

Failure to report abuse only a misdemeanor in New Hampshire

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ROCHESTER — The death of 21-month-old Cassidy Bortner brought child abuse reporting laws in both Maine and New Hampshire into the spotlight as people began to question whether they are working.

Like many states across the nation, Maine and New Hampshire impose minimal penalties for those who do not report abuse.

In New Hampshire, the mandatory child abuse and neglect reporting law states that any resident who has "reason to suspect" abuse — from health care and law enforcement professionals to neighbors — must report those suspicions to authorities.

The penalty for not reporting is listed as a misdemeanor; however, no New Hampshire residents who told police after Cassidy's death in November that they had "reason to suspect" her abuse are being charged under the law.

Maine, meanwhile, has a mandatory reporting law being reviewed by the 120th Legislature. The law, as it exists now, applies to professionals such as law enforcement officials, teachers and health care workers. However, individuals such as family members, friends and neighbors are not required to report. And, even for those who are required to report and do not, there is no penalty listed in the state statute.

States that have come out with more stringent penalties for not reporting abuse include Minnesota, California, Alabama, South Carolina, Wisconsin and Rhode Island. Each state has provisions for monetary fines, imprisonment or both for failure to report abuse.

In Minnesota, state statute 626.556 requires

each person who "knows or has reason to believe" or "knows or reasonably should know" to report suspicions of abuse.

The law then goes one step further to list different categories of criminal responsibility for not reporting, according to the National Clearinghouse on Child Abuse and Neglect Information.

When a mandated reporter does not contact authorities about suspicions of abuse, it is a misdemeanor in Minnesota. However, if a parent, guardian or caretaker fails to report abuse the stakes are much higher.

Minnesota law makes it a gross misdemeanor for a parent, guardian or caretaker if a "child's health is in serious danger and (the) child suffers great bodily harm due to lack of medical care," according to the clearinghouse.

If, as in Cassidy's case, the child dies from unreported abuse, the parental figure is subject to felony charges.

In Minnesota's statute, a child's guardian cannot defend not reporting by saying he or she did not know because the standard for reporting is "knows or reasonably should know."

The National Clearinghouse on Child Abuse and Neglect Information states that New Hampshire's definition of child abuse and neglect for purposes of reporting is "immediate peril or risk" while Maine's standard for reporting is broader, listing reasons to report as a threat to a child's health or welfare, deprivation of essential needs or lack of protection.

Chad E. Evans, 29, of 191 Milford Road in Rochester, the live-in boyfriend of Cassidy's mother, faces murder and assault charges in connection with the toddler's death. Evans' trial is scheduled for this fall.