding language in (a)(1) that relates only to sexual abuse, adding the word "physical" in front of "abuse" in (a)(2) and by adding the modifiers "sexually or physically" in front of the word "abused" in (c).

This bill also requires that suspected sexual abuse be reported to the Vermont State Police or a local law enforcement agency, in addition to DCF.

2. Is there a need for this bill? *Please explain why or why not.*

This bill could be used to clarify for all mandated reporters when they are required to report allegations of abuse to DCF. As drafted, however, the bill creates a system where there is a different standard for the responsibility of mandated reporters to report sexual abuse than for other types of abuse, which I fear will create more confusion for mandated reporters. The bill also adds that the lower standard of "cause to believe" to the non-mandated reporter section, which does not make sense.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

Changing the reporting standard to “cause to believe” (rather than “reasonable cause”) may result in additional reports of child sexual abuse to the Family Services Division’s Centralized Intake Unit. We would need to evaluate the impact on staffing needs to change the standard to “cause to believe” for all reports of child abuse and neglect. Work will also be required to update training materials and guidance used by FSD in training mandated reporters.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

This bill requires that reports of child sexual abuse also be made to the Vermont State Police or local law enforcement. S.9 is making changes to what cases the SIUs are required to investigate and that will include child sexual abuse cases. These additional reports may bring additional cases to the attention of the SIUs.

State’s Attorneys may have better success in prosecuting mandated reporters who fail to report sexual abuse if the standard for reporting abuse is changed from “reasonable cause to believe” to “cause to believe”. Prosecutors would benefit even further if the standard was changed across the board to “cause to believe” rather than having two different standards depending on the type of abuse.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

The bill as proposed with the two different reporting standards will result in additional training needs and confusion from mandated reporters about what situations will require a report to DCF.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Family and community of the Milton student who killed himself after being hazed.

6.2 Who else is likely to oppose the proposal and why?

7. Rationale for recommendation: *Justify recommendation stated above.*

DCF encourages mandated reporters of child abuse and neglect to report to the Department and does not want reporters to feel that they have to conduct their own investigation or inquiries in order to decide whether to report. Changing the standard to a “cause to believe” standard may further that goal.

8. Specific modifications that would be needed to recommend support of this bill:

This bill should be modified to change the standard across the board for all reporting of child abuse and neglect to a “cause to believe” standard. Based on S.9, the section about which types of abuse must also be reported to law enforcement may also need to be changed to ensure uniformity with changes in S.9 to the jurisdiction of SIUs.

In order to support this bill should it move through the legislature, DCF would need to understand the fiscal implications due to this change. If there are significant fiscal implications, DCF would need to be allocated the financial resources to support those fiscal needs.

9. Gubernatorial appointments to board or commission?

None

Secretary/Commissioner has reviewed this document: _____ *Date:* _____