

LEGAL MAILBAG – APRIL 3, 2025



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The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

As we were walking out of the building at the end of the day today, a special education teacher in my building shared the following situation with me. A paraeducator assists a child in her class with toileting as part of her daily routine, and yesterday morning the paraeducator observed a bruise on the child’s upper thigh. The paraprofessional told the classroom teacher about the bruise toward the end of the school day.

The teacher reported to me that she told the paraeducator that she would handle it and that she plans to ask the child a few questions about the bruise tomorrow morning before deciding whether to make a report to DCF.

I didn’t want to upset her, but it seems that she should have called it in to DCF as soon as the paraeducator told her about the bruise. At the CAS Annual Leadership Conference (it was great, by the way), two presenters reminded me that the statute requires that such reports be made promptly:

An oral or electronic report shall be made by a mandated reporter as soon as practicable but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm. An oral report made pursuant to this subsection shall be made by telephone or in person to the Commissioner of Children and Families or a law enforcement agency.

Conn. Gen. Stat. § 17a-101b. If the teacher waits until tomorrow to call DCF, won’t it be a late report?

Signed,
Better Late than Never

Dear Late:

The question here is whether the teacher has reasonable cause to suspect or believe that abuse or neglect has occurred, and Legal Mailbag believes that simply noting a bruise without more would not generally create such a belief or suspicion. Indeed, this situation invites consideration of an important change made last year in the DCF reporting statutes. As of July 1, 2024, Conn. Gen. Stat. § 17a-101a includes the following new sentence:

Nothing in this section shall preclude a mandated reporter from conducting a preliminary inquiry to determine if reasonable cause exists for such mandated reporter to make a report pursuant to subsection (a) of this section.

The question for you and the teacher is whether her asking the child some questions the following morning would properly be considered a “preliminary inquiry.” Given DCF guidance on “preliminary inquiries,” Legal Mailbag concludes that the questions the teacher planned to ask the student can properly be considered a preliminary inquiry.

Whenever a mandated reporter is confronted with a situation potentially involving abuse or neglect, the mandated reporter must assess whether the information he or she has gives rise to reasonable cause to suspect or believe that abuse has occurred. Here, noting a bruise invites further inquiry, but that fact alone may not create such reasonable cause. Therefore, Legal Mailbag believes that the teacher may now appropriately inquire further of the student about the bruise to “to determine if reasonable cause exists for such mandated reporter to make a report.”

Recent guidance from DCF on preliminary inquiries may be helpful. In its updated training, DCF offers the following about preliminary inquiries:

- Preliminary inquiries allow educators the flexibility to ask students questions about who, what, where, and when, to seek clarity.
- This helps educators determine whether they need to proceed with a report to the Department of Children and Families (DCF).
- When conducting preliminary inquiries, it is crucial to ask questions that are sensitive, non-threatening, and designed to gather information without leading the child.
- It is important to remember that the goal is to gather information without making the child feel pressured or scared.

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- Create a safe environment. Make sure the child feels comfortable and secure.
- Use open-ended questions. This allows the child to provide more detailed answers.
- Be patient and listen. Give the child time to express themselves without rushing.
- Reassure the child. Let them know that they are not in trouble and that it is okay to talk.
- Observe non-verbal cues. Pay attention to the child’s body language and behavior.

It is important to draw the distinction between preliminary inquiries, which are now permitted, and investigations, which remain in the first instance the responsibility of DCF. This guidance helps us distinguish the two situations.

We read that mandated reporters may ask open-ended questions (“who, what, where, and when”) in a preliminary inquiry to obtain additional facts as may be necessary to determine whether there is reasonable cause for a report. We also note that the focus of the guidance on preliminary inquiries is on the child who is the potential victim of abuse or neglect. We also read that such inquiries should be conducted in a gentle, non-threatening way so that the child feels safe.

From this guidance, Legal Mailbag infers that preliminary inquiries should be limited in nature. Typically, such further questions would be posed to the potential victim to gather the limited facts necessary to determine whether a report should be filed. While there are always exceptions, asking third parties about the situation may be improper because such further questions may not be necessary to establish reasonable cause and, as such, may be viewed as the beginning of an investigation. The mandated reporter conducting a preliminary inquiry must always keep in mind the duty to make a report as soon as sufficient facts are presented to establish reasonable cause, which will likely occur before all the relevant facts are determined.

Finally, Legal Mailbag notes that the paraeducator first saw the bruise and reported it to the teacher. On these facts, that was fine if the bruise alone did not establish reasonable cause. However, once there is reasonable cause, mandated reporters have a personal obligation to “report or cause a report to be made” in accordance with Conn. Gen. Stat. Section 17a-101a. When a mandated reporter, including a paraeducator or teacher, is confronted with facts that give rise to reasonable cause, that mandated reporter remains responsible for either making a report or assuring that a report is made. The mandated reporter will not have discharged his or her statutory duty to report simply by telling someone else.