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ABANDONMENT

Physical neglect reversed when out of control teenager leaves the home and refuses to return to the home. Appellant would allow the child to return to the home but insists the child follow her rules. In re Olga V., May 14, 2012

A mother's refusal to have her child returned to her care when mother has realistic concern that her child is in danger if returned is not abandonment. In re Bobbie E., May 8, 2012.

Physical neglect reversed when Appellant advises Department she is afraid to have her out-of-control teenage daughter return to the home due to safety issues with other children in the home. Teen also refused to return to the home and Appellant had no other placement resources available for the child. In re Cheri B., April 24, 2012

Physical neglect upheld when father leaves the state with his family, but leaves his eldest child behind without a plan or designated guardian. Although father got a friend to agree to take the child in, the Appellant father did not notify the child that this was the father's plan. Child

abandoned, even though parent later agreed to send money for child to join family, and child refused. In re: James N., February 22, 2012.

Physical neglect reversed when legal guardians contacted the Department to advise they could no longer safely care for child in their home. The adolescent was recently adopted by the Appellants (relatives) and prior to the adoption they had advised the Department that his behaviors were more than they could handle. In re Thomas and Clarice R., December 21, 2011.

Emotional neglect reversed when relative caregiver files in Probate Court for change in guardianship. The child no longer wanted to live with the guardian, and the guardian believed the child was a threat. There was no suitable alternative relative, so the court ordered the child into the Department's care. The child was never without an appropriate caregiver. In re Thunesia D., November 28, 2011.

Physical neglect reversed when Appellant leaves fifteen year old daughter at the police station to make a statement, and then is unable to pick the child back up when the statement is completed. In re Karen G., October 26, 2011.

Physical neglect reversed where the Appellant did not abandon her troubled teenaged son by refusing to reunite with him. The boy had not completed treatment at a psychiatric hospital. The boy was ordered by a court to be removed from the program due to his assaultive behavior. The Appellant reasonably refused to have the boy return to her home because it was not an appropriate placement for him given his untreated poor behavioral and mental health. In re Carol W., October 19, 2011.

Physical neglect reversed when the evidence supports a finding that Appellant requested placement assistance from the Department for the youth as she could no longer maintain him safely in her home. In re Zaida B., July 7, 2011.

Physical neglect reversed when the Appellant sought help from the Department for a traumatized child who proved difficult under her guardianship. In re Sharon J., June 7, 2011.

Physical neglect reversed when adoptive parent brings child to DCF office and informs that she is no longer capable of caring for the child. Guardian is of advanced age and failing health and had no resources available for the child. Guardian brought the child to the department to ensure that the child received the care and services she needed. In re Ada P., May 31, 2011.

Physical and emotional neglect upheld when mother refuses to believe her daughter's allegations of sexual abuse and demands child's placement, rather than asking the alleged perpetrator to leave the home. In re Lillian G., May 26, 2011.

Appellant's failure to take in her son, who had spent three years out of the home due to serious and threatening behaviors, is not neglect. Appellant had a lease that did not include her son, and she made minimal efforts to assist her son while not actually taking him in. In re Sonia A., January 11, 2011.

Physical neglect reversed when Appellant requests child's removal from the home. The Appellant had been involved with community service providers and could no longer handle the child in her home. The Appellant did not put child out on the street, but contacted the Department and other agencies to report that she needed the child removed from her care. Appellant did not abandon the child, but ensured she was placed in a setting where her physical needs would be met. In re Amina M., August 24, 2010.

Physical neglect upheld where the Appellant planned to move into a one bedroom apartment without her two troubled teenaged daughters. The evidence showed that the teenagers were impacted by the Appellant's behavior towards them and that they modeled her bad behavior which had a negative impact on them, especially in school. In re Karen C., June 8, 2010.

Physical neglect reversed when guardian agrees to alternative arrangements for child when she can no longer care for him. Although guardian threw the child out, he was never homeless. In re Mary W., May 17, 2010.

Physical neglect upheld where the child ran away and began to inflict injuries on herself to cope with the Appellant's inadequate care and the Appellant refused to take care of the child after she was discharged from the hospital. In re Patricia D., May 11, 2010.

Physical neglect reversed where Appellant adoptive mother has legitimate fear for her own safety if she brings her adolescent daughter home. Prior to her demand for her daughter's placement, the Appellant took all necessary steps to provide a safe and loving environment for her daughter. Moreover, the Appellant attended her daughter's court date and cooperated with the Department after the child's removal. In re Serena G., March 22, 2010.

Physical neglect reversed where parents refuse to take child home when she is ready to be discharged from the hospital after the child had been treated for mental health issues. The physical needs of the child were being provided by others. In re Jose and Renee V., April 24, 2009.

Physical neglect reversed where Appellant allows fourteen year old daughter to live with daughter's friend and evidence does not indicate that child did not receive proper food, shelter, clothing, supervision or safety. Child not going to school or not up to date with inoculations is not physical neglect. In re Candy H., May 4, 2009.

Physical neglect reversed where Appellant leaves her four children unattended in therapist's office. Oldest child was fifteen and capable of caring for younger children and Appellant immediately contacted her husband to pick the children up and care for them. Emotional neglect upheld where Appellant left children without explanation at therapist's office; children were aware Appellant was emotionally distraught and were worried about her physical well being. In re Michelle B., June 30, 2009.

Physical neglect reversed where Appellant leaves child with grandmother for the weekend, but is unable to pick child up when planned because she was arrested and placed in jail. The child was with an appropriate caretaker. In re Catrice W., June 18, 2009.

Physical neglect reversed where the Appellant, as legal guardian, struggled with her out of control teenaged niece and contacted the Department to have the child removed from her care so that the child could get better treatment. In accordance with policy and past final decisions, asking to have a child removed from a legal guardian's care is not per se abandonment and/or neglect. In re Dawn O., October 30, 2009.

A parent's refusal to take her out of control, dangerous child home is not abusive or neglectful, where it is established that the Appellant has made serious attempts to get her child the help she needs, but the child is noncompliant. In re Terry Ann W., April 22, 2008.

Parents' initial refusal to take home adopted child following allegations of sexual abuse by child against sibling is not physical neglect. Once the parents recovered from the shock of the allegations, they responded appropriately, and the child was in a safe environment the entire time. In re Stephen and Janet S., December 4, 2008.

Physical neglect upheld where Appellant mother leaves her two children with maternal grandmother, who has no means to support the children, no food and no diapers for the children's care. In re Tammy D., December 9, 2008.

A guardian's refusal to take in a child who has run away and caused serious disruption to the guardian's family, is not evidence of physical neglect. In re James J., December 5, 2007.

A guardian's request for immediate removal of her niece is not abandonment when the child is exhibiting out of control behaviors, and the services that are offered to the child are not appropriate to keep the child in the home. In re Marvetta B., October 5, 2007.

Physical neglect reversed when mother told child to stay at friend's house for the night for a "cooling off" period. Following child's hospitalization, mother returned child to friend's home as mother did not want child to return to her home and child was refusing to return to mother's home. Child was never homeless and refused to cooperate with Voluntary Services or partial hospitalization as scheduled. In re Joyce and Anthony D., September 19, 2007.

A request for assistance, or a refusal to comply with services that the Appellants did not believe were helping, is not abandonment, and does not support a finding of physical neglect due to abandonment. In re Donna and Milton H., June 13, 2007.

Noncustodial father indicates he can take child on a temporary basis until mother is in a position to take child back. Physical neglect reversed. In re Jason C., November 27, 2006.

Fourteen year old had eleven criminal charges in Juvenile Court. Child was on probation. Father told probation officer to remove the child. Less than a month later, child indicated father threw her out of the home. She lived with a friend for approximately six months. Substantiation was reversed because the child was never unsafe or homeless. In re Stephen L., July 13, 2006.

Appellant requested that the Department come and take the child. She did not send the child out into the streets or with an irresponsible caretaker. When the Appellant was informed that she

needed to keep the child a few more days, she allowed the child to stay until a placement could be obtained. Physical neglect reversed. In re Delores C., May 2, 2006.

Child had extensive, complex needs and the Department substantiated mother for refusing to allow the child to return home due to the child's history of running away and drug use and the mother's concern for the other children in the home. Physical neglect reversed. In re Colleen C., April 24, 2006.

Sixteen year old child wrote a note to mother and she left home and went to live at her boyfriend's house. Mother, two days later, called police and refused to take the child home from the police station. Child went to stay with grandparents. This was not abandonment and not physical neglect as child had a place to live and no risk of harm. Physical neglect reversed. In re Debra R., July 8, 2005.

Parents removed fifteen year old's computer from her room to help her focus on homework. Child became upset and threw a plate and parents told her to leave. Child was not locked out of the house. Child was capable of being alone outside and walked about one mile to her grandmother's home. Educational and physical neglect reversed. In re Caroline and Michael D., June 29, 2005.

Child with psychiatric issues packed his suitcase and said he did not want to live with the Appellants. Child punched a hole in the wall, threw a chair and pulled a window off the frame. The Appellants requested DCF assistance as they did not want the child to live with them any more. Physical neglect reversed as the Appellants have not abandoned the child. In re Gary and Alice S., June 20, 2005.

Legal guardians contacted DCF to request placement services for the child, as they were no longer able to provide a secure environment for the child. Physical neglect reversed. In re Rosemary and Major S., June 6, 2005.

Appellants made an intentional and reasonable decision to not allow child back into their home after child had sexually molested another child. The Appellants had three girls in their care and the drastic measure was warranted, given that the Appellants could not provide the type and level of care and intervention that the child required. Child was physically safe in the Department's care and therefore not abandoned. Physical neglect reversed. In re Dennis and Kathleen C., April 26, 2005.

Appellant notified shelter that she would be leaving and knew that she would be unable to take her child with her. Shelter contacted the Department who placed the child in foster care. This action does not amount to abandonment on the Appellant's part and physical neglect was reversed. In re Rosemary C., April 18, 2005.

Mother is single and parenting children with serious emotional issues. Mother knew that she did not have the resources for her daughter, but she did not abandon her. Mother attended all court hearings and all required meetings. Mother only discontinued family therapy when the child refused to participate in a meaningful way. Physical neglect reversed. In re Marisol R., April 12, 2005.

Ordering nine year old child out of the car and driving away amounts to a demonstrated disregard for the child's safety. Similar to leaving a child unattended in a car, the potential for something to happen to a child left alone on the street is great. Physical neglect upheld. In re Mieshia J., January 3, 2005.

Mother refused to take in her seventeen year old daughter and her one year old granddaughter who was in the Department's care through Family with Service Needs, and was discharged out of her program for non-compliance. Seventeen year old has criminal history with five arrests, is bipolar and has intermittent explosive disorder. Mother would not allow her to return to her home. The Department substantiated physical neglect and emotional neglect. Substantiations reversed as mother helped child, but had legitimate fear for the safety of the other children in her home if she allowed her daughter back. In re Vernita O., December 21, 2004.

Physical neglect reversed when mother refuses to take a child home from the hospital, after being told that she will need to provide a high level of supervision, and she believes that she will not be able to meet that need. Hearing Officer notes that no one discussed voluntary service program with mother. In re Charlene C., November 30, 2004.

Physical neglect reversed when teen refuses to follow grandmother's rules and leaves her home and refuses to return. Hearing Officer found that grandmother provided the child with her medical card and paperwork, and believed she was living in a safe place. In re Ana D., November 30, 2004.

Physical neglect reversed when mother tells her sixteen year old son that he must leave the home if he cannot follow her rules, but makes arrangements for his care elsewhere. In re Jacqueline M., October 15, 2004.

Parents will not be found neglectful when they are able and willing to provide home for child, but child is unwilling to return home. In re Constance W. May 19, 2004.

When a seventeen year old child refuses to return to her mother's care, mother's failure to provide a home for the child will not support a finding of neglect, especially when there is no evidence that the child is in fact homeless. In re Dawn D., March 29, 2004.

A parent's request for services for her pregnant out of control teenager is not abandonment, when the parent applies for FWSN and voluntary services, and is denied, and then the parent demands the child's placement. In re Patricia H., February 3, 2004.

It is not inadequate shelter, when parents of adopted child seek services, and attempt to find alternate living arrangements, which are unsuccessful, especially when fifteen year old refuses to return home. Physical neglect reversed. In re Clyde and Coretha T., September 29, 2003.

Appellant refused to have child return as the child required psychiatric treatment in a hospital in order to gain control over herself and to be safe. Given Appellant's efforts over the years to provide for the child's mental health problems, the child's statements about killing herself should she return to Appellant's care, and the significant risk that a return to Appellant presented,

Appellant cannot be said to have failed to provide adequate shelter. Physical neglect reversed. In re Barbara P., October 25, 2002.

Fifteen year old child has behavioral issues and voluntary services involved. Mother asks for out of home placement for the child due to his behaviors and concern for the other children in the home. The mother was aware of the child's whereabouts at all times and did not fail to provide physical shelter for him just because she allowed him to reside temporarily with other relatives. Physical neglect reversed. In re Barbara H. D., June 25, 2002.

Foster mother refuses to take five year old foster child back home from school despite going to the school and being told that she needed to bring him home. Physical neglect upheld. In re Cynthia B., April 8, 2002.

Out of control fifteen year old runs away from mother's home. While out of the home, the child was at an apartment where there was a drug raid. At the time of the drug raid, the police take the child into custody. Mother refuses to allow her back in the home. Physical neglect reversed. In re Grisel E., April 3, 2002.

Mother refuses to allow teenagers back into the home until they accept responsibility for earlier fight. Mother refuses to pay tuition for one of the teenager's private school education that mother finds unsuitable. Mother only needs to provide a plan for them and attempt to keep them safe and cared for. Physical neglect and emotional neglect reversed. In re Gloria M., January 28, 2002.

Grandmother's refusal to let intoxicated threatening youth into the home at two a.m. is not neglectful. Physical neglect reversed. In re Florence F., October 9, 2001.

Father, without warning or explanation, leaves the apartment in which he is living, leaving the child with his live-in girlfriend. He is gone for two weeks. The fact that the child was well taken care of, and that the father intended no harm to the child, does not negate the father's responsibility to the child. Physical neglect upheld. In re Paul M., September 14, 2001.

Parents tried all avenues to help troubled son and eventually asked the Department to place the child. Physical neglect reversed. In re Richard and Geraldine B., August 21, 2001.

Daughter with psychiatric history took father's box cutter, slipped undetected from her bedroom window and cut herself at her friend's home. Child was hospitalized for the fifth time in five months. Parents refused to allow her to return home upon discharge. Child again cut herself while hospitalized. Parents were very involved in getting child treatment and had attempted to lock up all knives in the home. Physical neglect due to inadequate supervision reversed. In re Donna and Ronald T., August 29, 2000.

ACCESS TO/ENTRUSTED TO

Physical neglect against in-home day care mom reversed when there is no evidence to suggest that she knew or should have known that her biological child would pose a risk k to the day care child, and that she should have kept the two separated. In re Debbie T., April 30, 2012.

Physical neglect upheld where the Appellants allowed their son, a convicted felon and gangbanger, access to foster children in their care where he had them buy drugs and alcohol and reportedly used with some of the foster children. In re Josue E. and Maria E., February 28, 2011 By agreement affirmed on appeal December 2011.

Sexual abuse upheld against mother's boyfriend's brother, who is frequent visitor to the home, when he gets on top of sleeping child and presses his genitals into her open legs. In re Michael F., January 24, 2011.

Central Registry upheld when the record supports a finding that the Appellant intentionally encouraged one resident to assault another and then failed to stop the fight in a timely manner. As a child care worked the Appellant should have known the implications of her actions.
In re Zulema W., December 20, 2010.

Central Registry upheld as Appellant was a teacher and person entrusted and should have understood implications of his behavior. In re Mario L., November 3, 2010.

Emotional neglect reversed when the evidence does not support a finding that Appellant exposed her children to domestic violence. An unrelated man entered the family home by force and assaulted the Appellant's husband. The Appellant removed the children from the home and contacted the police. In re Sabrina F., October 19, 2010.

Sexual abuse reversed when there is no evidence that Appellant was ever in caretaking role or entrusted with the care of the child. Appellant resided in basement of home, was not a family member and was never alone with child. In re Anthony R., August 3, 2010.

The Department must establish that an Appellant is a person responsible, person given access, or person entrusted in order to substantiate abuse or neglect. A child's mere presence in the home during an incident of domestic violence will not support a neglect finding, if there is no evidence that the perpetrator has any particular duty to the child. In re Timothy W., March 11, 2010.

Substantiation dismissed and reversed where high school athletic director substantiated for physical neglect for failing to call Hotline after student made report against school trainer. Athletic director determined not to be person entrusted as he had no direct contact with the student. In re John N., April 7, 2009.

Sexual abuse/exploitation reversed where the Appellant was not a person responsible, a person given access, nor a person entrusted with the care of a child who visited his home, but was never left alone or cared for by the Appellant. In re Waldeen G., August 24, 2009.

Sexual abuse/exploitation reversed where the Appellant is not a person responsible, a person entrusted or a person given access to the child victim where he was a guest and friend of the child's father and had no child caring responsibilities. In re Cliffton P., October 15, 2009.

Sexual abuse reversed as to child's much older boyfriend. Hearing Officer finds that the boyfriend is not a "person given access" because there is no "control or authority" in the relationship. The definition of person given access must be read in the context of other statutory language for person

responsible and person entrusted, in that there must be some duty/responsibility for the child for the definition to be met. In re John V., August 28, 2008.

Physical neglect upheld where Appellant leaves her granddaughter with her father. The father sexually abused the Appellant and her sister when they were children. The child was sexually abused by the grandfather. In re Susan C., March 18, 2008.

Physical neglect upheld, even though there is no evidence of adverse impact, where Appellant mother continues to allow abusive or otherwise potentially harmful individuals to have access to her daughter. In re Melissa H., May 29, 2008.

Physical neglect upheld where Appellants allow their two sons to have ongoing, unsupervised contact with the Appellants' grandchildren, and the grandchildren are repeatedly sexually assaulted. Although the grandparents denied any knowledge that the assaults were occurring, the Hearing Officer finds that there were sufficient signs to put the grandparents on notice that they should have supervised the four children more carefully. In re Ernest and Ethel B., June 13, 2008.

A child's boyfriend is not a "person given access" because there is no "control or authority" in the relationship. The definition of person given access must be read in the context of other statutory language for person responsible and person entrusted. There must be some duty/responsibility for the child for the definition to be met. In re John V., August 28, 2008.

Physical neglect upheld where caregiver allows her adult son to move into her home, even though she is aware that the son has previously sexually abused children, and is not compliant with his psychiatric medication. In re Hazel S., August 1, 2008.

Sexual abuse reversed where the Department is not able to establish that the Appellant's neighbor was a person given access, in that he had no control or authority over the alleged victim. In re Paul D., September 26, 2008.

Emotional neglect reversed where Appellant father allows child to have contact with a person who was at one time suspected of sexually abusing the child. The father supervised the contact, and there had been no substantiations or arrests on the sexual abuse charges. In re Michael F., November 5, 2008.

Appellant was friend of the alleged victim's older brother. He was not a visitor to the home and not entrusted with the alleged victim's care or well being. This is a person not within the scope of the Department's investigative authority. In re Mohammed H., December 28, 2007.

Appellant is a person responsible for the child's care when he is a clinician at a residential treatment facility during the relevant time period and admits to counseling child but was never assigned as her clinician. Although child has a history of lying, her claims of sexual abuse are credible when strong corroborating evidence exists to support the allegations. Physical and emotional neglect upheld when the Appellant's sexual relationship with the child causes her to lose her placement, prevent her from receiving supporting services and treatment and puts her at risk for physical and emotional consequences. Registry upheld. In re Maximo D., November 26, 2007. Appeal dismissed.

The Appellant is the uncle of his teenaged niece, responsible for her care when he takes her on vacation as a babysitter for his children. The child had a clear disclosure of sexual abuse, including a detailed account of the events. The finding was corroborated by expert evidence and the child's disclosures were consistent with a girl who has been sexually abused. The Appellant's taped apology further supported the conclusion. Appellant threatened the child if she disclosed that he sexually abused her. Sexual abuse and physical neglect upheld. In re Jason D., November 23, 2007. Appeal dismissed, July 15, 2009.

Physical neglect reversed when step-grandmother, who never had guardianship, did not obtain mental health treatment for teenager left in her care. She was a person given access. The step-grandmother was unaware of statements made by child at school and at home, the child denied making self-injurious statements. The teen relocated with other family members within a month of the Department receiving the initial referral and never returned to the step-grandmother's care. In re Annie M., August 7, 2007.

Appellant was employed as a teacher in the high school where the high school student was enrolled and as such was an entrusted caretaker. In re Joseph A., March 17, 2006. Appeal dismissed.

Foster mother was responsible for child's welfare and provided her adult granddaughter access to the foster child by allowing the adult granddaughter to live in the home. In re Freda G., January 4, 2006.

Sixteen year old went with Appellant to various places and even stayed overnight on one occasion. Sixteen year old did as he pleased and his parents did not know where their son was or where he was going. The parents knew that the Appellant was a teacher at their son's school, but the parents did not give the Appellant access to their child. In re Matthew B., June 28, 2005.

Aunt who is frequent visitor to home of her niece and nephew and has a parental type relationship with them is a person given access to the niece and nephew. In re Sylvia F., March 17, 2005.

Mother allows child to go with Appellant neighbor on out of state trips and baby sit in the Appellant's home. Neighbor is a person given access to the child. In re Eligio V., January 11, 2005.

Appellant became friendly with child at school. Appellant was not the child's teacher. Appellant does not fit the definition of person responsible for the child's health, welfare or care. In re Matthew B., October 15, 2004.

Department did not prove that the Appellant attempted to run down her fifteen year old brother as he claimed. The Department did not prove that the Appellant was the child's caretaker. Appellant did not live with child, was not a person responsible for child's health, welfare or care, nor was Appellant a person given access. Finally, there was no evidence of adverse impact on the child. In re Benita N., July 23, 2004.

A grandparent with no child caring responsibility is a person given access if the child lives in the grandparent's home. In re Edwin G., May 25, 2004.

A sports coach, with no official mentoring or coaching relationship with a child is not a person responsible or a person entrusted as defined in the Department's operational definitions. In re Angelo M., March 22, 2004.

Physical neglect reversed when it cannot be proven that Appellant (mother's live in boyfriend) had any authority or control over the children's bedtimes or school issues. Emotional neglect reversed when the Department proves that boyfriend sometimes yells at the children and "cuffs" them (without injury) but that this has no impact on them. In re Todd N., August 12, 2003.

Physical neglect reversed against school security guard. His involvement in the case was appropriate and not neglectful, and he is not a person responsible, or a person entrusted. No reasonable cause to substantiate. In re Bernard L., August 5, 2003.

Foster mother makes repeated negative comments to a child in her care, causing reduced self-esteem and a sad affect. Appellant allowing her mother to make disparaging comments at or about the child is considered as evidence, since she is the person responsible for the child's care. Emotional neglect upheld. In re Shirley S., July 8, 2003.

Aunt, who by virtue of living with brother was caretaker of child, took child home despite clear position from hospital that child needed psychiatric care after threatening to commit suicide. Moral neglect upheld. In re Annie F., November 28, 2001.

Appellant was former foster parent to child. One year after children returned to mother, former foster mother allows mother and child to live with her for seven months. Former foster mother is not a caretaker, and thus physical abuse reversed. In re Diana G., September 5, 2001.

ACCIDENTAL/ NON-ACCIDENTAL INJURIES

Physical abuse and physical neglect reversed when the injury inflicted on the child is accidental. In re Gina P., April 30, 2012.

Physical abuse reversed where there was no evidence of a non-accidental injury to the boy. In re John P., April 20, 2012.

Physical neglect reversed where the Appellant's toddler broke his thigh bone after tripping on a boat. The Appellant, although close by and observing, was unable to quickly get to the child to prevent the fall. The child's fall was an accident, not reasonably preventable by the Appellant. In re Wendy T.-M., March 5, 2012.

Physical abuse reversed when Appellant accidentally scratches child when taking baseball bat away from him. Child was attempting to strike Appellant with the bat and her removal of the object constituted appropriate discipline. In re Bonnie T., January 24, 2012.

Physical abuse reversed when youth engages in a physical altercation with the Appellant and sustains scratches as a result of the Appellant trying to restrain her. In re Felicia P., November 8, 2011.

Physical neglect reversed when parents offer expert medical evidence that there is an alternative explanation for the child's serious injuries. In re Meggan and Joseph W., September 20, 2011.

Physical neglect reversed where a toddler was injured after quickly running into a spare bedroom not presently being used, while her father was taking out the trash. The child ran off into the room quickly, pulled a dangling cord to a VCR placed on top of a television and the VCR fell onto her, breaking her thigh bone before the Appellant had time to react. The child's injury was accidental and the skeletal scan revealed no history of abuse. In re Reon K., June 20, 2011.

Physical abuse upheld where the Appellant, a large woman, repeatedly beat her small ten year old daughter after learning the child intended to use a pocketknife to injure some of her female classmates. The child sustained injuries all over her body, including her neck, back, arms and legs. In re Moneik T., March 16, 2011.

Physical abuse and physical neglect reversed against foster mother who grabs child's face to get his attention, and leaves marks on his neck. The injury was an accident that occurred when the foster mother was attempting to get her foster child, who is autistic, to focus and compose himself. In re Merilyn B., December 28, 2010.

Physical abuse reversed when the record supports a finding that the Appellant, child's grandmother, was appropriately disciplining the child and when the child moved, accidentally hit his face. Injury was very minimal and protocol noted that the Appellant barely touched the child's skin. In re Shirley G.,December 22, 2010.

Physical abuse reversed where the police or social worker did not find any evidence that the child had any non-accidental physical injuries caused by the Appellant. In re John P.,June 30, 2010.

Physical neglect reversed where the child's superficial injuries where caused by the child accidentally falling off a gliding rocker. The child received minor bruising to his stomach. The injuries were not caused by the Appellant's new boyfriend, as alleged by the child's father. In re Jessie S., June 17, 2010.

Physical neglect reversed where stepfather accidentally struck thirteen year old son while physically trying to get the child under control. The boy was diagnosed with behavioral issues and his treating psychiatrist testified that physical intervention was necessary to redirect child as he would get "locked into" his behavior and could not respond to verbal redirection only. In re Thomas P., January 6, 2010.

Physical abuse/non-accidental injuries upheld where Appellant slapped nine month old infant son because he was crying, using unreasonable force, and his handprint was still visible ten days after the incident. In re Yuri W., Sr., February 3, 2009 and November 16, 2009 . Appeal dismissed December 2010

Physical abuse reversed where there is insufficient evidence to find Appellant struck child with a belt resulting in red mark on child's cheek. In re Yomaira A., June 30, 2009.

Physical abuse reversed where the Department fails to establish that the injury to the child was inflicted by "other than accidental means." In re Rohemia B., April 11, 2008.

Physical abuse reversed when it is determined that an Appellant threw a cordless phone on the ground and it bounced up and hit the child in her face and left a bruise. Corroborating evidence including a sibling's statements regarding the child's behavior and the testimony of the child's current therapist, supported a finding that the Appellant accidentally hit the child. Physical abuse reversed. In re Claudia C., November 15, 2007.

Physical abuse reversed when the Appellant threw a shoe at her son and the injury was not significant or intentional. Second investigation of physical abuse reversed when the child's disclosure of the injury is inconsistent and is not corroborated by siblings. In re Tina and David S., July 11, 2007.

Appellant fighting with other adults and eight year old intervenes to stop the fight. Appellant pushes the child and child hits the counter and suffers a cut lip. Physical neglect not challenged and therefore upheld. Physical abuse reversed, as this was an accident. In re Tyler B., November 17, 2006.

Appellant began conversation with her bipolar fourteen old son, who began swinging but was placed in a bear hug against the wall. Later, son hit the Appellant in the side of the head causing her to fall to her knees and he pulled her hair. Appellant bit son in the thigh. Brief altercation ensued with the boy kicking his mother. Son received a small cut over his right eye, bite mark on thigh and jammed thumb. Appellant suffered a subconjuntival hemorrhage, reoccurring headaches, dizziness, nausea and abdominal pain. Appellant refused to have her son in the home-96 hour hold invoked. Physical abuse reversed. In re Laurie L., May 19, 2006.

Appellant meant to hit child with a belt on the buttocks and child attempted to get away and the belt hit the child's face. Since the underlying nature of the physical discipline was reasonable, and the injury only occurred accidentally as a result of the child attempting to move away from the discipline, the substantiation cannot be upheld. Physical abuse reversed. In re Cornelia P., April 17, 2006.

When a parent intentionally does something, the injury that was not intended is still a non-accidental injury. In re Kevin M., March 29, 2006.

Stepfather found infant with leg stuck between two slats in her crib. He took the child to the hospital. Three physicians thought that explanation was consistent in terms of mechanism to explain the fracture. Radiologist noted other fracture. Consulting physician reviewed x-rays and noted the explanation of the leg stuck in the crib was plausible. He recommended exploring the other fracture that appeared 4-5 weeks old. Physical abuse and physical neglect reversed. No proof stepfather caused previous fracture and professionals stated his explanation was consistent with the current fracture. In re John M., August 15, 2005.

It is more likely than not that the child sustained the bump on his head when the child fell against the closet door trying to avoid the slap from the mother. When a child is injured trying to avoid discipline of the parent, it is not a non-accidental injury resulting from a parental administered corporal punishment. In re Patricia R., June 29, 2005.

Mother intended to discipline child with belt for lying about soiling his pants. She accidentally hit his face when she was removing her belt. Physical abuse reversed as the injury was inflicted accidentally. In re Andrea S., January 18, 2005.

Physical abuse against day care teacher reversed when the evidence is not conclusive who caused the injury, and it could have been accidental to prevent falling. Physical neglect against day care director reversed when a child wanders into a bathroom during a field trip and is lost for a few minutes. Hearing Officer notes that the child's parent was a chaperone on the trip, and did not report the allegation until three months later, after the child had bruises on his arm. In re Margaret H. and Courtney B., December 15, 2004.

Physical abuse by foster mother reversed when the bruises on the child appear to be accidental. The child was struggling, and the foster mother was attempting to restrain him when he was injured. In re Glenda S., October 22, 2004.

Old allegation of physical abuse reversed. Although Appellant foster mother admits to scratching the child's face, she said they were in a crowded store, and reached for the child's coat to pull her out of the way. She did not realize how close the child was, and grabbed her face by mistake. There is not sufficient evidence to support the Department's claim that the injury was not accidental. In re Margaree A-W., October 20, 2004.

An injury to a child's face that occurs when mother attempts to restrain her during a physical altercation is accidental and physical abuse is reversed. In re Cheryl G., February 5, 2004.

The baby was injured accidentally, when the older sister could not soothe him, and tripped while walking to her mother on the other side of the bed. Physical neglect reversed. In re Diane H., December 15, 2003.

Child is the eight year old son of Appellant. He suffers from Bipolar Disorder and ADHD resulting in behavioral concerns. Appellant received a sapphire ring from her husband for her birthday. Child became overly excited, jumping around and punched Appellant in the stomach. Appellant swung out her left arm to ward child off, accidentally striking him and leaving a mark. Physical abuse is reversed. In re Rita B., December 13, 2002.

Three year old sustained a fracture to her right femur while jumping on the bed with her sibling. The injury was an accident. Although father did not provide stellar supervision, his supervision did not rise to the level of physical neglect. Physical neglect reversed. In re Jose C., October 18, 2002.

Appellant is the mother of twin sons. One child has several psychiatric and neurological problems that require ongoing treatment and periodic hospitalizations. The morning of the incident, child refused to get into the car to go to school. Appellant became angry and yelled at him. Child threw

a garden shovel at Appellant, missing her. Appellant threw the shovel back towards its former location. Child moved into the path of the shovel, attempted to catch it, and was injured. Mother and children provide consistent stories indicating that this was an accident. Physical neglect reversed. In re Ellen B., August 7, 2002.

Appellant was driving her two children. Her son has serious mental health issues and is in treatment. His problems were exacerbated by the parents' divorce. Child was acting out in the car by swearing, screaming and hitting his brother. Mother grabbed his pant leg in order to gain his attention. In the process, mother accidentally pinched child leaving a bruise. Mother did not intend to harm him and was unaware of the injury until later. Physical abuse reversed. In re Andrea T., July 30, 2002.

Appellant shook and thrust plastic garbage can in direction of the child, while confronting the child about doing chores. This resulted in the lid dislodging, striking the child in the face and leaving a slight mark. Although Appellant's action may not have been the best decision, it was not reckless and not abusive. Appellant did not mean to throw the can, nor was she aware that the lid would dislodge. Physical abuse reversed. In re Gabrielle M., July 1, 2002.

Foster father pinned child up against wall by armpits, and even though he did not intend to cause the injuries, this activity could reasonably expect to cause injuries. Physical abuse upheld. In re Charles C., September 10, 2001.

Father still responsible for injuries to child's face and body, even though child may have caused injuries with her own nails while protecting herself, and for bruises she received while falling to the floor. Physical abuse upheld. In re Dennis M., October 19, 2001.

Evidence that child accidentally suffered a scratch as a result of non-abusive discipline does not support finding of physical abuse. In re Angela S., June 25, 2001.

ADEQUATE SAFETY

Physical neglect reversed where foster parent did not send Ritalin to school for administration there for the first week or two of the school year and then sent a bottle of the medication with the seven year old on the bus. There was no evidence that the acts were a failure to maintain adequate safety for the child. In re Shelia R., January 8, 2009.

ADVERSE IMPACT OF SEXUAL ABUSE

Emotional neglect upheld where the child was negatively impacted emotionally by father's exposure of sexual behavior. Child engaged in cutting herself to cope with her anxieties. Normally a very good student, she also declined academically. The child developed an imaginary friend named "Bob" who instructed her to kill and take pills. The child was relieved after she made her disclosures and was happy "it was out." In re Ernesto B., December 6, 2010.

Sexual abuse reversed when evidence does not support a finding that child was alone with Appellant or there was any opportunity for abuse to have occurred. Disclosures credited to child were incomplete and substantiation was based on assumptions, not details provided by child.

Emotional neglect reversed as it was based solely on the sexual abuse substantiation. Physical neglect reversed as it was based solely on the sexual abuse substantiation. In re Joseph C., July 21, 2010.

Sexual abuse, physical abuse and physical neglect upheld where the Appellant engaged in sexual acts with his daughter and girlfriend's daughter over a period of years. The Appellant lived with the children and was in a supervisory position over them. The girls disclosed he repeatedly engaged in oral sex and other sex acts with them. He also took nude pictures of the girls, some of which were discovered by the police upon execution of a search warrant of his residence. Physical abuse upheld because the Appellant attempted to penetrate one of the young girls vaginally, causing her to cry out in pain. He also forced her to perform oral sex on him, ejaculating in her mouth, causing her to gag and spit it out. In re Frank H., January 29, 2010.

Sexual abuse upheld where Appellant mother digitally penetrated the child. Such conduct is also physical abuse and physical neglect. In re Nina M., October 15, 2009.

Sexual abuse reversed where victim's credibility is questioned following *Merriam* analysis due to motive to fabricate and state of mind factors. Additional evidence provided at the hearing made timeline claims suspect. Physical neglect reversed where record does not support a finding that child told parents that brother was sexually abusing her years prior to most recent disclosure. In re James, Desiree and Kyle D., October 30, 2009.

Sexual abuse reversed where child presents with severe mental heath issues and therapists involved in her treatment find her disclosures suspect. Child reports Appellant father started sexually abusing her after she began self injurious behaviors and after the family was involved in family and individual therapy. Hearing Officer notes that child's symptoms of possible victimization (Cutting and self-injurious behaviors) are not conclusive proof of sexual abuse. In re Michael O., November 14, 2008.

Allegations of sexual abuse dismissed where the Department fails to establish sexual contact or grooming behaviors. Likewise, physical neglect reversed, because inappropriate comments are not evidence of physical neglect. Such comments might have been evidence of emotional neglect, but the Department did not allege emotional neglect. In re Phillip B., July 3, 2008.

Physical neglect upheld where child discloses that Appellant put a knife in her mouth while he sexually abused her and pediatrician documents an area of swelling in the child's mouth. In re Ed M., April 9, 2008.

Physical neglect upheld where Appellant leaves her granddaughter with her father. The father sexually abused the Appellant and her sister when they were children. The child was sexually abused by the grandfather. In re Susan C., March 18, 2008.

Grooming behaviors may support a finding of moral neglect and placement on the Central Registry. In re Franklin R., October 31, 2007 appeal dismissed.

Sexual abuse reversed when evidence of sexual gratification is lacking and the action could have been inappropriate horseplay. When basis of physical neglect is derived solely from the same

facts as allegations of sex abuse and the sex abuse is reversed, then the physical neglect cannot be sustained. In re Fritz J., July 5, 2007.

Two granddaughters disclose grandfather sexually abused them. Grandfather leaves without notice to his daughter. He re-enters their lives several months later and grandfather and mother claim the girls recanted. Mother now wants her father to receive Care for Kids money. Girls found credible in initial disclosure, circumstantial evidence support their allegations. Recanting found suspect and motivated by mother and grandfather. In re Willie S., March 21, 2007.

ADVERSE IMPACT WITHOUT NEGLECT

Physical neglect reversed when child sustained a rug burn while playing with the Appellant. While child was injured the injury was accidental and once the Appellant was made aware of injury play stopped and child was attended to. In re William F., May 7, 2012.

Physical neglect reversed where the Department fails to establish neglectful conduct by the Appellant. A child in her care ingested Haldol on two occasions, and suffered seizures as a result. However, the Department did not establish that the Appellant engaged in any neglectful conduct. In re Katherine W.P., June 13, 2008.

A child's boyfriend is not a "person given access" because there is no "control or authority" in the relationship. The definition of person given access must be read in the context of other statutory language for person responsible and person entrusted. There must be some duty/responsibility for the child for the definition to be met. In re John V., August 28, 2008.

Sexual abuse reversed where the Department is not able to establish that the Appellant's neighbor was a person given access, in that he had no control or authority over the alleged victim. In re Paul D., September 26, 2008.

Emotional neglect reversed where Appellant father allows child to have contact with a person who was at one time suspected of sexually abusing the child. The father supervised the contact, and there had been no substantiations or arrests on the sexual abuse charges. In re Michael F., November 5, 2008.

Caretaker grandmother's decision to allow daughter to have unsupervised visit with child is not neglectful, when grandmother has reason to believe that brief unsupervised visit will be safe, even though mother does wind up engaging in harmful behavior that adversely impacts the granddaughter. In re Linda S., June 30, 2004.

A child may be adversely impacted by his parents' custody battle without a finding of neglect. In re Corey P., May 28, 2004.

Physical neglect reversed when mother allows daughter to have continued contact with person she suspects may have molested daughter, and who eventually does molest child. Mother initially reported concerns to police and DCF, all of whom closed their cases, and medical exams were negative. In re Melissa J.-P., May 26, 2004.

While a child may be adversely impacted by his mother's mental health issues, that is not necessarily the result of neglect. In this case, mother was in treatment, and when she became aware that her disorders were preventing her from properly caring for her child, she made alternate arrangements for his care. Emotional neglect reversed. In re Angelique L., April 14, 2004.

ALCOHOL TO MINOR

Physical neglect was upheld when the Appellant allowed her fifteen year old son to consume alcohol to excess and ingest some of her morphine tablets resulting in his death. In re Heather S., December 8, 2010.

Physical neglect was upheld as the Appellant allowed her son's fifteen year old friend to consume alcohol to excess. Such knowing conduct is a serious disregard for the child's welfare from a single incident. In re Heather S., December 8, 2010.

Moral neglect upheld when foster mother allows teenage foster children to consume alcohol on more than one occasion. In re Vanese M. October 14, 2010.

Central Registry recommendation is not appropriate when there is no evidence that the Appellant intended to harm children nor did her conduct of allowing children to sip out of her nearly empty alcohol bottles adversely impact the children. Hearing Officer also considered that the Appellant day care provider immediately remedied DPH licensing concerns and has been working with children and elderly since the 1999 investigation without incident, in determining ongoing risk. In re Kimberly D., May 10, 2007.

Children were allowed to have a sip of wine in the presence of their mother and father. This was a one-time occurrence, and not evidence of the girls being encouraged to drink. Also, no definite report of who actually provided the wine to the girls. Physical neglect reversed. In re Joel P., March 29, 2002.

Mother left eleven year old twins in the care of their nineteen year old sister and sixteen year old brother. While the siblings were in charge one of the twins had some alcohol. The nineteen year old may have been aware of the child's consumption, and while not condoning it, may not have stopped it. There was insufficient evidence to support the Department's conclusions that the mother was aware that her daughter was going to be drinking, or that the nineteen year old was unable to provide childcare due to intoxication. Physical neglect reversed. In re Kelley C., June 25, 2002.

Father provided alcohol to his sixteen year old daughters. He also molested one of them in her bed. Sexual abuse and emotional neglect upheld. In re Brude D., August 17, 2001.

AMENDED ALLEGATIONS

The Department amended allegations to include emotional abuse and emotional neglect. However, no evidence was presented at the hearing to provide the basis for these additional

findings and therefore there was no basis for these findings. In re Joseph A., March 17, 2006 Appeal dismissed.

As the Department did not move to amend the allegations prior to the hearing, the only issue before the Hearing Officer is the allegation set forth in the notice of hearing. In re Anne G., June 29, 2005.

Ongoing domestic violence in the home, coupled with at least two of the children's observations of a "choking" incident where Appellant choked and slapped the mother. Egregious incident and the substantiation is affirmed, but changed from physical to emotional neglect. In re Zephanie B., June 20, 2002.

ARM

Physical abuse reversed when a child sustained a broken arm and it cannot be determined who caused the injury or was caring for the child when the injury occurred. It was not determined that parents were aware that placing the child with the grandparents would be an unsafe environment for the baby. Appellant indicated that baby had fallen off a bed but the injury was not consistent with the medical reports. Physical abuse reversed. In re Chimere H., September 4, 2007.

Appellant used weights as discipline for seven year old. Holding weights for two to three minutes is not neglect. In addition the boy did not suffer an adverse physical impact. Physical neglect and emotional neglect reversed. In re June E., May 18, 2006.

Mother and her teenage son were arguing over a cell phone that the child found. Mother grabbed the child's arm and left a scratch. The substantiation was reversed as there was a minor accidental injury to the child that occurred during a struggle over a phone that neither of them had business possessing or using. The child was not credible. In re Gwendolyn E., November 16, 2005.

Mother kicked her child in the arm for taking too long in the bath. The child did not report the incident over the next three days. The father, who was separated from mother, reported the incident. The child was not adversely impacted and the substantiation was reversed. In re Maria R., October 28, 2005.

Mother pulled child by her wrist from a library and dragged her down a hallway and stairs out to her car. The social worker police, and paramedics observed the swelling and redness of the child's wrist. Under *Lovan C.,* the mother's motive was to remove the child from the library and not to harm her and mother used reasonable force in order to maintain discipline and control of the child. In re Bonnie S., August 26, 2005.

Child was hitting and kicking her younger sister and would not respond to verbal requests to leave the room. Alleged perpetrator, stepfather, grabbed the child by her arms and carried her into her bedroom and placed her on her bed. The child resisted and continued to hit and kick the stepfather. Child sustained bruises on her upper arms. In citing *Lovan C.,* the stepfather did not act unreasonably and this was not excessive force. In re Nicholas C., August 15, 2005.

Child was burned on his arm from an iron and Hearing Officer found that it was an accident. Physical abuse reversed. Child also had lesions from being hit by a stick. However, while this was a non-accidental injury it was not proven that the Appellant caused the injury or allowed the injury to be inflicted. In re Evelyn S., August 9, 2005.

Appellant's action of grabbing child by the arm was reasonable given child's earlier behavior of urinating on the toilet seat and then refusing to clean it. Appellant told child he could not use the bathroom at this apartment and would need to use the one a few doors down at his own home. In an attempt to maintain order, the Appellant used reasonable force to prevent the child from entering the bathroom. Physical abuse reversed. In re Gregory J., April 14, 2005.

Maternal grandmother was cooking and fourteen year old was very mouthy and disrespectful to her grandmother. Grandmother hit the child with the wooden spoon she was using for cooking. Child had a yellow brown circle on her arm. Social worker testified that she did not believe that the discipline was unreasonable or excessive and physical abuse reversed. In re Barbara A., April 13, 2005.

Bruises were likely caused when the Appellant grabbed child's arms after child smeared feces on his bedroom wall. Appellant used reasonable force on the child and physical abuse reversed. In re Kenley D., April 12, 2005.

Child had a two inch bruise on his upper arm after a physical confrontation between him and the Appellant foster mother. Appellant admits pushing child against the refrigerator. Therapist asks foster mother to use a hands off policy and foster mother later grabs child by the wrists. Physical abuse reversed as foster mother's actions were not abusive but based on a reasonable belief that some level of physical contact and restraint were needed. In re Shawn P., January 27, 2005.

Father spanked five year old child with an open hand on the child's arm because child defecated in his pants. Red marks were visible the next day. At the conclusion of the punishment the father discussed it with the child, cleaned the child, fed the child and put the child to bed without further incident. Physical abuse reversed. In re Cynthia J., January 27, 2005.

Fourteen year old allows male to stay overnight in her bedroom. Appellant father yells at his daughter and grabs her by the arm, leaving three nickel sized marks on her upper arm. It was reasonable for father to grab her to force her to look at him and convey the seriousness of the situation. Physical abuse reversed. In re Carlos M., January 21, 2005.

Child was misbehaving in church and foster mother grabbed child by the arm in an attempt to discipline him by focusing child's attention on her and the reprimand she was giving. This was not excessive force and physical abuse reversed. In re Carmen O., January 18, 2005.

ARREST OF CARETAKER

Physical neglect reversed as mother made arrangements for the care of her child when she was arrested as she was trying to intervene in a domestic violence situation between her adult son and his ex-girlfriend. In re Peggy W., February 8, 2007.

ASTHMA

Physical neglect upheld where Appellant allowed his girlfriend to smoke and have her dog roam in his home even though this adversely impacted the child's asthma. In re Paul W., June 10, 2009.

Child, age eleven months, with asthma required daily treatment. Child suffered from frequent upper respiratory ailments, including pneumonia. Both parents were aware that cigarette smoke would exacerbate child's asthma and upper respiratory problems. Mother smokes in the home and allows others to do so as well. Parents have volatile relationship with frequent fights. Both parents arrested after one incident in which the child was almost struck as well. Medical neglect upheld. Physical neglect upheld. In re Nicole B., July 26, 2002; Medical neglect upheld. Physical neglect upheld. In re Aaron M., July 26, 2002.

AT RISK

Physical neglect reversed when allegations are made against "unknown" day care children. Concerns noted support an "at risk" finding which would not be appropriate for an administrative hearing. In re Cordelia T., June 25, 2010.

Pregnant mother with mental health issues appears at emergency room demanding baby be delivered. Physician determined child not ready to be born. Mother left and returned two hours later and was admitted for psychiatric consult. Physicians decided to deliver baby. Baby was born healthy. Department filed OTC and baby placed in foster care. Physical and emotional neglect reversed by Hearing Officer prior to hearing based on insufficient legal basis to support a finding of abuse or neglect. In re Elba P., February 26, 2007.

The Department proved the children were at risk, as young mother was pregnant, still breast feeding, and exhausted. However, there was insufficient evidence to establish neglect. Physical neglect reversed. In re Carly-Ann M., December 2, 2004.

Emotional neglect of two children, eighteen months and two months, reversed, as the incidents of domestic violence did not occur in their presence, and there was no impact on them. Children were at risk, which is not a category of neglect. In re Robert C. and Anna C., November 29, 2004.

Physical neglect of five month old baby reversed. Although the baby was at risk living with her mother's boyfriend, who was alleged to have injured the baby's sibling, there was no evidence that the infant was neglected, unsupervised, or allowed to live in conditions injurious to her well being. In re Donna D., September 23, 2004.

The Department substantiated physical neglect of newborn based on concerns that infant at risk due to mother's limited parenting. Mother went home with infant to grandmother's home. No evidence of neglect. Administrative Hearings Unit does not substantiate at risk. Grandmother and uncle involved in an incident. This incident did not involve infant, infant too young to be emotionally neglected as result of incident between grandmother and uncle. Physical neglect and emotional neglect reversed. In re Tina G., August 24, 2004.

After leaving hospital, child went directly to grandparents' home. The Department had concerns about parents' ability to care for child but there was no evidence of any neglect of the child. The Department considered child at risk. Administrative Hearings Unit does not substantiate at risk cases, directed verdict issued. In re Dante and Lorraine L., July 27, 2004.

Physical discipline always carries some risk of injury, especially when a child is hit on the head. However, when there is no evidence of significant force or injury, a finding of neglect due to serious disregard for the child's well being will not be supported. In re Gary H., June 29, 2004.

An "at risk" finding is not disclosable and not subject to a review by administrative hearing. In re Dawn C., March 29, 2004.

A substantiation of high risk newborn does not make the parent a perpetrator of abuse or neglect. The classification of high risk newborn identifies the child as being "at risk" and not that the parent is a perpetrator. Predictive neglect is not an appropriate allegation for substantiation because statute allows a hearing only for determinations that a person is responsible for abuse or neglect. In re Lori G., February 6, 2002.

BASEBALL BAT

Physical neglect reversed when a teenager and Appellant fight with a baseball bat and it cannot be established that the Appellant was the aggressor. Physical neglect reversed when it was established that sibling in the home during the fight was out of the zone of danger. In re Aaron R., August 16, 2007.

Physical abuse reversed where large teenage son initiated attack of Appellant, along with a friend, using baseball bat and causing Appellant serious injury. Teenager suffered minor bruises. In re William Z., February 8, 2007.

BATHING

The Appellant scalded her infant daughter, Rubi, in a kitchen sink where the thermostat to the hot water was not properly adjusted. The Appellant reported it to the landlord but it was not fixed when she put Rubi in the sink, turned away and the infant was scalded. In re Elba L., March 30, 2011.

Physical neglect reversed as failing to give the child a daily bath does not constitute inadequate hygiene, especially when child has an aversion to water and foster parents take reasonable steps to address child's hygiene needs. Also it is not physical neglect when foster mother has a temporary illness and provides minimal child caring duties when foster father is present and able to provide adequate care for the children. In re Michael and Doreen H., January 29, 2010.

Physical neglect reversed when Department fails to prove any impact to the child due to home's bathing facilities being unusable. Child bathes in public facilities, and school and social worker reports that she is clean. In re Lenore S., April 21, 2003.

BATHROOM

Physical neglect and emotional neglect both reversed when the Department could not prove that a teacher sharing a lavatory with a student amounted to inadequate supervision or had an adverse emotional impact. In re Norman O., August 17, 2007.

Appellant admitted to fondling daughter in the breast and vaginal area about ten times over period of two years. He also showered with his daughter on one occasion allowing her to see his body parts. Incidents happened approximately six years ago. Appellant knew what he did was wrong and admitted it to his daughter, pastor and wife. Actions meet definition of sexual abuse. Sexual abuse upheld, Central Registry recommendation upheld. In re Jason M., August 7, 2007.

BATHTUB

Physical neglect upheld when Appellant leaves her three year old daughter in the bathtub and takes a nap. Appellant is unable to wake up and get child out of tub when she hears her call. In re Debra C., April 2, 2012

Physical neglect upheld where the Appellant left a child in his care alone on the ledge of a hot tub while it filled up with scalding or hot water. The Appellant left the bathroom and the child fell into the hot tub, sustaining serious burns over 74 per cent of her body. The child required extensive treatment and is now permanently disabled. In re David B., November 17, 2011.

Physical neglect upheld where the Appellant did not respond to parent aide's alert that Appellant's sixteen month old baby was left alone in a bathtub of water, unsupervised. In re Shelly R., February 4, 2009.

Appellant knew the apartment water was very hot. He still put the child in the water without knowing whether it was safe. He failed to make sure it was not too hot for the child. The result was serious burns to the infant. Physical neglect upheld. In re Kendrick B., December 7, 2006.

While the Appellant provided some variation in his explanations to the police and the Department, such as the length of time the child was in the water, whether soap was applied to the boy and washed off, and the child's position, it is not disputed or questioned by anyone that the child was injured as a result of the Appellant putting the child in the bathtub with water that was too hot. The Diagnostic and Assessment Review Team concluded that the child was placed in the water and removed quickly. The injuries the child received were not at substantial variance with the Appellant's explanation. Physical abuse reversed. In re Kendrick B., December 7, 2006.

BED SHARING

Physical neglect upheld when mother sleeps with infant and child is injured when he falls between the wall and the bed. Sleeping with infant is not per se neglect, however, in this case, the mother was aware that her son was active, and she had already pulled him away from the wall before he was injured. In re Jasmine S., May 12, 2011.

Foster parent should have had known that using a scarf to restrain a toddler in bed had inherent risks. Physical neglect, serious disregard upheld. In re Dian O., March 28, 2011.

Physical neglect reversed when evidence supports a finding that child died of SIDS. Even though child slept with Appellant part of the night there was no evidence that child suffocated. Letting infant sleep on futon is not good judgment, but does not rise to the level of physical neglect. In re Johanna K., September 23, 2010.

A cluttered home that does not have health hazards or other concerns is not inadequate shelter. Sharing a bed with a three month old child is not physical neglect. In re Jason G., March 7, 2002.

BELT

Physical abuse upheld when child sustained numerous welts on his back from being hit with a belt by the Appellant. In re Dawud A., May 20, 2011.

Physical abuse reversed under *Lovan C*. when father uses a belt to discipline his son for his misbehavior in school. Hearing Officer finds that father attempted other forms of discipline before invoking physical discipline. He did not act out of anger and did not use excessive force. The child was not fearful of his parents and was able to verbalize why he was punished. In re Jimmy C., January 7, 2010.

Under the guidelines of *Lovan C.,* physical abuse is reversed when an Appellant hits his child on the arm with a belt, leaving marks that were still present the following day. The child understood why he was being punished and was not afraid of his father the day after the incident. It could not be determined whether the force was unreasonable. Father arrested for Assault 3 and Disorderly Conduct but charges were later nollied. Physical abuse reversed. In re David T., November 15, 2007.

Physical abuse upheld when Appellant hits her out of control child with a belt causing injuries in an apparently isolated incident. Criminal charges of Risk of Injury and Assault in the 3rd Degree were filed against Appellant but later dismissed. The fact that child had out of control behaviors and she sought help for him, that she was a long-time foster care provider, and that this was the only referral received were some important factors considered in the decision to reverse the Central Registry recommendation. In re Marta V., January 24, 2007.

Appellant hit daughter on back with belt, pulled her to floor, and sat on her. Child struggled and Appellant slapped the left side of her face. Face was swollen with visible redness two to three hours later. Slapping was voluntary not accidental. Swelling was not 'temporary' mark under *Rucci.* Swelling is deemed a bruise, as it injured underlying tissue as evidenced by puffiness. Punishment was not reasonable and was excessive for placing laundry on floor and mouthing off. Physical abuse upheld. In re Emmett R., July 13, 2006.

Physical discipline with a belt and jump rope *Lovan C.* applied and physical abuse reversed. In re Patrick C and Silvia R., July 6, 2006.

Grandmother hit fifteen year old child with belt over clothes because the child tried to leave the home. No marks or bruises were found. Grandmother also called the child a slut and whore. Emotional neglect was reversed as the Department has not proved that the discipline was

excessive and inappropriate or that discipline caused emotional harm. In re Melvina B., June 13, 2006.

Discipline with a belt and yelling by parent in children's presence resulted in no marks. The Department was unable to prove that the force used was unreasonable. Children were not afraid and no adverse impact experienced. Physical neglect reversed. In re Carmen R., May 26, 2006.

Child reported he gets hit with belt and presented with linear scar in the shape of a belt on his upper right thigh. Child indicated it was due to being bad at school and the child was not afraid of mother. Mother agreed to not use belt or implement in the future and said she disciplined child due to misbehavior at school. *Lovan C*. standard applied. As this was not a pattern of conduct, there was a lack of malice or ill will found and the injury was minor, therefore physical neglect reversed. In re Mary B., May 18, 2006.

Appellant meant to hit child with the belt on the buttocks and child attempted to get away and the belt hit the child's face. Since the underlying nature of the physical discipline was reasonable, and the injury only occurred accidentally as a result of the child attempting to move away form the discipline, the substantiation cannot be upheld. Physical abuse reversed. In re Cornelia P., April 17, 2006.

Child misbehaved at daycare. Foster mother had tried other means of discipline without success and on one occasion spanked child with a belt, bruising his thigh. Physical discipline by a foster mother is not per se abuse. Use of physical discipline by a foster mother is a regulatory violation and should be addressed through FASU. Physical abuse reversed. In re Zuli R., March 30, 2006.

Father hit his eight year old son with a belt on the buttocks. When the child moved, the belt struck his thigh. Although the mark was still visible, the Department's in-house nurse stated that it was very difficult to determine how much force was used. Physical abuse reversed. In re Juan G., January 18, 2006.

Mother stated that child was hitting his brother all morning and mother admitted that she disciplined child by hitting him with a belt. Child had a faded mark on his wrist. Discipline was not unreasonable and force was not excessive. In re Angela E., January 4, 2006.

Appellant physically disciplined the child with a belt. The child had two linear marks on her leg. The child also had a bruise on her back caused by hitting the bedpost in an attempt to get away from the Appellant. Citing *Lovan C.,* due to the child's age (eleven), size, and ability to understand the discipline, it could not be determined that the discipline was unreasonable or that the force used was excessive. The fact that the other children witnessed the discipline is not enough to prove emotional neglect. In re Clover M., October 12, 2005.

Appellant physically disciplined nine year old child with a belt. Appellant admits to losing control. There were severe bruises left on the child's tricep, two on the bicep, lower buttocks, and upper thigh. The Appellant used excessive force to discipline the child. In re Jacquelyn M., October 11, 2005 remanded on appeal, subsequent hearing affirming physical abuse October 2006 and appeal dismissed December 10, 2007.

Mother hit twelve year old child with belt leaving bruises on both legs and one arm. The discipline was to address the child having a hickey. The child was engaged in risky, inappropriate behaviors for his age. Physical abuse reversed. In re Madeline C., August 15, 2005.

Mother hit child with belt and switch. Child suffered numerous injuries, including injuries to her arms when she attempted to block the blows. While the injuries did not require medical attention, medical personnel expressed concern over the severity and amount of injuries. Physical abuse upheld as discipline was unreasonable and force used was excessive. In re Carolyn J., June 20, 2005.

Child was acting out and being disrespectful to his mother. Mother hit the child once on the arm with her hand and once on the leg with a belt. Discipline was not unreasonable and force was not excessive. Physical abuse reversed. In re Adreanne G., May 26, 2005.

Mother hit daughter with a belt for using sexually explicit language on the phone and child sustained belt marks on her legs. She also had a fat lip that was a result of the fracas with her mother. The mother completed parenting classes. Physical abuse reversed. In re Joaquing J., April 12, 2005.

Child had several bruises and the imprint of a belt buckle on her body. She also had old and fading bruises on her back from a prior beating. Father admitted to hitting the daughter as many as ten times. The number and age of the bruises resulted in a conclusion that the father used a great deal of force during repeated punishment of the child. Ten belt hits is tantamount to a beating, not discipline. Physical abuse upheld. In re Jerome G., January 27, 2005.

Child had multiple bruises to her arms, legs and buttocks. Description of bruises from CCMC record point toward the conclusion that the child was hit with a belt. While it appears from the record that the child was beaten, it cannot be established by a preponderance of the evidence that the Appellant mother was the source of the beatings. None of the witnesses in the case was credible. In re Katrina and Louis P., January 12, 2005.

Mother intended to discipline child with belt for lying about soiling his pants. She accidentally hit his face when she was removing her belt. Physical abuse reversed as the injury was inflicted accidentally. In re Andrea S., January 18, 2005.

Ten year old child was hit by belt because he hit his younger sister. Appellant denied using a belt. Hearing officer concluded that Appellant caused the mark on child's arm through use of an implement (likely a belt) during physical discipline. Punishment was reasonable in light of the child's behaviors. Physical abuse reversed. In re Cherry V., January 28, 2005.

BITE MARKS

Physical abuse reversed when mother bites her son to get him off of her. Hearing officer notes that there is a presumption that biting is an unreasonable form of discipline, but the presumption may be rebutted with evidence that the Appellant is acting in some type of self defense. In re Theresa H., April 23, 2012.

Physical abuse reversed when there is insufficient evidence in the record to find that the Appellant caused the bite marks to the child's arm. Child was not a reliable reporter and marks could have been self inflicted or inflicted by another child. In re Barbara N., January 24, 2012.

Physical neglect reversed when the Appellant hit her daughter to get her daughter to release her calf from the child's bite. In re Feliberta M., August 31, 2010.

Physical abuse and physical neglect upheld where Appellant bites child in the hand in retaliation for being bitten. In re Monica S., March 10, 2009.

Physical abuse upheld where mother bites adolescent daughter during struggle inside the car. Mother escalated the situation to a physical altercation and biting a child is not reasonable discipline. In re Jennifer C., December 10, 2009.

Central Registry recommendation accepted where Appellant engages in a pattern of physical discipline, including biting the child, and leaves numerous bruises on the child.
In re Suzanne C. and Robert P., April 23, 2008.

Physical abuse upheld when child had bite marks the next day at school and mother admitted to "playfully nibbling" child's finger. Recommendation for Central Registry not accepted as injury was not serious and incident was one-time event. In re Christine I., January 11, 2007.

Physical evidence supports that the bite marks on the child's arm were adult bite marks. Child reported that his mother bit him because he was bad. Biting a child is not reasonable form of discipline and physical abuse upheld. In re Mona H., May 12, 2005.

The Department claims that because the child was injured a number of times, the child was inadequately supervised. Foster child was pulled by nine year old resulting in an injury to the child's thigh. The second injury was that the child had one bruise and several bite marks. The setting or circumstances as to how the child sustained a bite mark are unknown. While the injuries are concerning, there is no prior indication that the nine year old son was being abusive or playing too rough with the foster child. Physical neglect reversed. In re Tracy W. and Will W., March 29, 2005.

Physical abuse upheld when stepmother bites child on both arms, once for each child he had bitten, and leaves bite marks on the child. In re Nancy B., May 7, 2003.

Sixteen month old foster child suffers six significant bites by another child in the care of the foster mother. The severity of the bites does not leave any doubt that this child vehemently cried out for help. None was forthcoming until she was bitten six times. That is inadequate supervision and the denial of proper care and attention. Physical neglect upheld. In re Linda G., May 14, 2002.

Although the father might have been engaged in legitimate restraint of the son, and resulting marks or bruises might not have been abuse, father's biting of the son is abuse. Physical abuse upheld. In re Brian T., November 13, 2001.

Sixteen month old child with unexplained bite marks on his arm. All evidence supported infant room was appropriately staffed with a one to four staff/ child ratio, infants were separated from older children, never removed from infant room and child was supervised all day. Caretakers are not expected to prevent every injury or accident from occurring. Rather, they are expected to minimize the possibility of their occurrence and to respond appropriately. Physical neglect reversed. In re Susan D., December 18, 2000.

BREAST FEEDING

Mother of infant uses drugs outside of home while father watches child. Mother later goes to hospital because she had been vomiting. At the hospital, the mother's breasts were engorged and the father requested that she be able to use a breast pump. There is no evidence that the breast milk was ever fed to the infant. Physical neglect reversed. In re Tina C., June 25, 2002.

BROOM

Physical abuse and physical neglect upheld where the Appellant repeatedly beat her nephew with various implements, including a broom, causing injuries and scarring. She inappropriately responded to his emotional and behavioral health problems, and failed to obtain appropriate services for the teenager. The Department filed an OTC petition, which was granted and the teenager refused to have anything further to do with his aunt after he was removed. In re Sherline G., August 5, 2011.

Physical abuse upheld when Appellant physically disciplines child with extension cord and broom, causing cuts and bruises to several parts of child's body. Discipline was excessive and amount of force used unreasonable. Appellant was arrested as a result of incident and convicted of Assault 3. In re Carol K., December 22, 2010.

Appellant attempted to choke girlfriend's teenage son with a broom. Choking is never an acceptable option in managing a child. Teen had small scratch on arm but insufficient evidence to conclude Appellant caused the bruise. In absence of injury, physical abuse reversed. Physical neglect and emotional neglect upheld due to serious disregard from attempted choking and child's fear of Appellant. Appellant determined to be risk to children and registry recommendation upheld. In re Peter O., June 5, 2007.

BRUISES

Physical abuse reversed when Appellant determines physical discipline is required to maintain control of youth in home. Although youth sustained bruises to her arm, the bruises were minimal. The discipline was a reasonable response to the youth's misbehavior (shoplifting) and the Appellant did not use a belt until the youth hit back. In re Irma S., December 21, 2011.

Physical neglect reversed where there is no evidence in the record that the Appellant smacked her daughter. In addition, there was no evidence in the record that there were adverse physical impacts to the child. No bruises were noted on the child's face or body. In re Carmel M., November 8, 2011.

Physical abuse upheld when child presents with numerous bruises on his buttocks and medical professionals report that significant force would have been used to inflict injuries. In re Roslyn H., October 28, 2011.

Physical abuse upheld when Appellant physically disciplines child with extension cord and broom, causing cuts and bruises to several parts of child's body. Discipline was excessive and amount of force used unreasonable. Appellant was arrested as a result of incident and convicted of Assault 3. In re Carol K., December 22, 2010.

Physical abuse upheld when father hits child with hanger leaving bruises and follows child into bathroom where she falls and strikes head on sink. Punishment was excessive in light of child's alleged misbehavior: making noise while sibling napping. In re Mohammed and Safina R., October 18, 2010.

Physical abuse upheld where Appellant slapped six year old daughter across the face leaving a bruise because she did her homework incorrectly and where Appellant hit child with hanger and belt at least ten times for not doing well in school. In re Lisa C., January 8, 2009.

Physical abuse reversed where Appellant attempts to strike her teenage son on the shoulder to stop him from fighting with his brother but catches his face instead, leaving three marks on his cheek which were visible the next day. Bruising alone not evidence of excessive force. In re Elizabeth P., April 7, 2009.

Physical abuse upheld where a Department case aide strikes a child but bruises not immediately apparent. Discoloration, or bruising, does not always appear immediately following a trauma. Bruises, which are bleeding under the skin, may take hours to appear. The fact that the child did not have a visible injury immediately following this incident does not discredit the child's otherwise credible and consistent report. In re Brian A., August 6, 2009.

Physical abuse reversed where it is not clear when specific bruises were first noted on child. While Appellant acknowledged being the only caretaker when injuries to child's eye were first noted, there was credible evidence to support a finding that those injuries could have been inflicted accidentally. There was insufficient evidence to determine when other injuries were inflicted. While the medical professionals indicated those injuries were more than likely inflicted by intentional force, other caretakers and children had access to the child and it could not be determined that the Appellant was responsible for inflicting the bruises. In re Richard D., November 6, 2009.

Physical abuse was not proven when the bruises could not be shown to be the result of the Appellant hitting the child. Child also played competitive soccer and also hit her bed when she ran away from her stepfather. In re Edward D., December 26, 2007.

It is not physical abuse when an Appellant causes bruises while restraining his son when the son is the aggressor. The teenager, who was arrested at the end of the altercation, had significant mental health issues and was clearly out of control. In re Justin B., November 1, 2007.

Appellant substantiated for pinching foster child on the shoulder and leaving a large bruise. There were several other allegations in the past of abuse but none were substantiated. However, the prior

incidents indicated a pattern of unacceptable use of physical force in the foster home. Excessive use of force, unacceptable type of discipline. Physical abuse upheld; Central Registry recommendation upheld. In re Essie V., October 29, 2007 Appeal dismissed November 2008

Child was living with the father and his girlfriend for the seven previous days. The hospital believed that the injuries on buttocks of three year old were at least five days old. There was insufficient evidence to demonstrate that mother abused the child. In re Rebecca L., May 11, 2007.

It is physical abuse to grab twelve year old by the arms and drag him up the stairs to his bedroom with such intensity that child is left with numerous bruises. In re Andrew L., May 11, 2007.

Eight year old autistic child at summer camp had a bruise on his back allegedly inflicted when he was put forcefully in timeout in a chair by the Appellant, a child care worker. There was no evidence of location of bruise or description of the bruise or the chair. Physical abuse reversed. Physical neglect reversed also, as the child care worker reflexively slapped the boy when he pinched her breast or firmly put him in the chair. In re Lisa W., October 19, 2006.

Mother found a condom in the child's room. Mother pulled the child's hair and punched her in the arm. The Appellant Father intervened and when the child was disrespectful towards him, he punched her in the arm. The child had two bruises on her arm. Physical abuse was reversed as under *Lovan C.* the discipline was reasonable. Child was fifteen years old and able to understand the discipline. In re Carlos P., August 8, 2006.

Appellant hit daughter on back with a belt, pulled her to floor, and sat on her. Child struggled and the Appellant slapped the left side of her face. Face was swollen with visible redness two to three hours later. Slapping was voluntary not accidental. Swelling was not 'temporary' mark under *Rucci.* Swelling is deemed a bruise, as it injured underlying tissue as evidenced by puffiness. Punishment was not reasonable and was excessive for placing laundry on floor and mouthing off. Physical abuse upheld. In re Emmett R., July 13, 2006.

Mother hit her sixteen year old child with a wooden spoon. The child had bruises on her shoulder and arm. This was an isolated incident. Given the child's age, size, and ability to understand the discipline, it cannot be determined that the discipline was unreasonable or the force used was excessive. In re Lorraine B., November 14, 2005.

School nurse examined the six year old child and found multiple bruises on the child's back, torso, neck and legs. The police took sixteen color photographs of the injuries. Appellant admitted to hitting the child with a belt but did not realize that she left marks. Under *Lovan C.,* this punishment was not reasonable. Appellant used excessive force that resulted in serious injuries to the child. In re Thunesia D., November 7, 2005.

Appellant physically disciplined the child with a belt. The child had two linear marks on her leg. The child also had a bruise on her back caused by hitting the bedpost in an attempt to get away from the Appellant. Citing *Lovan C.,* due to the child's age (eleven), size, and ability to understand the discipline, it could not be determined that the discipline was unreasonable or that the force used was excessive. The fact that the other children witnessed the discipline is not enough to prove emotional neglect. In re Clover M., October 12, 2005.

Appellant physically disciplined nine-year old child with a belt. Appellant admits to losing control. There were severe bruises left on the child's tricep, two on the bicep, lower buttocks, and upper thigh. The Appellant used excessive force to discipline the child. In re Jacquelyn M., October 11, 2005 remanded on appeal, subsequent hearing affirming physical abuse October 2006 and appeal dismissed December 10, 2007.

Father and child engaged in argument. Child is 5'11" and weighs 150 pounds. The child threatened to body slam his five year old brother. Father claims the child took a swing at him and he then restrained the child. The child was not credible. The child's injury was not abuse but accidental and the result of reasonable discipline by a parent. In re Ian O., September 20, 2005.

Child resided in foster care and presented at school with bruises on her arms. Child told investigator that she did not know how it happened. Physical neglect reversed as to the foster mother as the Department could not prove what or who caused the bruises, or when the bruises were received. It could not be found that the injuries occurred while in the foster mother's care. In re Carolyn S., August 30, 2005.

Grandmother admitted to hitting her three grandchildren with a ruler and leaving marks and bruises that lasted for several days. Hearing Officer found that the punishment was unreasonable given that punishment resulted in a beating with an implement that left injuries. The level of force was also excessive. Grandmother's actions also constituted cruel punishment. In re Alberta M., August 15, 2005.

Child was hitting and kicking her younger sister and would not respond to verbal requests to leave the room. Alleged perpetrator, stepfather, grabbed the child by her arms and carried her into her bedroom and placed her on her bed. The child resisted and continued to hit and kick the stepfather. Child sustained bruises on her upper arms. In citing *Lovan C.,* stepfather did not act unreasonably and this was not excessive force. In re Nicholas C., August 15, 2005.

Grandmother was assisting two and a half year old child using bathroom. Child was falling off the toilet seat and grandmother grabbed her by the waist and thigh. The child had three bruises. The social worker testified that child appears to bruise more easily than most children. Physical abuse reversed. In re Nancy D., August 15, 2005.

Mother grabbed the child by the back of his neck and his ears to get him to focus on her. There were two scratches on his neck and bruising on his ears. Mother was confronting him for putting soiled clothes in his dresser. Citing *Lovan C.,* this was not physical abuse because it was a one-time occurrence and there was no intent to cause harm or pain. In re Joyce S., August 9, 2005.

Child was hit with a belt and later punched in the chest. The police officer observed red welts and scratches. Hitting with the belt was punishment for lying and going through their personal items. Red marks were not abuse citing *Rucci v. DCF*. There was insufficient evidence as to who caused the scratches and how. Physical abuse reversed. In re Steven and Renee B., July 29, 2005.

Grandmother hit the child with an extension cord and left marks and bruises. Grandmother admitted she was motivated to cause pain and the child had several bruises. In citing *Lovan C.,* physical abuse was upheld. In re Barbara S., July 1, 2005.

Bruising on child's left leg from the hip to the knee was significant and could not have resulted from the four to five hits that the mother claimed she inflicted on her son. The physical evidence demonstrates that the child received a serious beating and it was not reasonable. Physical abuse upheld. In re Victoria A., April 14, 2005.

To uphold a substantiation of physical abuse, the investigation must contain objective, observable facts. Investigation contained no documentation as to whether the child received a mark, bruise or other injury from the discipline. Physical abuse reversed. In re Charles Mc., February 16, 2005.

Unexplained bruise on the child's thigh not attributed to mother's spanking and physical abuse reversed. In re Maria C., January 21, 2005.

Child had bruise on back of neck and answered affirmatively when asked if several people caused the bruise. Brother said grandmother caused bruise but evidence did not support this, as grandmother was not taking care of the child on day in question. There were credibility issues with the child who alleged abuse. In re Carol W., November 30, 2004.

Child has bruises and sprained fingers after a physical altercation with her guardian, and the guardian admits she hit her with a piece of molding. Self-defense argument of Appellant not found to be justification for hitting child. Appellant could have left the scene or called for assistance. In re Asiye K., November 10, 2004.

Physical abuse upheld when two doctors determine that bruises on fifteen month old baby are less than a week old, and the only person to have child caring duties for the child is Appellant, whose explanation is at variance with injuries. Second doctor determines from the record that the injuries are not consistent with falling, and are consistent with abuse. In re Eleanor S., October 26, 2004.

Physical abuse upheld when mother strikes her son in the face and leaves a bruise that is visible two days later. Mother did not act in self defense and this was not a reasonable level of force. Physical neglect reversed when mother tells her sixteen year old son that he must leave the home if he cannot follow her rules, but makes arrangements for his care elsewhere. In re Jacqueline M., October 15, 2004.

Physical discipline with a belt that results in bruises of varying stages of healing supports a finding of abuse. In re Debra G., May 4, 2004.

Ten year old presented at school with a large bruise to her right thigh claiming that her father had caused the bruise the day before when he hit her with a child safety gate. Father denied striking the child. Two other persons present during his visit with Samantha deny that he hit her. Samantha had fallen earlier on the same day while playing on monkey bars. Upon picking up Samantha, father noted the bruise on her right thigh and informed her mother of this when he brought her home. Samantha did not provide a consistent story about how she came to visit father

that day, and her mother, grandmother and therapist indicated that Samantha is not always a reliable reporter. Reversed. In re Jonathan P., December 16, 2002.

BURNS

Physical neglect and physical abuse reversed against caregiver, when it is not clear that she was the person responsible for the child when the injury occurred. In re Eleanor G., September 22, 2010.

Appellant knew the apartment water was very hot. He still put the child in the water without knowing whether it was safe. He failed to make sure it was not too hot for the child. The result was serious burns to the infant. Physical neglect upheld. In re Kendrick B., December 7, 2006.

While the Appellant provided some variation in his explanations to the police and the Department, such as the length of time the child was in the water, whether soap was applied to the boy and washed off, and the child's position, it is not disputed or questioned by anyone that the child was injured as a result of the Appellant putting the child in the bathtub with water that was too hot. The Diagnostic and Assessment Review Team concluded that the child was placed in the water and removed quickly. The injuries the child received were not at substantial variance with the Appellant's explanation. Physical abuse reversed. In re Kendrick B., December 7, 2006.

Infant had burn on his hand. Medical expert concluded that the child's burn was a result of child abuse or possibly serious neglect. Mother gave two different versions of the events that caused the burn. The injury was at variance with the explanations provided. Physical abuse and physical neglect upheld. In re Catrice W., November 8, 2005.

Child likely sustained burn to her left thigh by sitting on a vaporizer. When seen at an urgent care center, it was determined that the burn did not required medical attention and the mother was given an over the counter ointment. Mother herself is a foster child and Hearing Officer opined that the mother should have been provided with child care guidance so that this situation could have been prevented. Physical neglect reversed. In re Erika C., April 4, 2005.

Physical neglect reversed when child is burned. According to the Appellant (the investigator was unavailable, and the protocol contained limited information) she left spaghetti heating in the microwave while she went to the bathroom, and her five year old child pulled it out of the microwave himself, and was burned. Hearing Officer finds legitimate cause for concern, as Appellant was young mother at the time; however, there is no evidence that she neglected her child by leaving him unattended while using the bathroom. In re Laveon W., October 29, 2004.

BUTTOCKS

Physical abuse reversed when the Appellant spanked child on the buttocks, reasonably disciplining him for urinating in the bathroom sink. Child kept moving to prevent Appellant from spanking him on the buttocks, slipping on hardwood floors, causing visible bruises. In re Louis M., Jr., July 18, 2007.

Child was living with the father and his girlfriend for the seven previous days. The hospital believed that the injuries on buttocks of three year old were at least five days old. There was insufficient evidence to demonstrate that mother abused the child. In re Rebecca L., May 11, 2007.

Physical abuse upheld when Appellant admits she "lost it" and beat the child resulting in visible bruises and injuries to her buttocks. Child was unable to sit still the next day in school because of her injuries. In re Lisa S., March 5, 2007.

Appellant meant to hit child with the belt on the buttocks and child attempted to get away and the belt hit the child's face. Since the underlying nature of the physical discipline was reasonable, and the injury only occurred accidentally as a result of the child attempting to move away form the discipline, the substantiation cannot be upheld. Physical abuse reversed. In re Cornelia P., April 17, 2006.

A spanking on the butt is not an unreasonable type of corporal punishment. But the level of corporal punishment administered by the Appellant that would not stop and prompted such vehement reactions from the child's mother and stepbrother and was causing pain a day later proved that the punishment was not reasonable or moderate in degree. Physical abuse upheld. In re Matthew O., June 10, 2005.

Foster parents used physical discipline of a hand on the butt. Although this may violate licensing regulations, this is not physical abuse, as discipline is allowed by statute. Physical abuse reversed. In re Walter K., November 20, 2001.

CAR

Physical neglect reversed where a mother changed her mind about allowing her children to have a visit with their father (the Appellant) and as he was driving away with the children in the car, the mother opened a car door, injuring her arm. The Appellant did not intend to injure his wife and they were not involved in a contentious divorce. In re: Christopher D., May 18, 2012.

Physical neglect upheld when Appellant evades police while her three year old child is in the car. In re Sandra R., April 24, 2012.

Physical neglect upheld when mother drives her car in front of father's car and prevents father from moving forward. Appellant mother demonstrated serious disregard for her daughter's well- being when she engaged in a barricade with the two cars. In re Vicky V., April 23, 2012.

Physical neglect upheld when Appellant left her seven year old and one year old children unattended in the car while she entered the bus station to return a ticket. The car was not visible from the street at all times and Appellant was unaware that the police were at the car. In re Christian T., April 10, 2012.

Physical neglect upheld where the Appellant drove a car while intoxicated with her son as a passenger. A neighbor confirmed observing the Appellant swerved on the road with the child as a passenger. When the Appellant arrived at her home, the neighbor took away the Appellant's keys and contacted the child's father. After the incident, the Appellant voluntarily entered an intensive in-patient residential alcohol treatment facility. In re Stephanie B., March 16, 2012.

Physical neglect reversed where the Appellant, driving in her car with her child safely secured in a car seat, was physically confronted by her boyfriend after she found him with an unidentified woman. When she asked him to return her personal belongings from his car, the boyfriend began to act erratically, fleeing the scene by speeding over the lawn of their apartment complex and then, later, confronting her. He put his hand through an open window to take the keys out of the ignition and then attempted to disconnect the car's battery to disable her car. The Appellant contacted the police and the child was found unharmed. In re Crystal A., February 28, 2012.

Physical neglect upheld when Appellant transported day care children on several occasions without having them securely fastened in car seats or seat belts. In re Vinetta W., December 14, 2011.

Physical neglect upheld where the Appellant placed his child on the back seat of his car and while arguing with the child's mother, threw himself out of the moving car and onto the pavement. The child could have been seriously injured or killed as a result of the Appellant's erratic behavior. Although not physically injured, the Appellant's actions demonstrated a serious disregard for the child's welfare. In re Don P., November 17, 2011.

Physical neglect reversed when Appellant leaves two young children in a locked car and becomes involved in a physical confrontation with another who initiates the altercation. The Appellant could see the car, and the children were not within the zone of danger. In re Tomas S., October 18, 2011.

Physical neglect reversed against Appellant when his girlfriend starts a fight while he is driving a car. He did attempt to restrain girlfriend, but only because she was interfering with his ability to drive. In re Ernest W., June 13, 2011.

Physical neglect upheld when father leaves two young children alone in the car, in close proximity to the entrance of the store, but is unable to see his car from inside the store. In re Daniel M., April 26, 2011.

Physical neglect upheld where the Appellant sped away from police, trying to evade capture as she dodged other cars to avoid colliding with them. Police stopped the Appellant's car and found five month old infant in the car. He could have been injured or killed. In re Elba L., March 30, 2011

Physical neglect upheld, in part, and reversed, in part, where the Appellant placed his daughter, Meghan, in the middle of a fight with his wife. The wife was swinging a baseball bat in his direction, breaking a car window. The Appellant sped away with four year old Meghan not properly restrained, nearly running over his wife. As the Appellant and his wife fought outside in front of the house, Olivia and Cameron remained inside the house, out of the way and not in the zone of

danger of being physically hurt. Damian looked on shouting "don't run over my mommy." In re Matthew M., January 5, 2011. Appeal dismissed December 2011.

Physical neglect upheld when Appellant stops car in unfamiliar area and tells young children to get out of the car and walk home. Appellant pulls oldest child out of car demonstrating serious disregard for child's physical well being. In re Stephanie M., November 3, 2010.

Physical neglect upheld where Appellant, an alcoholic with mental health disorders, threatened to drive herself and her infant child into a utility pole while driving. In re Jennifer B., October 29, 2010.

Emotional neglect upheld when it was found that the Appellant had an alcohol problem and . His eight year old daughter helping him into bed. The Appellant drove through red lights. The result was the child was afraid that her father would kill himself with the swords at home and she did not want to go home. In re Gilberto L., October 27, 2010.

Physical neglect upheld where the Appellant attempted to kill herself by driving into a utility pole. Her four year old son was present in the car. The Appellant suffered from depression and took her son along with the intent to kill herself and the child. In re Shaunette A., September 27, 2010.

Physical neglect upheld when Appellant leaves fifteen month old child in car unsupervised while she shops at a grocery store. Appellant could not see the car the entire time she was in the store and was not close enough to respond if an emergency situation arose. In re Tamara H., July 21, 2010.

Physical neglect upheld when Department proved that the Appellant left her eight year old and one year old in the car with the keys in the ignition while she ran into the store and used the bathroom being not in the line of sight of the children for approximately ten minutes. In re Amy K., May 18, 2010.

Physical neglect upheld where the Appellant sped away from the police and nearly collided with other cars as she drove erratically as her two boys sat unrestrained in the back seat. In re Elizabeth O., May 14, 2010.

Physical neglect reversed when the Department fails to establish that Appellant seriously disregarded the well being of her children by leaving them alone in the car. There was no evidence as to whether or not the car was within the sight of the Appellant. Without evidence of adverse impact, the Department was required to prove serious disregard. In re Renee C., May 3, 2010.

Physical neglect upheld when Appellant mother leaves her ten month old daughter asleep in the car at a local park. Hearing Officer determines that Appellant did not have the child in her line of sight, and that this was a serious disregard of her daughter's physical well being. In re Christine W., April 8, 2010.

Physical neglect upheld where mother leaves three children alone in store parking lot at 10:30 p.m. While mother's original purpose of entering the store was to attend to a medical emergency, once the emergency was attended to, exigent circumstances no longer existed and mother should have

returned to the car and the children instead of taking the opportunity to purchase gift items. In re Brigida A., February 2, 2009.

Physical neglect upheld where child care worker forgets three year old child in back of van when she returns to the safe home. Staff in yard heard child crying. No physical impact to child but Appellant demonstrated serious disregard for child's welfare. In re Helen B., April 23, 2009.

Physical neglect upheld against foster mother who leaves three children alone in a car. Although Appellant was able to see the car from inside the post office, she left the keys in the ignition, increasing the severity of the risk to the children. In re Naomi R., July 13, 2009.

Physical neglect upheld where Appellant left three year old in car alone for fifteen to twenty minutes in grocery store parking lot. In re Satish K., October 23, 2009.

Physical neglect upheld where Appellant left five year old in car alone for twenty minutes in grocery store parking lot. In re Alice W., October 30, 2009.

Physical neglect upheld where Appellant mother leaves two and four year olds in unlocked car for significant amount of time. There is a busy roadway in between mother's location and the location of the parked car. In re Lynnmarie D., January 22, 2008.

Physical neglect will be upheld where Appellant leaves young children unattended in a car, and is not able to observe them from inside the store. In re Gretchen S., March 10, 2008.

Physical neglect without adverse impact upheld where Appellant mother attempts to crash her car into her husband's car in the same vicinity as her child. Mother's actions display a serious disregard for her child's well being. In re Virginia F., May 13, 2008.

Physical neglect upheld where Appellant jumps on moving car and pounds on it during domestic violence incident. Child was in the car, and hearing officer finds a serious disregard for the child's physical safety. In re Jonathan D., May 28, 2008.

Physical neglect upheld where Appellant mother admits to drinking a few beers, while tired, and driving her two children and their friend home from little league and dinner. Mother pulled over and arrested-failed two breathalyzers, and did not have her headlights on at the time of the stop. In re Kim T., May 29, 2008.

Employee of residential facility seriously disregards three children's safety and well being where he leaves them alone in his car at three different stops. Hearing Officer finds serious disregard, even though the children were older, because they were not his children, and the Appellant could not know how the children might react to being left alone. In re Lance L., May 29, 2008. Appeal dismissed June 2009.

Physical neglect due to serious disregard upheld where Appellant mother leaves a two year old and a six month old in an unlocked running car, in a supermarket parking lot. In re Monica Q., June 9, 2008.

Physical neglect upheld where Appellant attempts to run down his wife and children in his car after a protracted fight with his wife. Hearing Officer finds serious disregard for the children's well being. In re Oscar R. R., July 24, 2008.

Physical neglect upheld where Appellant leaves eleven month old in car, even though she did not intend to do so, and had asked her eleven year old daughter to get the baby out of the car. In re Dawn M., July 25, 2008.

Physical neglect upheld where Appellant leaves her fifteen month old, medically fragile infant in the car, alone unsupervised, for fifteen minutes. Hearing Officer finds that Appellant is unable to view the car from inside the building and that this is a serious disregard for the child's well being. In re Bhargavi M., August 29, 2008.

Physical neglect reversed where the Department is unable to establish adverse impact or serious disregard. Appellant was not aware that her daughter was impaired, when she allowed her other child to be driven in the same car. When appellant realized the driver was impaired, the Appellant drove the car. In re Dorese R., August 13, 2008.

Physical neglect upheld when Appellant admittedly left her two boys locked in a car for at least twenty minutes while she shopped at Wal-Mart. The children did not remain in her line of vision at all times. Appellant was eventually criminally charged. In re Sandra M., December 7, 2007.

Physical neglect upheld due to leaving fifteen month old unattended in a motor vehicle. Rule may be limited to those instances when the person leaving the child is unable to see the child who is left behind. In re Matvey S., September 24, 2007.

Physical neglect upheld when eighteen month old child is left in the car at a Wal-Mart store parking lot for twenty to forty minutes. Child had fallen asleep on way to store, and Appellant, who was from Germany, claimed it was culturally acceptable in Germany to leave sleeping children in vehicles. Appellant had been arrested, but criminal charges were nollied. In re Adelheid K., September 19, 2007.

Physical neglect upheld when Appellant left two boys, ages seven and nine, alone in a store parking lot for approximately thirty minutes. The Appellant could not see the car from the inside of the store and was more than a few feet away from the car. In re Peter A.,, September 5, 2007.

An Appellant demonstrates poor judgment but not physical neglect when she leaves her special needs child alone in a car when she gets food at McDonalds. Appellant did not seriously disregard her son's well being since she could see her son the entire time she was out of the car and he was only alone for a few minutes. Physical neglect reversed. In re Linda V., August 15, 2007.

Physical neglect reversed when infant is left sleeping in car seat and mother parks at coffee shop curb, locks car and has car in view entire time in store. Mother was only in the store long enough to purchase cup of coffee. In re Elpida L., June 11, 2007.

Physical neglect upheld when grandmother leaves six year old grandson alone in car at grocery store. Pedestrians see child exit car and notify nearby police officer. Child old enough to leave car

on his own, but unsure how to locate grandmother. Grandmother did not have view of the car from inside the store and was away form car for at least twenty minutes. No impact, but serious disregard. Emotional neglect reversed as no evidence of adverse emotional impact when grandmother left child in car. Central Registry recommendation reversed when criteria of intent, severity and chronicity not present. In re Elsaida C., June 11, 2007.

Appellant left six month old son in car alone on a very hot day. Police officers waited by car for fifteen minutes before Appellant appeared. Although child not impacted, Appellant showed serious disregard for son's welfare. Physical neglect upheld. In re Tabatha C., May 21, 2007.

A parent's decision to have his family sleep in a car when a hotel is unavailable is not sufficient to sustain a finding of physical neglect when there is no evidence of adverse impact or serious risk to the children. In re Brendan D., March 14, 2007.

Mother was intoxicated and assaulted driver of the vehicle she and her children were riding in. Mother's actions demonstrated serious disregard for children's welfare. Physical neglect upheld. In re Allison C., December 13, 2006.

The Appellant failed to provide and maintain adequate safety for the child when she placed herself on the hood of a car with the baby in her arms when she knew that the child's father was intent on leaving. She put the safety of the child unnecessarily into the hands of a driver who was upset and determined to leave. She failed to provide and maintain adequate safety for her infant daughter. Her failure to maintain adequate safety was a single incident that demonstrated a serious disregard for the child's welfare. Physical neglect upheld. In re Susan M., December 12, 2006.

Appellant chased after husband and children. Appellant hit husband and entered car and attempted to damage the vehicle. The children were inside the car at the time. Emotional neglect upheld. In re Joan G., November 8, 2006 appeal dismissed.

Father stopped mother on sidewalk and grabbed their twenty month old son and put the child in the front seat without a car seat and sped off. He was arrested. Physical neglect upheld. In re Flavio R., July 13, 2006.

Father ran out of gas with his three children (ages nine, eight, and six) also in the car. Father left the children in the car while he looked for gas. Father reports that he could see the car the whole time even though none of the children could see him. The two older children expressed fear and concern. This case was distinguished from other cases where children were left unattended in a car. Physical neglect reversed. In re Michael G., September 30, 2005.

Mother was driving in her car with her two children. Mother's vehicle struck the motorcycle driven by the father. The children told the mother to slow down before the accident because they were afraid. A person who was not close enough to see the accident heard the children screaming. Mother's decision to chase down and run over the children's father was clear evidence of a serious disregard for the children's well being. Substantiation upheld. In re Lynn S., September 8, 2005.

Appellant left a three and a half year old child alone in his car while he went into Dunkin' Donuts to use the restroom. Appellant was in the restroom for seven minutes during which time he could not

see the child. In citing previous decisions, this was a serious disregard for the child's welfare. In re Kenneth C., August 24, 2005.

Father left seven and five year old children in his car while he went shopping at Target. It was 79 degrees outside. Children were observed to be sweaty and stated father was in store for a long time. It is inherently dangerous to leave small children unattended for any length of time. There is an inherent risk to children left alone in public places and more specifically automobiles. This is a serious disregard for the welfare of the children. In re Simon E., July 11, 2005.

Appellant left her son in a van unsupervised while she played tennis with her two daughters and a friend. Four year old child left the van and was found crying in the lobby of the nearby high school. Appellant should have exercised greater supervision to make sure that her son did not leave the van and wander. Physical neglect upheld. In re Annette V., June 28, 2005.

Appellants left their three year old son and one year old son under the supervision of two non-English speaking nephews. While it is unfortunate that the one year old suffered a seizure at the time the Appellants were out of the vehicle, the seizure did not occur because the child was left in the vehicle. Physical neglect reversed. In re Andrea R. and Enrique M., June 6, 2005.

Father drove erratically and at excessive speeds after another car while his daughter was in the back seat of his car. Physical neglect and emotion neglect upheld. In re James M., May 25, 2005.

Single act of father leaving three and five year old children in the car unattended and out of sight is a serious disregard for the children's welfare. The Administrative Hearings Unit has consistently recognized the dangerousness of modern day life in leaving small children unattended in a vehicle for any length of time. In re William R., April 12, 2005.

Appellant drove a car around with her four and six year old nephew and niece and her ten year old ward perched on the car's hood and trunk. That the children were not injured is not the issue, as the risk was so great as to demonstrate a serious disregard for the children's well being. Any one of the children could have fallen off and been injured by hitting the pavement or run over. Physical neglect upheld. In re Sylvia F., March 17, 2005.

Physical neglect upheld when mother leaves her six month old baby in the car, unattended, in a Laundromat parking lot. In re Antoinette R., December 1, 2004.

Grandmother leaves two year old sleeping in her car while she shops. Inherent risk of danger to child is so great, that impact to the child is not required. Physical neglect upheld. In re Margaret M., October 14, 2004.

Appellant punched his wife in shoulder while she was driving on highway. Children in back seat of car. No evidence on how hard father punched mother. Appellant's conduct not appropriate but did not rise to level of denial of proper care and attention. Emotional neglect and physical neglect reversed. In re Donald P., September 22, 2004.

Father left children, ages two and ten, alone and unattended in running car in parking lot while he went into two stores to do errands. No harm to children. Despite no impact, father's actions

showed such a serious disregard for children's welfare, adverse impact not needed. Physical neglect upheld. In re Hector R., August 31, 2004.

Appellant intentionally leaves her four year old sleeping in the car while she runs errands for twenty minutes at TJ Maxx. Although there was no impact to the child, it posed a significant inherent risk, and demonstrated a serious disregard for the child's well being. Physical neglect upheld. In re Marichu O., July 12, 2004.

Physical neglect upheld when mother leaves her seven week old child unattended in a car while she makes returns at a Marshalls. In re Joanne B., April 19, 2004.

Physical neglect upheld when mother forgets that her baby is in the car, and leaves him unattended for fifteen to twenty minutes. Hearing Officer points out that intent is not a required element of neglect, and that he has no choice but to uphold the finding, given the amount of risk to the child from mother's actions. In re Victoria R., November 12, 2003. appeal dismissed.

Physical and emotional neglect upheld when father engages in verbal abuse of mother in front of his children, and speeds off while mother attempting to buckle kids into car seats. The car door was open, and mother was thrown to the ground. The children reported they were afraid of their father, and he showed a disregard for their well being. In re Philip D., June 5, 2003.

Mother and her two year old child slept in her car for one night in May, as they had nowhere to go. Mother parked the car in a fire department parking lot and the child slept in a car seat. The temperature was not an issue. The child was not harmed or injured. Physical neglect reversed. In re Janine H., April 26, 2002.

Three year old child left alone in a parked car for forty minutes on an early March day when the temperature in the mid-thirties. If the police were not called, the child would have been there for approximately two hours. Asking the receptionist at the beauty salon, who was twenty-five to thirty feet from the car, to watch the car was not adequate supervision, as the receptionist was seated at a desk and was busy with other functions of her job. Physical neglect upheld. In re Julie P., February 26, 2002.

Fourteen year old child is argumentative, aggressive, swearing, and will not exit the family car upon request by her father. After two or three requests, the father pulled the child out of the car. Both father and child fall into the van. The child does not sustain any injuries. Pulling a child out of a vehicle is neither abusive nor cruel punishment unless the child is injured. Physical abuse reversed. In re Rick M., February 7, 2002.

Mother alleges Father left child in the car unattended while he went into the post office. Mother alleges she found child in the car crying. Father denies going into the post office, but admits to placing mail in the drop off box and redirecting another child from going into the post office, and then returning to the car. Father's version of the events deemed more credible, therefore physical neglect reversed. In re Arthur K., January 17, 2002.

Although grandmother did leave six year old in car alone, it was at a traffic jam due to an accident, so it would be assumed there would be police in the area, and in fact a policeman is the individual

who found the child and reported the matter. The car was always in sight of the grandmother. Physical neglect reversed. In re Enaida V., December 6, 2001.

Father drove car fast down the driveway and skidded near the child. Although the child was frightened, this isolated incident was not a serious disregard for the child. Likewise there was no maladaptive functioning, as the child is now fine. Emotional neglect reversed. In re Brian S., November 5, 2001.

Mother grabbed steering wheel of car while father was driving and child was in car. Only at hearing did the mother offer that she grabbed the wheel to prevent harm to both of them, as father had been acting odd, staring into space. None of this was given to investigator during investigation. Physical neglect upheld. In re Susan M., August 6, 2001.

Appellant was driving at high speeds and under the influence with his three year old son in the car. After the arrest, child was found in the front seat unrestrained. Police report contradicted testimony of two witnesses (friend/neighbor and landlord of Appellant) and Appellant's denial of drinking. Social worker never spoke with Appellant. Criminal charges were nollied. Without a conviction on the DWI charge and absent any independent proof of intoxication, the Department cannot rely on the arrest and police report to prove physical neglect. Speeding is not proof per se of physical neglect, although it may be evidence of a child at risk. There was no evidence that Appellant drove with son unrestrained in the car. Physical neglect reversed. In re Michael M., December 18, 2000.

Three children ages two, five and seven were left alone in an unlocked, running vehicle parked on an incline. The driver's window was open part way. Two year old foster child was in a car seat and the Appellant's two older children were unrestrained. Car was thirty feet from the entrance of store. Police officer estimated that he waited five minutes before Appellant came out. Appellant's failure, whether intentional or not, to provide adequate supervision of the children was of such a serious nature as to constitute physical neglect. Physical neglect upheld. In re Clint R., November 4, 2000.

CARETAKERS

Physical neglect upheld where the Appellant permitted her sons to be alone with her boyfriend, a registered child sex offender, knowing that he was not permitted to be with children under the age of sixteen. She lied about attending supervisor training, which could have allowed her children to be with her boyfriend, so long as she was also present. In re Angelique M.-R., August 31, 2011.

Child's visiting resource is a caretaker and person given access. Sexual abuse reversed against caretakers when the alleged victim is very traumatized, and the Department does not establish by a preponderance of the evidence that the Appellants are responsible for the child's trauma. In re Relford and Debra W., August 4, 2011.

Physical neglect reversed when Appellant left her child with a neighbor for a minimal amount of time while the Appellant ran to the store. The child initially reported that the neighbor had hit her while the Appellant was gone but later recanted this report. The neighbor had previously watched the child without incident and the Appellant had no reason to believe that she would not provide appropriate care. In re Martha L., June 8, 2011.

Physical neglect upheld where the Appellant allowed her cousin, a woman with an extensive background of abuse and neglect of her own children, to babysit her children despite the Department's concerns. In re Diana C., May 9,2011.

Physical neglect reversed when evidence does not support a finding that Appellant's children suffered an adverse physical impact due to Appellant having friends with criminal backgrounds in the home. Appellant did not demonstrate a serious disregard to children's physical wellbeing as children were not left with inappropriate caretakers. In re Nicole L., April 7, 2011.

Physical neglect and Central Registry reversed where the Appellant placed her three infant children with maternal grandmother while she drank a significant amount of alcohol. The Appellant, her young family's sole financial resource, drank the alcohol specifically to be admitted into an alcohol detoxification program to speed up approval for social security benefits. The children were with maternal grandmother and were not physically impacted. Their well being was safeguarded by maternal grandmother. Central Registry recommendation reversed given the reversal of the underlying substantiations. In re Melissa G., December 6, 2010.

Physical neglect reversed when guardian grandmother leaves three year old in the care of his mother, who has a history of substance abuse. The grandmother was only leaving the two alone for a brief period, and believed that the mother was able to handle the situation, based on her recent involvement with the child. In re Margaret O., December 20, 2010.

Physical neglect was upheld when the aunt who provided care for her sixteen year old niece since the child was one and then let her go live with the child's father's adult daughter who was using substances and locking the child out of the house. In re Damonne J., November 2, 2010.

Emotional neglect upheld on one child, Bailey, who was overwhelmed with the responsibility of taking care of her younger sister when the Appellant was not available due to her repeatedly being intoxicated. The child bore the brunt of the Appellant's behaviors when she was intoxicated; the Appellant often called the girl a "bitch." The child also suffered from depression and saw a therapist for extended services due to wanting to hurt herself. In re Noelle H., October 18, 2010.

Physical neglect upheld where the Appellant left her troubled ten year old son with her eight year old daughter home alone while she worked during the summer. The boy sexually assaulted his sister and she made a disclosure that he threatened to kill her if she told the Appellant. The Appellant agreed that she did not make appropriate babysitting plans and that her plan was inappropriate. In re Shelly A., July 9, 2010.

Physical neglect reversed when Appellant does not have sufficient reason to believe that her infant's father would not provide appropriate care for the child. The one arrest for a domestic violence incident between the parents occurred after the child was injured by father; therefore that incident did not provide the required notice to the Appellant that the father may not be an appropriate caretaker. In re Kimberly W., July 7, 2010.

Physical neglect upheld when Appellant leaves her infant daughter with Appellant's boyfriend, a convicted sex offender and the Appellant's father, a convicted felon, while she is on a four day drug binge. Appellant demonstrated a serious disregard for the child's physical well being.

Central Registry upheld when Appellant had prior substantiation for physical neglect due to drug related issues and had a history of abusing drugs for several years. At the time of the hearing Appellant had only been out of her in patient treatment program for two days. In re Jennifer H., June 8, 2010.

Physical neglect reversed when the evidence supports a finding that when Appellant had suspicions regarding father's behavior with their adoptive daughters, she contacted the appropriate authorities. When no evidence of abuse or neglect was found, the Appellant continued to allow the girls to participate in court ordered visitation with father. When concerns arose again, Appellant again took steps to protect daughters. In re Lynn C., May 21, 2010.

Physical neglect reversed where the Appellant's children were entrusted in the care of their maternal grandmother and were adequately cared for while the Appellant was incarcerated.
In re Helen S., May 11, 2010.

Physical neglect reversed where Appellant allows her children to continue to have contact with a family friend after a teenage relative makes sexual abuse allegations against the man. The Appellant discussed the allegations with her children, assessed the reliability of the girl making the complaint and talked with the family friend. The Appellant's children reported no concerns with the man and she determined her children were not at risk. In re Karen P., March 23, 2010.

Physical neglect, physical abuse and emotional neglect upheld where the Appellant allowed her boyfriend to move into her family's home, knowing he was a convicted child sex offender. The boyfriend sexually abused both her fraternal twins who now suffer from PTSD as a result, and exhibit acting out and emotional behaviors requiring hospitalizations, medication, and therapy. One of the twins continues to engage in inappropriate sexual behavior with his twin sister and the Appellant is unwilling or unable to protect the girl, requiring the child to be placed with maternal grandmother. The Appellant poses a risk to the health, safety and well-being of children due to intent, severity, chronicity and her failure to take the necessary steps to protect her children.
In re Brenda D., March 16, 2010.

Physical neglect upheld where the Appellant entrusted the care of his four year daughter (described as a "handful") to his developmentally delayed, mentally retarded (with psychotic features) adult brother, while out shopping with a friend. The Appellant's brother was in no position to care for any child due to his diagnoses. In re Michael M., February 24, 2010.

Physical neglect reversed as failing to give the child a daily bath does not constitute inadequate hygiene, especially when child has an aversion to water and foster parents take reasonable steps to address child's hygiene needs. Also it is not physical neglect when foster mother has a temporary illness and provides minimal child caring duties when foster father is present and able to provide adequate care for the children. In re Michael and Doreen H., January 29, 2010.

Physical neglect reversed as to Appellant father, where family with whom sixteen year old son goes to live following a physical altercation with stepmom, does not tend to the physical needs of the boy. Physical neglect reversed where father does not take son's things to him for a few weeks.
In re Bruno P., April 7, 2009.

Physical abuse reversed when it is not clear when specific bruises were first noted on child. While Appellant acknowledged being the only caretaker when injuries to child's eye were first noted, there was credible evidence to support a finding that those injuries could have been inflicted accidentally. There was insufficient evidence to determine when other injuries were inflicted. While the medical professionals indicated those injuries were more than likely inflicted by intentional force, other caretakers and children had access to the child and it could not be determined that the Appellant was responsible for inflicting the bruises. In re Richard D., November 6, 2009.

Physical neglect will not be upheld where parents believe their children are being cared for by a responsible adult, and the caretaker leaves the children alone. In re Beatrice and Michael M., April 21, 2008.

An adult sibling is a person responsible where the sibling provides occasional childcare. In re Adam P., May 7, 2008.

Employee of residential facility seriously disregards three children's safety and well-being where he leaves them alone in his car at three different stops. Hearing Officer finds serious disregard, even though the children were older, because they were not his children, and the Appellant could not know how the children might react to being left alone. In re Lance L., May 29, 2008 . Appeal dismissed June 2009.

Physical neglect upheld against brother/babysitter where he punches much smaller child in the stomach, causing the child to fall down. Although the child was not seriously injured, Hearing Officer notes a serious disregard due to risk of harm to the child. In re Carmen S. and David F., June 26, 2008.

Physical neglect reversed against Appellant mother where her son punches her daughter in the stomach. Although there is evidence that the son had some mental health issues, there is no evidence presented by the Department that the mother should have known that her son would be violent with her daughter. In re Carmen S. and David F., June 26, 2008.

Physical neglect reversed where evidence establishes that Appellant mother's conduct (slurring words and confusion) were the result of taking prescribed medication, and there was no adverse impact to the children. In re Melissa D., July 15, 2008.

Emotional neglect reversed where the Department does not establish that Appellant boyfriend's conduct was responsible for child's fears and preoccupation with violence with little evidence about their interaction and the child had been exposed to violence in his mother's past relationships.
In re Jose A., December 2, 2008.

Physical neglect reversed when Appellant was not aware that the children's paternal grandmother, who was providing day care services, was allowing the young children to play outside unsupervised. Paternal grandmother actively kept information from the Appellant regarding her ability to provide appropriate care for the children. In re Karen S., December 10, 2007.

Physical neglect upheld when Appellant allowed her child to associate and socialize with a known convicted and registered sex offender. Appellant did not provide adequate supervision. In re Wanda V., October 11, 2007.

Physical and emotional neglect upheld when mother and stepfather permit child to be exposed to ongoing violence between them and child's biological father who also resided in the same home. Biological father also suspected of sexually abusing child and mother and stepfather did not limit contact between them. Allegations upheld as Department's decision was made in 2004 and Appellants did not follow proper procedure to appeal; Appellants had received notice of investigation results and had initiated appeal procedures, but did not follow through with attending scheduled hearings. In re Joyce and Anthony D., September 19, 2007.

Physical neglect upheld when Appellant moved a known mentally disturbed and dangerous convicted sex offender into the home she shared with two children. One of the children moved out for safety reasons. Both children were upset and agitated. The felon assaulted the Appellant while the family was shopping at the mall. The Appellant sustained serious physical injuries. The children were adversely impacted. In re Jane S., September 4, 2007.

Physical neglect upheld when the Appellant knowingly exposed her children to an ex-boyfriend who had reacted violently toward her in the past. The Appellant continued the exposure by attempting to drive, with her children in the car, the person who had just assaulted her to a motel in an attempt to hide him from the police. In re Shannon F., August 6, 2007.

Evidence from past investigations demonstrated that the stepfather is not very tolerant of the child's misbehaviors and may on occasion use physical discipline. But it was not established that the physical discipline was frequent or unreasonable or that the Appellant was aware of any unreasonable discipline by her boyfriend. In re Sylvia R., June 27, 2007.

Foster grandmother's decision to allow child's parents to visit the child unsupervised is not physical neglect when the Department is unable to produce any court order precluding unsupervised visits, and it appears the grandmother believed the child would be safe for brief periods with his parents. In re Patricia M., June 26, 2007.

Emotional neglect reversed when three brothers were left alone and the oldest was thirteen. The thirteen year old was capable of babysitting his brothers and there was no adverse emotional impact to any of the children. In re Monalisa B., May 18, 2007.

Appellant substantiated for allowing son to go back and live with drug abusing mother. However, the Department was aware of this and allowed it. No evidence that Appellant knew or should have known of mother's behavior. Child absent from school while with mother, Appellant never interviewed about the absences. No proof Appellant knew child missing school while with mother. Physical and educational neglect reversed. In re Matthew L., May 14, 2007.

Physical neglect reversed when young mother moves between the homes of several relatives and friends during the first year of her child's life. The Department did not provide evidence that any of the homes where the Appellant stayed were unsafe or that the Appellant was not the primary caretaker of the child, ensuring consistency of care. No physical impact was alleged and

Appellant's conduct did not rise to level of serious disregard for the child's welfare. In re Jessica M., April 27, 2007.

Physical neglect reversed when uncle, who is the guardian of his two nephews, allows them to stay with his mother, their grandmother, for an extended period of time. No evidence that the grandmother is not an appropriate caretaker and there were no restrictions at the time of the transfer of guardianship there were no restrictions as to the contact between the child and the mother and father. Physical neglect as to guardian is also reversed when grandmother allows the boys to stay with their biological father without the uncle's consent or knowledge. In re Herbert L., April 19, 2007.

An adolescent with a serious psychiatric history is not an adequate caregiver for her younger siblings. In re Sharon B., March 5, 2007.

Appellant foster mother substantiated for physical neglect (inadequate supervision) after foster father sexually abuses foster child while transporting child to Klingberg Family Center at foster mother's request. No evidence to prove foster mother knew or should have known foster father would do this. Physical neglect reversed. In re Antoinette B., December 7, 2006.

Father leaves child at aunt's home for visitation and aunt allows mother to take child from home in violation of court order that mother not have unsupervised contact with child. Physical neglect reversed. In re Robert T., October 26, 2006.

Foster mother allowed an almost sixteen year old foster child to babysit two other foster children for two hours once a week. Prior to placement in foster home and over two years ago, the babysitter had an incident of sexual contact. The Department and child's therapist stated child was doing well. The babysitter had sexual contact with at least one other foster child while babysitting. The Appellant did not know sixteen year old posed risk to the children. Physical neglect reversed as to the foster mother. In re Eva Marie S., July 21, 2006.

Mother was sexually molested by her brother as a child. Mother's sister also alleged that brother sexually molested her as a child. Mother allowed her daughter to spend the night with maternal grandmother. However, her brother also lived with grandmother. Brother sexually molested the daughter. Mother substantiation is upheld. In re Maria G., July 17, 2006.

Appellant's fourteen year old sitter left the children home with her boyfriend. Appellant's four year old son is found at the police station. Later, after Appellant's husband arrived, Appellant napped and child was found next door. Father purchased locks. Appellant did base her decision to use the sitter on her own experience and made arrangements with someone she thought would provide proper supervision. There was no evidence that the four year old had ever left any residence before. Physical neglect reversed. In re Salome D., May 22, 2006.

A caretaker may be substantiated for physical abuse when he allows or encourages another child to cause serious physical harm to the victim. In re Gregory H., September 18, 2006.

Father became ill and required immediate, unexpected surgery. Prior to surgery, father had his sixteen year old son contact his mother and his aunt to arrange care for the children while he was

hospitalized. He believed the aunt would care for his youngest child. While the father was unconscious and in intensive care, the children's mother changed the living arrangements without the father's consent. Physical neglect reversed. In re Roy W., August 31, 2006.

Father was named sole guardian of the children through Probate Court and the court ordered no contact or visitation with the children and the mother until further order of the Court. Father allowed mother to live in the home for a brief time period but did not allow unsupervised contact. Physical neglect and emotional neglect reversed. In re Richard M., August 9, 2006.

Legal Guardian allowed mother unsupervised contact with child even though specific steps were ordered for mother stating that the mother was to have no unsupervised contact with the child. Specific Steps were directive to mother and this is not per se neglect. Physical neglect reversed. In re Rudy D., August 2, 2006.

A parent has a right to make private child care arrangements without interference from the State, even if it means that the caretakers are unhappy that they are not being monetarily compensated for caring for the child. Because there was no evidence of inadequate shelter or inappropriate child caring, Physical neglect reversed. In re Ronnie J., April 12, 2005.

Using a person that has been convicted of murder as a caretaker of children is not prima facie evidence of physical neglect. No evidence was presented about the circumstances surrounding the conviction or the conditions of probation. Physical neglect reversed. In re Sherese D., March 17, 2005.

Noncustodial parent has no knowledge that his child's guardian is encouraging the child to engage in illegal behaviors, and no reason to suspect that his child is receiving anything other than adequate care. Physical neglect reversed. In re Robert W., March 17, 2005.

Appellant leaves thirteen and five year old children in the care of maternal grandmother while Appellant admitted to hospital for medical emergency. The grandmother has psychiatric and substance abuse issues. While children may have been at risk, they were not physically neglected when left in the care of their grandmother. In re Mieshia J., January 14, 2005.

Physical neglect upheld when mother knows and continues to allow youngest son to have unsupervised contact with much older brothers, who expose him to pornography, substance use and inappropriate behavior. In re Dorothy L., December 2, 2004.

Department did not prove that the Appellant attempted to run down her fifteen year old brother as he claimed. The Department did not prove that the Appellant was the child's caretaker. Appellant did not live with child, was not a person responsible for child's health, welfare or care, nor was Appellant a person given access. Finally, there was no evidence of adverse impact on the child. In re Benita N., July 23, 2004.

Grandmother's decision to allow unsupervised contact between daughter and grandchildren in violation of court order requiring supervised visits is not neglectful when there is no evidence that the grandmother was aware of the court order, and the Department tells grandmother that she may determine the parameters of visitation. In re Linda S., June 30, 2004.

Although grandmother did not want to be caring for grandchildren who had moved into her home with her son, she was a caretaker under the Department's definitions. In re Sheila D., January 16, 2004.

Father had no prior reason to believe that his live-in girlfriend was not an adequate caregiver before she hit and abused his daughter. Physical neglect reversed. In re Ralph W., November 21, 2003.

Mother leaves her young children with seventeen year old babysitter, and the children engage in sexual acts. Mother had no reason to know that the seventeen year old would not appropriately supervise the children. Physical neglect reversed. In re Doreen S., September 11, 2003.

Grandmother, who is a person entrusted with the children's care, left children with an uncle (her son) who is schizophrenic, and takes medication that makes him sleepy. Grandmother knew that the children required a high level of supervision, but left them with the uncle, who was sleeping. Children then set a fire in the home. Physical neglect upheld. In re Joan A., September 5, 2003.

Department's argument that child was neglected because foster mother left the children with a twelve year old caretaker was without merit. Physical neglect reversed. In re Elizabeth V., August 6, 2003.

Mother allowed her boyfriend, who is destructive and threatening, to live with her and her children. The boyfriend threatened the children's safety, and the safety of the children's father. Physical neglect upheld. In re Evon F., June 14, 2003.

Parents left fifteen year old to care for three and one year old during the day, during four day vacation. No evidence that fifteen year old not capable of caring for the children from nine to five, while the adult babysitter was at work. Physical neglect reversed. In re Richard A. & Irene N., June 12, 2003.

Although mother allowed her sixteen month old son to have contact with her boyfriend, a convicted sex offender, the child was never alone with the man, and the man's offenses included sex with teenage, but minor, females. Although it was a violation of boyfriend's probation, it is not per se neglect. No impact to the child, who was supervised by his mother. Physical neglect reversed. In re Yvette Q., June 4, 2003.

Mother left two children in charge of two other children, three nights a week, while she worked 11-7:00 a.m. shift as a nurse. Hearing Officer distinguishes case of In re Taneha E., in that mother put safeguards in place, and is confident with the maturity level of the two caretakers. Taneha E. knew that one of the caretakers was not responsible. Physical neglect reversed. In re Gina B., May 30, 2003.

Foster mother left two teenage foster children, one of whom has mental health issues, and is sexually active, and both of whom smoke marijuana, alone all night, two or three nights a week, to care for two younger children. Physical neglect upheld. In re Taneha E., May 23, 2003.

Grandmother's decision to allow mother, who has history of violence and drug use, to care for child, is not neglectful absent any evidence of impact to the child. Physical neglect reversed. In re Debra Z., May 20, 2003.

Mother leaves her child alone with mother's boyfriend and he rapes the child. Two weeks prior to this, mother had witnessed the boyfriend attempting to kiss the child. Physical neglect upheld. In re Iris R., April 14, 2003.

Mother leaves thirteen year old son at home in charge of two siblings and a cousin. The children sneak out of the house and vandalize some cars. The thirteen year old had babysat in the past without problems. Physical neglect reversed. In re Melissa R., April 3, 2003.

Appellant was overwhelmed with the behavior of her sixteen year old daughter and sent child to live with her former spouse. Appellant was aware that he had alcohol issues. He was unemployed at the time of the placement and still an active alcoholic. He did not provide the child with appropriate supervision and she was arrested for shoplifting. She expressed suicidal ideation. Physical neglect upheld. In re Jeanne N., December 13, 2002.

Appellant was the foster mother for six year old Juan, thirteen year old Jacob, and twelve year old Christine. Appellant allowed her son's girlfriend, Emily, to watch the children on occasions when she was unavailable. Appellant did not obtain Department permission for this, nor did she instruct Emily that physical discipline was not allowed. In December of 2001, Christine engaged in sexualized behavior with Juan. Appellant agreed not to leave the two children alone. Appellant failed to inform Emily of both this agreement and of the underlying problem. On March 12, 2002, Emily babysat for Appellant. Juan became out of control. Emily had Christine and Jacob hold Juan down while she struck him with a belt. Physical neglect upheld. In re Kemberlee T., November 20, 2002.

Although Appellant mother may be negligent in allowing uncle, who is an alcoholic who becomes belligerent when he drinks, to supervise the children, there is no demonstrable impact on the children. Physical neglect reversed as to Elizabeth B. In re Elizabeth B., and Raymond B., November 1, 2002.

Mother left eleven year old twins in the care of their nineteen year old sister and sixteen year old brother. While the siblings were in charge one of the twins had some alcohol. The nineteen year old may have been aware of the child's consumption, and while not condoning it, may not have stopped it. There was insufficient evidence to support the Department's conclusions that the mother was aware that her daughter was going to be drinking, or that the nineteen year old was unable to provide childcare due to intoxication. Physical neglect reversed. In re Kelley C., June 25, 2002.

Mother knew of her live-in boyfriend significant criminal and substance history. The school psychologist felt that mother's actions were causing the child emotional harm and the evidence supported finding of emotional neglect. In re Melody O., March 13, 2001.

Father had court ordered unsupervised visitation with his daughter. After child went to sleep, the father passed out from drinking vodka and using crack cocaine. Mother had no knowledge that father was going to drink and/or use drugs during visit. Physical neglect and emotional neglect not supported. In re Kim P., January 4, 2001.

CHILDREN ENGAGED IN SEXUAL ACTIVITY

Physical neglect against in-home day care mom reversed when there is no evidence to suggest that she knew or should have known that her biological child would pose a risk k to the day care child, and that she should have kept the two separated. In re Debbie T., April 30, 2012.

Physical and emotional neglect reversed where evidence did not support finding that Appellant-parents knew about the sexual activity happening among the children when they left them alone. Finding some of the children in ambiguous sexual situations years before learning about sexual abuse was not sufficient notice. In re Jennifer & Niles W., July 21, 2009.

Sexual abuse by older brother upheld where younger sister provides consistent statements of abuse, has no motive to fabricate, and another sibling provides corroborating evidence.
In re Adam P., May 7, 2008.

Physical neglect reversed where the Appellant is unaware that her stepson was likely to sexually abuse her five year old. In re Rebecca P., March 18, 2008.

Appellant caught stepdaughter having sex in her bedroom. Stepdaughter later accuses stepfather of inappropriate comments, touching and kissing her and then recants. St. Francis interview would have been helpful, but was not scheduled. Sexual abuse reversed. In re Pedro A., May 11, 2007.

A child's consistent statements that her father has touched her inappropriately are sufficient to support a sexual abuse allegation, especially in light of her brother's statement that he witnessed the fondling. Hearing Officer also considered additional evidence that the brother was engaging in similar inappropriate touching of his sister and stepsister and fire setting. In re Tyrone M. May 3, 2007.

Sexual abuse reversed when evidence indicated youth initiated sexually explicit conversation and Appellant attempted to have youth removed from his presence. In re Spencer M., January 2, 2007.

Child had history of inappropriate sexually acting-out behavior and stopped visits with mother consistent with timeframe of reported abuse. Sexual abuse, physical and emotional neglect upheld based on child's disclosure and support reports from older sibling. In re Kenneitha R., December 22, 2006.

Appellants ran unlicensed daycare. Two years ago older daycare boy molested a younger boy in the daycare. The Department investigated, determined abuse did occur but did not substantiate against Appellants. Two years later, same boy makes allegations again that he was molested when he was in the daycare two years ago and names a different older boy as the perpetrator. The Department investigates and substantiates physical neglect against Appellants for lack of supervision and running unlicensed daycare. Another DCF office conducts concurrent

investigation into new allegations against the older boy and does not find evidence of abuse. Boy makes allegations that he was molested two years ago, no evidence to prove when this happened, whether it happened at same time other abuse occurred, no evidence that Appellants knew or should have known this was going on. Physical neglect reversed. In re Walter and Rebecca S., October 25, 2006.

Mother admits that child has tried to touch the mother's genital and breast areas, as child is curious about her body and mother has told her no and moved the child's hand. Mother does not call attention to child's self stimulating behaviors. Mother has attempted to enforce appropriate boundaries. Physical neglect reversed. In re Anna H., June 3, 2005.

Sexual abuse by foster brother reversed when alleged victim has serious mental health issues, and there is significant evidence of credibility problems with her reports. Also, child had accused multiple people of sexual abuse prior to this report. In re David B., October 18, 2004.

Five year old child consistently describes sexual contact between herself and Appellant, her fourteen year old babysitter. Although the Appellant denied the contact, his version of the games they played were consistent with the victim's and her eight year old brother's statements. Sexual abuse upheld. In re Joseph S., July 8, 2004.

Appellant operated a home daycare. A five year old girl, Jessica, was sexually abused by twelve year old friend of the Appellant's son. Appellant did not know friend well, did not know his last name, and did not know where he lived. Physical neglect upheld. In re Margaret Z., July 31, 2002.

CHOKE

Physical neglect upheld where Appellant puts her hands around her children's neck and chokes them. It is creating a dangerous situation that fails to maintain safety and is a serious disregard for the children's welfare. In re Susan M., August 27, 2010.

Appellant substantiated for physical neglect when she allows intoxicated boyfriend access to children and home in spite of a current protective order. Appellant did not contact police immediately upon boyfriend's arrival. Children were present when boyfriend choked mother and her daughter eventually contacted the police. Appellant continued to expose the children by taking them in car with boyfriend in an effort to protect him from the oncoming police. In re Shannon F., August 6, 2007.

Appellant was a live-in boyfriend and had access to child. Appellant seriously disregarded a child's well being when he choked the mother and then threw the child off him when she got in the middle of the confrontation. Child was frightened. Appellant had done nothing to alleviate the confrontation, such as leaving the home before it could escalate. Physical neglect upheld. In re Frank L., July 25, 2007.

Appellant attempted to choke girlfriend's teenage son with a broom. Choking is never an acceptable option in managing a child. Teen had small scratch on arm but insufficient evidence to conclude Appellant caused the bruise. In absence of injury, physical abuse reversed. Physical neglect and emotional neglect upheld due to serious disregard from attempted choking and child's

fear of Appellant. Appellant determined to be risk to children and registry recommendation upheld. In re Peter O., June 5, 2007.

CLOTHES

Physical neglect not proven when Appellant was in jeopardy of losing her housing but that had not yet happened and she and her son frequently argued, including his wanting new sneakers and jeans, but an adverse physical impact was not demonstrated and emotional neglect was not alleged. In re Margaret E., Dec. 3, 2007.

Appellant screams at her special needs child to such an extent that the child takes off all of her clothes, leaves the home and walks down the street. Child then accepted a ride from a stranger. Child's disclosure of the events was inconsistent. It was determined that in the heat of the argument, the Appellant told the child that she could leave the home if she wanted. However, it is not supported in the record that the Appellant knew that the child left the home without any clothes. Physical neglect reversed. In re Tina and David S., July 11, 2007.

A child's dry skin and lack of clothes do not support a finding of physical neglect when it can be determined that the Appellant attempted to remedy these conditions and child did not suffer any serious physical harm. Physical neglect also not supported when there is no evidence that the children's physical well-being was adversely impacted by ongoing conflict in the home. Physical neglect reversed. In re Tina and David S., July 11, 2007.

COACH

Appellant is the track coach and held tryouts for the cross country team. Jillian, age twelve, tried out for the team along with many others and Jillian got lost in the woods. The path used is well worn. The Hearing Officer did not believe that Jillian was lost for as long as she reported. The coach did not have students sign in or out, and no one noticed that Jillian was missing. Physical neglect reversed. In re James R., November 18, 2002.

COLLATERAL ESTOPPEL

Doctrine of collateral estoppel is not applied, as the prior family court decision was between the Appellant and his ex-wife and the family court decision was only preliminary and not a final judgment. In re Timothy C., March 17, 2005.

CONDITIONS AND CIRCUMSTANCES INJURIOUS

Physical neglect reversed where the Department did not demonstrate how the Appellant's children were placed under circumstances injurious to their physical well-being when she took them out in her car to look for her husband (stepfather) at local bars. In re: Theresa T., May 11, 2012

Physical neglect reversed when Appellants do not hear police knocking on the door and do not answer door for police responding to an anonymous report of hearing a scream and slap sound coming from the house. When Appellants do not respond to the knocking, police break down the

door to enter the home. The Appellants were not engaged in any illegal activities and could be observed sitting on a couch watching a movie. In re Tiffany and Roger R., May 1, 2012

Emotional neglect reversed when child expresses fear of the police entering the home through force and Appellant engaged the child in therapy to address her fear. In re Tiffany and Roger R., May 1, 2012

Physical neglect upheld when Appellant evades police while her three year old child is in the car. In re Sandra R., April 24, 2012

Physical neglect and emotional neglect upheld when Appellant takes child to the hospital and refuses to take her home claiming her behavior was out of control and the child displayed no symptoms of out of control behavior or need for treatment. In re Debra C., April 2, 2012

Physical neglect upheld where the Appellant knowingly entrusted child to the care of maternal grandmother and her husband, who drinks daily, has mental health problems, and engages in domestic violence. In re Shelly R., February 4, 2009.

Physical neglect reversed where mother moved in briefly with child's father who used crack cocaine, but immediately agreed to sign a safety plan and move out upon evidence that father had not recovered following release from a drug treatment program. In re Kristen W., March 10, 2009.

Physical neglect reversed where Appellant attempted to enter bedroom to stop and reprimand sons for smoking marijuana and one child shoved and pushed Appellant, slightly hurting his hand.
In re William W., March 18, 2009.

Physical neglect upheld where Appellant openly used illegal drugs in child's presence and where child suffers from asthma and had to leave home and cope in other ways because of the Appellant's drug use. In re Pablo O., March 23, 2009.

Physical neglect reversed where children play in the back yard that also contains broken glass that had been on the ground from a broken window for a month. There is not any evidence that the children played near or in the broken glass area or had any propensity to do so.
In re Kimberly B., April 22, 2009.

Physical neglect upheld where the Appellant barricaded child and himself in his house out of fear that a former girlfriend's boyfriend was going to kill him. Appellant handed child a cell phone and told child to call 911 if he was killed. The Appellant did not remove self or child from zone of danger. In re Paul W., June 10, 2009.

Emotional neglect upheld where child's therapist found she was emotionally impacted by visits to the Appellant when his girlfriend was present. Girlfriend walked around the house nude and expected child to also be nude even though child disclosed that this made her uncomfortable. Child did not like to visit when girlfriend was present and her mood changed after visits with the Appellant. The Appellant allowed continued contact with his girlfriend despite the child's discomfort. In re Paul W., June 10, 2009.

Physical and emotional neglect reversed where the evidence did not establish that the Appellant treated her son differently from other children. In re Annette H., July 8, 2009.

Physical neglect against Appellant father upheld where he places children in the middle of a confrontation between himself and the police. Father's belief that children are safe and will not be harmed by the police is not relevant. The children were frightened, and the situation warranted a finding that the Appellant had a serious disregard for their well being. In re Robert B., October 21, 2009. Appeal dismissed, December 28, 2010.

Physical neglect upheld where mother physically tries to remove adolescent daughter from car, loses control of the situation and youth sustains injuries. In re Jennifer C., December 10, 2009.

COUNSELING

Emotional neglect reversed when evidence supports a finding that Appellant had child engaged in counseling, maintained her medications and was in treatment for herself but was delayed due to insurance issues. In re Lisa T., May 6, 2011.

Emotional neglect reversed as Appellant sought services from community providers to assist in dealing with child's acting out behaviors. In re Millicent F., February 23, 2011.

Physical neglect reversed when a voluntary parenting service terminates services due to Appellant's aggressive behavior. While the mother of the child may have benefitted from the service, the service was not mandated and the decision to terminate was made by the provider agency. No neglectful behavior by the Appellant was demonstrated. In re Jeffrey V., January 24, 2011.

Physical neglect reversed when step grandmother, who never had guardianship, did not obtain mental health treatment for teenager left in her care. She was a person given access. The step grandmother was unaware of statements made by child at school and at home, and the child denied making self-injurious statements. The teen relocated with other family members within a month of the Department receiving the initial referral and never returned to the step grandmother's care. In re Annie M., August 7, 2007.

Emotional neglect reversed when father refused to participate in counseling with daughter and there was no evidence that counseling was required for either party. In re Rakesh V., March 2, 2007.

COURT ORDER

Physical neglect reversed when Appellant allows contact between children and father despite protective order which was the result of a one-time domestic violence incident. In re Minnie F., January 17, 2012

A violation of a court order is not per se neglect. Department must still prove adverse impact or that a child is within zone of danger. Physical neglect reversed. In re Jennifer O., July 29, 2010.

Physical and emotional neglect reversed where mother allows court ordered visitation between child and her abusive father. Appellant mother took steps to protect her child and keep her safe during court-ordered visits. In re Carol B., June 4, 2009.

Physical neglect reversed when foster mother allows mother to have unsupervised, overnight visitation in violation of a court order. In the absence of demonstrating specific harm or serious risk of harm, a violation of a court order is not per se neglect. In re Raphaela and Cesar M., August 29, 2003.

Physical neglect reversed. Although mother allowed her sixteen month old son to have contact with her boyfriend, a convicted sex offender, the child was never alone with the man, and the man's offenses included sex with teenage, but minor, females. Although it was a violation of boyfriend's probation, it is not per se neglect. No impact to the child, who was supervised by his mother. In re Yvette Q., June 4, 2003.

CORDS

Physical abuse upheld when Appellant physically disciplines child with extension cord and broom, causing cuts and bruises to several parts of child's body. Discipline was excessive and amount of force used unreasonable. Appellant was arrested as a result of incident and convicted of Assault 3. In re Carol K., December 22, 2010.

Grandmother hit the child with an extension cord and left marks and bruises. Grandmother admitted she was motivated to cause pain and the child had several bruises. In citing *Lovan C.,* physical abuse upheld. In re Barbara S., July 1, 2005.

Child misbehaved by kicking his sister. Mother disciplined child by hitting him with an electrical cord. Physical discipline was infrequently used by the mother and not done reflexively out of anger. This was reasonable under the circumstances. Physical abuse reversed. In re Cynthia J., March 11, 2005.

Appellant hit daughter with electric cord and left welts on the child's arm. Physical abuse upheld. In re Margaret W., September 30, 2004.

CREDIBILITY

Sexual abuse reversed when the child's statements are not consistent and are made shortly after he gets discovered engaged in sexual activity with a peer at school. In re Marcelino C., May 31, 2012.

Sexual abuse reversed when child's disclosures were not consistent or detailed. Child had special needs and there was no evidence that her ability to distinguish reality from fantasy was clarified. In re John H., April 10, 2012.

Physical neglect reversed when both parents credibly deny the domestic violence incident reported by adolescent daughter. Youth is not a reliable reporter and maternal relatives provided inaccurate information to the police. In re James J., March 9, 2012.

Sexual abuse reversed when a child's statements are not credible under the Merriam Analysis. Child's history of prior false allegations and threats to make false allegations undermine her credibility in the current case. In re Lincoln B., January 20, 2012.

Sexual abuse reversed when the youth's disclosure is not credible due to the timeline she reported. In addition, the youth and her mother had just been informed that they had to leave the Appellant's home due to relationship problems between the mother and the Appellant. In re Antonio F., June 8, 2011.

Sexual abuse upheld when a Merriam analysis indicates that the child's hearsay statements are reliable and other evidence confirms details of report. In re Paul Z., April 27, 2011.

The Department was unable to demonstrate the Appellant sexually abused the child in question, given that he never was alone with her or had any childcare responsibilities for her. In addition, the child was not credible, given the many inconsistencies in her disclosures, including stating she was alone with him or that he took incriminating pictures of her and that another friend knew about the pictures. The child's siblings denied they were ever left alone in the care of the Appellant. In addition, the friend of the child denied that he was aware of incriminating pictures or that they discussed the subject. In re Peter M., April 20, 2011.

Physical abuse reversed when other professionals involved with the family report that child is not a reliable reporter. Police officer had been present at home the night of incident and reported child was not harmed by Appellant; physician reported that child's injuries were not consistent with her report of abuse by Appellant. Child had history of self inflicting injuries in the past in order to get Appellant in trouble. In re Millicent F., February 23, 2011.

Sexual abuse reversed when evidence does not support child made a spontaneous, consistent disclosure and had previously recanted the allegations. The Appellant cooperated with a sex abuser evaluation and the outcome found it very unlikely that he would abuse a child.
In re Luis M., May 11, 2010.

Sexual abuse reversed when child's disclosure is not found credible following *Merriam* analysis. Child has demonstrated history of lying and does not want to remain with the guardians who she believes are too strict. In re Yadata T., March 5, 2010.

Physical neglect, physical abuse and emotional neglect reversed against parents when child's stories are inconsistent and he has a history of fabricating or embellishing the truth. In re Milton and Donna H., January 27, 2010.

Emotional neglect reversed where substantiation is based on child's report of ongoing physical discipline and it is determined that report is not credible. In re Lana B., January 9, 2009.

Sexual abuse against residential staff reversed where the alleged victims are not credible, due to prior false allegations and recanted statements. In re Toby B., July 2, 2009.

Sexual abuse/exploitation reversed where two witnesses stated the child was being coached to lie about the Appellant. The child was torn between her mother and stepfather and her biological father who were involved in a contentious custody and child care battle and had a motive to fabricate that the Appellant sexually abused the child. In re Jeremy G., October 30, 2009.

Sexual abuse reversed where victim's credibility is questioned following *Merriam* analysis due to motive to fabricate and state of mind factors. Additional evidence provided at the hearing made timeline claims suspect. Physical neglect reversed where record does not support a finding that child told parents that brother was sexually abusing her years prior to most recent disclosure. In re James, Desiree and Kyle D., October 30, 2009.

Sexual abuse upheld under *Merriam* analysis where the child's disclosures are consistent, and she has no motive to fabricate. In re William S., December 7, 2009.

A child's sexual abuse disclosure is not credible where the details change, she frequently recants and denies her allegations. The child's credibility is further weakened when she reports that a sibling was also abused, and the sibling denies it. In re William F., February 4, 2008.

Appellant's current denials that she caused the injuries to her daughter in 1999, are not credible in light of her admissions at the time of the investigation. In re Darlene K., March 12, 2008.

Physical abuse reversed where child making the disclosure is not credible, and there is no evidence that the injuries presented are the results of the Appellant's striking the child. In re Cheryl M.P., March 20, 2008.

Sexual abuse reversed where Appellant denies allegations, the child's story is inconsistent with her mother's initial report, and the report comes in the middle of a divorce. In re Todd A., March 18, 2008.

Allegations of physical abuse require either evidence of an injury, or the reporter must be credible with the allegations of cruel punishment. Where there is no evidence of injury, and the child is not credible, abuse substantiation is reversed. In re Linda T., May 29, 2008.

Hearing Officer finds hearing testimony, that mother's injury was accidental, and not the result of Appellant's violence, less credible than the contemporaneous police report on the matter. In re Scott C., May 13, 2008.

Physical neglect reversed, despite Appellant mother's relapse and hospitalization, because she found appropriate caregivers for her child. In re Kelly M., May 29, 2008.

Sexual abuse reversed where both child victims recant, and one of the children was not credible to begin with. In re Karl E., July 22, 2008.

Allegations of sexual abuse reversed where child's injuries (which she said were the result of the Appellant's assault on her) are not consistent with her allegations, the Appellant denies the allegations, and the child has a motive to fabricate against the Appellant. In re Donald B., July 14, 2008.

Twelve year old girl visits and sleeps over former neighbor's house and alleges sexual abuse by the father. Child deemed credible, her disclosures were spontaneous, after the incident she took actions to get out of the house, she provided detailed information and had no motive to fabricate. Sexual abuse/exploitation and Central Registry recommendation upheld. In re Pablo C., September 16, 2008.

Sexual abuse reversed where child's disclosures contain several inconsistencies; the forensic interviewer had concerns regarding the child's reliability and school indicated concerns with child's credibility. In re Kevin S., September 2, 2008.

Physical abuse reversed where the child who made the allegation is not a reliable reporter. In re Jose A., December 2, 2008.

Appellant is a person responsible for the child's care when he is a clinician at a residential treatment facility during the relevant time period and admits to counseling child but was never assigned as her clinician. Although child has a history of lying, her claims of sexual abuse are credible when strong corroborating evidence exists to support the allegations. Physical and emotional neglect upheld when the Appellant's sexual relationship with the child causes her to lose her placement, prevent her from receiving supporting services and treatment and puts her at risk for physical and emotional consequences. Registry upheld. In re Maximo D., November 26, 2007 appeal dismissed.

Emotional neglect and physical abuse reversed where evidence does not support the allegation of non-accidental injuries caused by the Appellant father, and key witnesses denied troubled teenager's allegations. Now an adult, the alleged victim recanted the allegations. In re Michael L., November 16, 2007.

Emotional neglect upheld when the Appellant did not contest the substantiation in a timely manner. Central Registry reversed for this substantiation, when it can not be established that the children were present during domestic violence between Appellant and spouse and that the Appellant intended to harm the children. In addition, children's credibility is questionable as their statements may be motivated by wanting to live with other relatives. In re Aaron R., August 16, 2007.

Child's disclosures that the Appellant sexually abused her were consistent in spite of being nine years apart. Also, an important component in this decision was the corroborating evidence which included the child's possession of money which she claimed the Appellant gave her to keep her from disclosing the sexual abuse. In re Jose L., August 1, 2007.

Sexual abuse reversed when child recants disclosure that Appellant touched him inappropriately. During the investigation, the Appellant was not interviewed and the initial context of the child's disclosure was not investigated. The child later recanted. The Appellant denied the allegations and no corroborating evidence was presented to support the child's disclosure. Sexual abuse reversed, Central Registry reversed. In re Jeremy K., July 30, 2007.

Appellant screams at her special needs child to such an extent that the child takes off all of her clothes, leaves the home and walks down the street. Child then accepted a ride from a stranger.

Child's disclosure of the events was inconsistent. It was determined that in the heat of the argument, the Appellant told the child that she could leave the home if she wanted. However, it is not supported in the record that the Appellant knew that the child left the home without any clothes. Physical neglect reversed. In re Tina and David S., July 11, 2007.

Two granddaughters disclose grandfather sexually abused them. Grandfather leaves without notice to his daughter. He re-enters their lives several months later and grandfather and mother claim girls recanted. Mother now wants her father to get Care 4 Kids money. Girls found credible in initial disclosure, circumstantial evidence support their allegations. Recanting found suspect and motivated by mother and grandfather. In re Willie S., March 21, 2007.

Sexual abuse reversed when a child's statements regarding the abuse were inconsistent. Child is medicated and has a long history of lying, emotional and psychological issues. Child may have been motivated by jealousy of the Appellant. The Hearing Officer also considered that there was a lack of corroborating evidence available including the presence of drugs in the home which the child claimed existed and the fact that the child's sibling did not witness any inappropriate touching. Accordingly, the Central Registry component was reversed. In re Patrick S., March 12, 2007.

Fifteen year old male with bruises on leg alleges mother hit and kicked him. Child is placed with father. Several months later, child no longer wants to live with father after father realizes child is manipulative and starts to set limitations. Child wants to live with grandmother. Father, mother and grandmother meet with child when they realize child is manipulating one parent against another. Child recants allegations against mother saying he made them up to live with his father. Child told his parents he was hurt in a fight at school. Physical abuse reversed. In re Kelli M., February 13, 2007.

Physical abuse upheld when an Appellant provided no credible explanation for how child received severe bruises while under his care. Child was able to provide an explanation consistent with the injuries and identify the Appellant as the abuser. Even if the *Lovan C.* analysis applied, the discipline would have been unreasonable. Central Registry recommendation upheld based on severity of abuse. However, the hearing officer also considered that a sibling testified that the Appellant was not playing when he once threw her onto a bed, thus revealing the potential of child maltreatment. In re Teddy H., January 17, 2007.

Stepmom allegedly put children out in Alabama heat without water and did not feed children. Allegations not supported by children's statements; their statements are inconsistent on other items. Physical neglect reversed. In re Melisa G., October 20, 2006.

A contemporaneous statement made by a witness with no motive to fabricate is more credible than a self-serving statement made at hearing. In re Gregory H., September 18, 2006.

Child reported sustaining injury to hand due to falling down, being hit by foster father with a hair brush, being hit by other children. Child also reported that she is not hit by adults. Evidence presented must establish that it is more likely than not that the Appellant caused the injury. Burden not met. Physical abuse reversed. In re Daniel B., June 23, 2006.

Former spouse alleged that the Appellant walked around home naked in front of child, has marijuana in the home, allowed son to drink beer, and did not use seatbelt. On cross examination, Investigative Social Worker testified she was aware that child had sensory integration, behavioral and speech issues and was involved with Birth to Three program. The evidence was based solely on interview with child. Although this interview was a starting point in investigation, it was insufficient evidence to prove by fair preponderance, neglectful conduct by father. Physical neglect reversed. In re Michael P., May 22, 2006.

Mother and her teenage son were arguing over a cell phone that the child found. Mother grabbed the child's arm and left a scratch. The substantiation was reversed as there was a minor accidental injury to the child that occurred during a struggle over a phone that neither of them had business possessing or using. The child was not credible. In re Gwendolyn E., November 16, 2005.

Father and child engaged in argument. Child is 5'11" and weighs 150 pounds. The child threatened to body slam his five year old brother. Father claims the child took a swing at him and he then restrained the child. The child was not credible. The child's injury was not abuse but accidental and the result of reasonable discipline by a parent. In re Ian O., September 20, 2005.

Child's statements that grandmother made derogatory comments about her are not credible. Child lied about physical abuse allegations and grandmother denied making such comments. Emotional neglect reversed. In re Melvina B., June 14, 2005.

Child's statements, without any corroborating evidence, cannot form the basis for substantiation of physical neglect. Child was motivated to leave the home and had made groundless complaints in the past. Physical neglect reversed. In re Lynch H., April 21, 2005.

Child had bruise on back of neck and answered affirmatively when asked if several people caused the bruise. Brother said grandmother caused bruise but evidence did not support this, as grandmother was not taking care of the child on day in question. There were credibility issues with the child who alleged abuse. In re Carol W., November 30, 2004.

Physical abuse reversed when Appellant foster mother denies pinching child, and the child had threatened to pinch herself the week prior so that she could get the Appellant in trouble. Hearing Officer found that child had motive to fabricate, as she wanted to return to her biological family. In re Kellene E., October 18, 2004.

Sexual abuse by foster brother reversed when alleged victim has serious mental health issues, and there is significant evidence of credibility problems with her reports. Also, child had accused multiple people of sexual abuse prior to this report. In re David B., October 18, 2004.

Child's statements were consistent, detailed and spontaneous and she lacked motivation to fabricate. Sexual abuse upheld. In re Jose H., August 16, 2004.

A foster mother's credibility is tarnished when her explanation of events changes every time she tells the story. In re Laureen B., May 6, 2004.

A child's history of fabricating prior allegations, in addition to recanted allegations, results in physical neglect allegation being reversed. In re Gordon H., April 12, 2004.

A child's demeanor can detract from her credibility. In this case, sexual abuse is reversed when she appears bored with the investigation and acts as though nothing has happened. Also, her relationship with the alleged perpetrator does not appear to have been affected at all by the alleged incidents of abuse. In re Mark W., April 6, 2004.

Child's reputation as "troubled" and her history of having to be checked on a daily basis by school nurse for use of substances goes to her credibility as a witness, especially when she does not wish to discuss allegations and there are discrepancies between her report and the Appellant's credible testimony. In re Angelo M., March 22, 2004.

Photographs taken by grandmother, who wants to get custody of grandchild, cannot be afforded great weight, when it appears that some of the photos may have been "staged" to make it appear that Appellant parents are poor housekeepers. In re Thomas G and Victoria D., January 30, 2004.

Physical abuse reversed as to mother, when child victim has serious credibility issues, and there is evidence that the child may have self-inflicted the injuries. Sexual abuse reversed as to father also due to credibility issues of the child, and inconsistencies with her story. In re Lillian and German C., May 8, 2003.

Appellant is the father of eight year old daughter and five year old son. Father has weekend visits with his children. After one weekend, both children reported that father became extremely upset over an accidental spilling of ice cream and threw both of them on the couch, yelled at them, and banged his fists on the table. Both reported that father drinks beer while driving. Daughter did not want to visit again. Father refused to be interviewed. Father, paternal grandmother, and the girlfriend all denied the allegations at the hearing. Their version of events was accepted over that of the children. Physical neglect and emotional neglect reversed. In re Michael B., November 8, 2002.

Mother testified that child was known to inflict injuries on herself. Stepfather admitted hitting child when she lunged at him while she was drunk and stepfather was arguing with her boyfriend. Child had a history of psychiatric treatment, including hospitalization. Several professionals involved with child indicated she was an unreliable reporter. Physical abuse reversed as to both. In re Patricia and George P., August 29, 2002.

Appellant's sixteen year old granddaughter accused him of sexually abusing her when she was five or six years old and again when she was eleven years old. The sixteen year old is found not credible given the testimony presented by the Appellant, including his admission of sexually abusing his own child; the adult victim of the Appellant; the uncle who was also accused of sexual abuse; and the grandmother, Appellants' wife. All testified that the Appellant was never alone with the children given his history with his own child. The adult victim testified that she never observed anything inappropriate between the Appellant and the sixteen year old, contradicting the sixteen year old's claim to the contrary. Sexual abuse and physical neglect reversed. In re Omer B., July 31, 2002.

Grandmother says she put child, who was in a car seat, on the ground and slid him into the hallway. Mother says grandmother threw him in his car seat in the hallway. Child has slight contusion or bruise on forehead. Mother deemed not to be a credible or reliable reporter while grandmother is deemed to be forthcoming with information and reliable. Older child not deemed reliable reporter as he has speech delays and unable to communicate well. Physical abuse and emotional neglect reversed. In re Marie F., June 10, 2002.

Mother alleges father left child in the car unattended while he went into the post office. Mother alleges she found child in the car crying. Father denies going into the post office, but admits to placing mail in the drop off box and redirecting another child from going into the post office, and then returning to the car. Father's version of the events deemed more credible, therefore physical neglect reversed. In re Arthur K., January 17, 2002.

Even though child gave a credible account of his threatened beating, the Investigator should have interviewed the alleged perpetrator and two witnesses, who gave different accounts at hearing. Emotional neglect reversed. In re Gloria A.., December 12, 2001.

Even though Department believed the child, the investigator failed to obtain statements from two witnesses in an investigation that had contradicting stories. Children's stories were given biased on which parent they had the most allegiance to. Physical abuse reversed. In re Thomas C., December 6, 2001.

Father's earlier statement to police and Department that he did engage in a sexual act with his daughter, is strong evidence of the matter, notwithstanding his statement at hearing that he just told police what they wanted to hear. Sexual abuse upheld. In re Marc S., October 19, 2001.

Three year old gives consistent account to four different adults, including professionals, of father performing oral sex on her. Unlikely that a child of that age could be coached to that extent, and based on her age, she is unlikely to have knowledge of oral sex. Sexual abuse upheld. In re Renny M., October 16, 2001.

Mother, after being slapped by child, pushes her back, causing her to fall through window and sustain injuries. Statement mother made at time of incident to police found to be more reliable than different statement made to father later, and at the hearing. Physical abuse upheld. In re Kathleen M., September 26, 2001.

Foster mother, who originally had no explanation for the bruise on the foster child, testified at the hearing that it occurred when the child hit his head on the tub. Physical abuse upheld. In re Ivette J., July 13, 2001.

CRIMINAL HISTORY

Physical neglect reversed where Appellant permitted two males with pending criminal charges to live with the female Appellant and her boyfriend and no evidence of bad conduct by them. In re Kimberly B., April 22, 2009.

CULTURE

The Department cannot assess the reasonableness of physical discipline without considering a family's culture and heritage. However, parents must still conform themselves to the laws of the State. In re Wonder B., September 8, 2006.

DANGEROUS LOCATION

Physical neglect against Appellant father upheld where he places children in the middle of a confrontation between himself and the police. Father's belief that children are safe and will not be harmed by the police is not relevant. The children were frightened, and the situation warranted a finding that the Appellant had a serious disregard for their well being. In re Robert B., October 21, 2009. Appeal dismissed, December 28, 2010.

Physical neglect upheld where two month old falls down concrete steps. Appellant mother should have used greater care to protect her child, who was seriously injured as a result of mother's failure. In re Abigail O., April 17, 2008.

Physical neglect upheld where Appellant mother trashes her home, leaving shattered glass and a dangerous environment for her children during a drunken tirade. Although there was no adverse physical impact to the children, the mother's conduct demonstrated a serious disregard for their physical safety. In re Melissa D., June 18, 2008.

Respondent left six year old child in the middle of a busy school drop off driveway. The Department was able to prove this was a dangerous location through the use of photographs. Physical neglect was upheld. In re Laura G., August 4, 2006.

DAY CARE

Physical neglect reversed when child at day care is secured in time out chair with built in straps for safety. Appellant and other staff members are present entire time and can render assistance if necessary. In re Ramona J., May 14, 2012.

Physical neglect reversed against teacher who fails to notice that she and co-teacher left one child inside unattended when the class went out for recess. A teacher's failure to exercise the highest level of care is not neglect when there is no adverse impact, and her conduct is not egregious. In re Amanda A., May 11, 2012.

Physical neglect upheld when day care staff leave a two year old child behind at a McDonald's Restaurant during a day care outing. Child was unharmed but act demonstrated a serious disregard for the child's physical well being. Physical neglect also upheld as other children were transported without proper safety restraints in the vehicle. In re Annie F., January 17, 2012 and In re Lorene M., January 17, 2012.

Physical neglect upheld when three year old child sustains a broken clavicle in the sole care of the Appellant, an overnight day care provider. The Appellant is unable to explain how the child sustained the injury and offers several conflicting explanations. In re Sherie G., January 12, 2012.

Physical neglect upheld when Appellant transported day care children on several occasions without having them securely fastened in car seats or seat belts. In re Vinetta W., December 14, 2011.

Physical neglect reversed where a day care provider spanked a child for soiling her pull-up. No adverse physical impact was documented. However, physical neglect upheld where the day care provider put a six-year old child out of the day care facility and into the cold weather without shoes or a coat due to the child's poor behavior. The child could have suffered from hypothermia and become seriously injured as a result of the Appellant's actions. In re Theresa M., November 30, 2011.

Emotional neglect upheld where the Appellant, a day care provider, spanked a child for soiling her pull-up. The child was emotionally impacted, crying the day following the spanking when she was brought past the rest room where the incident took place. The child's mother withdrew the child from the day care program. In re Theresa M., November 30, 2011.

Emotional abuse/maltreatment upheld where the Appellants, daycare providers, directed a child to place her hands, fingers interwoven, on top of her head for about sixty minutes as a form of punishment. The Appellants were stern with the child, making her visibly upset. A school principal responded and intervened after being summoned by concerned custodians. The principal consoled the visibly upset and fearful child. She also described the Appellants' conduct as "inappropriate." The principal also noted blotchiness on the child's arms because her hands were above her head for an extended period of time. In re Claudette S. and Walter S., August 18, 2011. On appeal substantiation upheld and Central Registry reversed by agreement.

Physical neglect upheld when day care child sustains significant burns to his hands while in Appellant's care. In re Arelis E., May 31, 2011.

Physical neglect upheld when Appellant, a day care provider, fails to ensure child's safety while removing the tray of the highchair the child is in. Child was not strapped in, fell from the chair and sustained bruising to face and head. In re Brenda H., May 26, 2011.

Sexual abuse reversed when child does not disclose any incidents of touching by the Appellant. Child does state that Appellant wanted to take her to the bathroom and she shouldn't tell her mother. Staff at daycare center confirm Appellant's report that he was never alone with the child and never entered the bathroom to assist any child as only female staff are permitted to assist children with toileting. In re Carl B., July 28, 2010.

Physical neglect reversed when home is cluttered, but credible evidence supports a finding that family was preparing for tag sale and was cleaning home out. Home cleaned within one week of initial contact by Department. Emotional neglect reversed as child's comment to worker that he was tired of hearing about the condition of the home was insufficient to demonstrate adverse emotional impact. In re John and Julie Ann D., March 23, 2010.

Physical neglect upheld when day care provider fails to inform parents of an incident that resulted in a fractured arm to their infant. Although the incident itself did not involve neglect or misconduct,

the Appellant's failure to inform the parents resulted in the child not receiving timely treatment, and suffering from the injury unnecessarily. In re Suzanne H., January 11, 2010.

Physical neglect upheld where the Appellant, a day care provider, threw child on a cot and hit him on the forehead and the back in response to child's uncooperative behavior at nap time.
Physical abuse reversed where the Department failed to establish that the Appellant inflicted physical injuries on the child, or that the child sustained any physical injuries.
Emotional neglect reversed where the Department failed to establish that at the time of the incident, the child suffered an emotional impact or resulted in child's maladaptive functioning.
In re Laytricia W., January 16, 2009.

Sexual abuse and physical neglect reversed where the record does not support a finding that child's disclosures were credible given physical layout of daycare where abuse was supposed to have occurred, lack of access by alleged perpetrator to victim and number of witnesses who disputed report. In re Moses P., May 5, 2009.

Physical neglect upheld where infant sustains significant head trauma while in Appellant's care for day care. Appellant's explanation of injuries is not medically consistent with injuries sustained; however, physical abuse is reversed as there is no evidence Appellant intentional caused injuries to child, just that child sustained injuries while in Appellant's care. Central Registry upheld as Appellant as day care provider should have had knowledge that an infant requires close supervision; the child sustained serious head injuries; and the Appellant was not a reliable reporter regarding the incident as she was trying to protect herself from charges of operating an unlicensed day care and her failure to accurately report the incident could have impacted the child's treatment.
In re Imelda M., August 8, 2009.

Physical neglect reversed where there were conflicting statements about the reasons for a child's injury at a daycare and the Appellant was credible that the child accidentally tripped. In re Hanna M., September 18, 2009.

Physical neglect upheld where Appellant day care provider leaves a seven month old infant without any supervision. Although the Appellant did not mean to leave the child unsupervised, leaving an infant alone for any amount of time is a serious disregard for her physical wellbeing. In re Joyce A.., September 10, 2009.

Physical neglect reversed where Department alleges that Appellant day care provider failed to check on five month old baby who was asleep in a back bedroom. Hearing Officer finds that the Appellant heard the baby when the baby woke, attended to the child's needs, and there was no evidence that the child needed closer supervision. In re William L., April 3, 2008.

Physical neglect, due to serious disregard, upheld where home day care property has dangerous items in the backyard. In re Leslie C., April 17, 2008.

Physical abuse reversed where alternative explanation for child's injury was consistent with the injury, was provided prior to allegations that day care teacher struck child and reports by other staff that teacher caused the injury were not credible or consistent with injury. In re Sandra J., September 24,2008.

Appellant is the director of a day care. Medical neglect reversed when children did not need medical care although potential existed. Appellant knew how to administer asthma medication despite lack of medical certification. Decision does not condone Appellant's failure to follow DPH licensing regulations. In re Talahaht M., October 10, 2007.

Central Registry recommendation is not appropriate when there is no evidence that the Appellant intended to harm children nor did her conduct of allowing children to sip out of her nearly empty alcohol bottles adversely impact the children. Hearing Officer also considered that the Appellant day care provider immediately remedied DPH licensing concerns and has been working with children and elderly since the 1999 investigation without incident, in determining ongoing risk. In re Kimberly D., May 10, 2007.

A teacher who behaves inappropriately by tipping a child upside down and carrying her across the room has not emotionally abused the child, because there is no evidence of adverse impact. In re Carrie C., February 5, 2007.

Appellants provided unlicensed daycare. Two years ago, older daycare boy molested a younger boy in the day care. The Department investigated and determined that the abuse did occur, but did not substantiate the Appellants. Two years later, same boy makes allegations again that he was molested when he was in the day care two years ago and names a different older boy as the perpetrator. The Department investigates and substantiates physical neglect against Appellants for lack of supervision and running unlicensed day care. Another DCF office conducts concurrent investigation into new allegations against the older boy and does not find evidence of abuse. This Hearing Officer concludes that there was no evidence to support when the abuse took place and no evidence that the Appellants knew or should have known this was going on. Physical neglect reversed. In re Walter and Rebecca S., October 25, 2006.

A day care director is a staff person and a person responsible but since she did not provide direct supervision of the child, physical neglect reversed. In re Jody M., Sept. 21, 2006.

Child broke her arm by throwing herself on the floor. The Department does not believe that Appellant caused the broken arm. The Appellant had no reason to believe that the child was in an unusual amount of distress that required additional attention or was injured at all. Substantiation reversed. In re Betty T., August 8, 2006.

Daycare provider had children in her daycare stand on one leg for a period of time for kicking another child; had them raise their hands in the air if they hit another child with their own hands; or had to stand with their mouth open if they said a bad word or bit another child. This was an unusual form of punishment but does not cross the line to become cruel or unconscionable acts. Child's facial tics may have resulted from any number of factors unrelated to the Appellant's actions at the day care. Physical abuse and emotional abuse reversed. In re Gwendolin S., March 22, 2006.

Appellant's grandson lived in her home and caused the bruising to the child the Appellant was babysitting. The Appellant was responsible for the care of the child and without express permission from the parent, the grandson should have played no role in caring for or disciplining

the child. Appellant failed to adequately supervise the child and allowed the child to live under conditions injurious to her well being. As a result of her actions, or inactions, the child was severely injured. Physical neglect upheld. In re Lorene D., March 22, 2006.

Day care provider changed an infants diaper and applied Desitin which she smeared around with the tube. When mother got home and changed the child, there was a laceration to the child's penis that required stitches. This was ruled an accidental injury. The fact that she did not notice the cut was due to the fact that injury occurred during his last diaper change and there is no indication that the Appellant knew what she had done. Physical neglect reversed. In re Donna G., September 20, 2005.

The co-director of a daycare center was substantiated for physical neglect. Directed verdict was granted due to the fact that the co-director was not providing direct supervision or care of the child. There were two daycare staff in the room where the accident happened who were responsible for the child's care. The co-director was not a person responsible, given access, or entrusted under the operational definitions of DCF. In re Bonnie T., August 31, 2005.

Appellant is an assistant teacher at a Head Start program. The teacher and assistant teacher took their class to the playground. A three year old child was left in the room, unattended for thirty five to forty minutes. The substantiation was reversed based on the fact that the Appellant did not leave the child behind intentionally. In day care settings there needs to be clear, egregious behavior. The Appellant's behavior was not egregious. There was no adverse impact on the child even though the child was found alone in the room crying and upset. In re Nancy H., August 15, 2005.

No evidence that the daughter of the daycare provider was providing day care services in her mother's home. When daughter arrived at the home under the influence of alcohol, the day care provider contacted the police and refused to allow her to enter the home. Later in the day, she allowed her daughter into the home, so the daycare provider could contact the Department. Physical neglect reversed. In re Evelyn J., May 26, 2005.

Child fell while playing on the slide at a park off site from the daycare. Staff members observed child crying and holding her arm. Staff applied ice. When child returned to the day care, the child's arm was observed to be swelling and the mother was notified. Mother then sought treatment for child's arm, which was broken. It is not uncommon for parents and other caretakers to observe their child's behavior after an incident before deciding to seek medical attention. The Department substantiated against director of day care, who was not present at the time of the injury and was not authorized to obtain medical services for the child. Medical neglect reversed as director did not unreasonably delay notification to the parents. In re Deborah M., April 14, 2005.

Fact that two boys may have been able to disrobe without teacher's knowledge is not evidence of inadequate supervision. This behavior is not uncommon for young children. Reporting issues to the parents is an issue that needs to be addressed with the day care center; it is not a basis for substantiating physical neglect on an individual teacher. Physical neglect reversed. In re Carolyn T., April 13, 2005.

Daycare provider left the building during a fire alarm and one child was left behind. Daycare provider 's behavior during the fire alarm was not neglectful. She attended to the children in her care and ensured their safe evacuation. When she noticed a discrepancy in the head count, she brought it to the attention of the evacuation wardens, who provided no assistance. Physical neglect reversed. In re Joan S., February 9, 2005.

Child was observed in isolated area of the day care with her clothes off. The child was in an authorized area of the room, which was staffed with appropriate teacher to child ratios. Department expectations that every child in the day care center would be observed every minute of the day by a staff member is unrealistic. Physical neglect reversed. In re T. Education Center, January 18, 2005.

Physical neglect by day care director reversed when a toddler witnesses a physical altercation between the director and a staff member. Although the Appellant could have prevented the situation from escalating, it was the staff member who was raging, and attacked the director. The director attempted to defuse the situation, and did not know that the toddler followed her into the empty room. In re Elizabeth H., December 29, 2004.

Physical abuse against day care teacher reversed when the evidence is not conclusive who caused the injury, and it could have been accidental to prevent falling. Physical neglect against day care director reversed when a child wanders into a bathroom during a field trip and is lost for a few minutes. Hearing Officer notes that the child's parent was a chaperone on the trip, and did not report the allegation until three months later, after the child had bruises on his arm. In re Margaret H. and Courtney B., December 15, 2004.

Injury caused by Appellant who is a teacher resulted in redness of a temporary nature. Physical neglect reversed under *Rucci.* Physical neglect based on the same incident reversed as slapping a child is not failure to provide adequate care. Teachers are held to same standards as parents under Department policy. In re Martha D., September 22, 2004.

Licensed day care provider may have violated DPH regulations regarding her pets when her dogs scratched a child in her care, but Department did not prove that the Appellant inadequately supervised a child in her care who was injured by a dog. In re Sharon L., September 16, 2004.

In-home day care provider substantiated for physical neglect when two children in her care engage in sexual behavior. Physical neglect reversed as day care providers are held to the same standard as parents, and it is not unreasonable for an adult to be in one room, while two young children play in another. In re Cynthia J., August 24, 2004.

Not unreasonable for day care provider to leave a three year old and five year old in living room cleaning toys, while she was in next room. Boys engaged in sexual behavior. Appellant had no prior knowledge of this type of behavior occurring. Appellant did not act in unreasonable manner. Whether or not the Appellant violated a day care regulation is irrelevant. Physical neglect reversed. In re Joyce B., August 12, 2004.

While the supervision provided by the two day care providers may not have been sufficient to prevent injury to a child, it was not so inadequate or inappropriate as to constitute physical neglect.

Day care providers are not held to a higher standard of care by policy definition. Physical neglect reversed. In re Jennifer C. and Jean R., October 29, 2003.

Day care provider left two boys, ages nine and twelve, home alone for about five minutes. The children were adequately dressed, knew that an adult would be home for them in a couple of minutes, and did not have any special needs that would make them need more supervision. Physical neglect reversed. In re Adrienne S., August 14, 2003.

Physical abuse upheld against day care teacher when she picks a child up forcibly, and leaves marks on his arms that turn to bruises the next day. In re Michelle M., April 16, 2003.

Physical abuse upheld against day care teacher when she pulls child by his wrist, and dislocates his elbow. In re Diana B., April 16, 2003.

neglect substantiation reversed after day care teacher pulls a child's arm to move the child to another area, and child falls. Department did not prove excessive force (conditions injurious) or erratic behavior. In re Sharon G., April 14, 2003.

Physical neglect against day care teacher reversed. Day care teachers cannot prevent every injury or accident. In this case, while teacher had her back turned, three children exited the classroom. When she realized this happened, she did a head count, and located the only missing child. In re Latisha C., February 4, 2003.

Day care teachers took children outside, without shoes and coats, for one to two minutes as a method of behavior modification, as recommended by educational consultants. The children were not in danger, or exposed to extreme temperatures, and staff was with them the entire time. Physical neglect reversed. In re Joy C., January 22, 2003.

Five year old disclosed that on two occasions, Appellant touched and fondled his private parts. Appellant worked at the day care center that child attended. Appellant denied the allegations. Child was consistent in his disclosure to his father, the Department, and his therapist. Child participated in a forensic evaluation, again, providing a consistent disclosure but with more detail. Appellant was not arrested. Sexual abuse upheld. In re Kevin P., October 25, 2002.

Appellant brought child to the bathroom and instructed her to clean herself and change. The door to the bathroom is a half door and Appellant stayed outside of the door and frequently checked on the child. There were varying accounts on how long the child was crying, with a minimum time of ten minutes and a maximum time of forty five minutes. Supervision was adequate. The child's crying was a temper tantrum and not maladaptive functioning. Physical neglect and emotional neglect reversed. In re Kim B., July 31, 2002.

Appellant operated a home day care. Five year old girl was sexually abused by twelve year old, a friend of the Appellant's son. Appellant did not know abuser well, did not know his last name, and did not know where he lived. Physical neglect upheld. In re Margaret Z., July 31, 2002.

Eighteen month old bitten by W at the day care. W was recently moved to the same room as infant as W bit a child while he was still in the infant room. Assigned staff was busy with another child at the changing table. Staff responded to situation as soon as possible. Staffing ratios in the room were appropriate. Day care staff can only minimize the possibility of injury or accident; they cannot prevent all of them. Only a person can be a perpetrator of abuse or neglect. A day care is not a person for substantiation purposes. Physical neglect reversed. In re R. Child Care Center, July 11, 2002.

While day care provider is changing an infant's diaper on a changing table, the child falls. The day care provider did not leave the child unattended on the changing table or leave the room. This was an accident, as she failed to secure the child on the changing table with safety straps. Also, while leaving an infant who is in a crib without adult supervision may be a regulatory violation of DPH, it is not inadequate supervision. Physical neglect reversed. In re Lucette P., May 29, 2002.

Day care provider in charge of infants leaves three infants in their cribs in order to assist in watching children in another play area for approximately five minutes and uses a monitor. One of the mother's of the infants arrives to pick up her child and sees her infant eating construction paper which he had removed from the wall. Physical neglect reversed as the action of the day care provider in using the monitor and going outside for a five-minute period may not be adequate supervision for the Department of Public Health in its licensing of daycare providers, but it is not inadequate supervision equating to physical neglect. Physical neglect of the day care provider's director is also reversed. In re Lisa M., April 16, 2002.

Day care provider, in charge of nine children, found to be in violation of day care regulations when she is inside the home with younger children while older children are allowed to play outside without adult supervision. A violation of day care regulations, like a violation of foster care licensing regulations, does not automatically support a finding that children have been abused or neglected. The investigator acknowledged that the same set of facts in a biological home might not add up to a neglect finding. Physical neglect reversed. In re Marylou W., April 8, 2002.

Infant cries at day care and is not attended to by staff for approximately fifteen to twenty minutes. Physical neglect substantiated against day care director. Appellant was not responsible for direct care of the infant. Physical neglect reversed. Also, owner of day care not present at the time of the incident, so physical neglect against him also reversed. In re Catherine and Michael D., February 11, 2002.

YMCA daycare staff, after having book thrown at her, hits child over the head with clipboard, causing cut on child's head. Physical abuse upheld. In re Joshua L., October 17, 2001.

Sixteen month old child, at day care, presented with unexplained bite mark on his arm. All evidence supported infant room was appropriately staffed with a one to four staff/ child ratio, infants were separated from older children, never removed from infant room and child was supervised all day. Caretakers are not expected to prevent every injury or accident from occurring. Rather, they are expected to minimize the possibility of their occurrence and to respond appropriately. Physical neglect reversed. In re Susan D., December 18, 2000.

DIAPER RASH

Parent's loss of utilities does not absolve one from the responsibility to maintain proper hygiene for a child. Evidence that child suffered aggravated diaper rashes as a result of poor hygiene supported finding of physical neglect. In re Sharon L., June 8, 2001.

DIRECTED VERDICT

Physical neglect reversed by Motion for a Directed Verdict where the Department failed to established a prima facie case that the Appellants physically neglected children by making statement threatening to use discipline, or through the presence of a baseball bat in the home with "respect and responsibility" written on it. In re Crystal and Mark W., January 27, 2009.

Motion for a Directed Verdict granted in Appellant's favor where the Department fails to establish any evidence supporting a finding that the Appellant engaged in neglectful conduct. In re Katherine W.P., June 13, 2008.

Appellant's motion for directed verdict granted where there is no evidence of adverse impact to the child from mother's substance use, and following an evaluation, there is a finding treatment for substance abuse is not necessary. In re Lynn G., June 27, 2008.

Allegations of sexual abuse dismissed where the Department fails to establish sexual contact or grooming behaviors. Likewise, physical neglect reversed, because inappropriate comments are not evidence of physical neglect. Such comments might have been evidence of emotional neglect, but the Department did not allege emotional neglect. In re Phillip B., July 3, 2008.

Pregnant mother with mental health issues appears at emergency room demanding baby be delivered. Physician determined child not ready to be born. Mother left and returned two hours later and was admitted for psychiatric consult. Physicians decided to deliver baby. Baby was born healthy. Department filed OTC and baby placed in foster care. Physical and emotional neglect reversed prior to hearing based on insufficient legal basis to support a finding of abuse or neglect. In re Elba P., February 26, 2007.

Appellant put his five year old special needs child down for a nap and then went to watch television. The Appellant had a couple of beers and fell asleep on the couch. The child's door had an alarm as well as the dead bolt on the outside, as it was necessary to keep the child in his room at night. The child's psychiatrist approved this method of keeping the child in his room. Child admitted he crawled out the window and ran to a neighbor's home and falsely stated that the father threw him out the window. Father had no prior warning that the child would try to escape through the window. Directed verdict and physical neglect reversed. In re John G., February 22, 2006.

Appellant and mother engaged in a verbal altercation in their upstairs bathroom. The children, ages eight, seven and four, were downstairs in the kitchen. The Department did not prove that the Appellant failed to provide adequate supervision. There was no evidence that there was a physical need for one of the parents to be in the room with the children. It did not appear that the children were of such an age that they could not have been left alone in the kitchen. In re Gregory C., November 7, 2005.

Father and mother pushed each other during an argument. Mother was holding her eight month old infant. Mother fell backwards into a refrigerator. A directed verdict in favor of the Appellant as the Department did prove emotional neglect. In re Ian O., September 20, 2005.

The co-director of a day care center was substantiated for physical neglect. Directed verdict was granted due to the fact that the co-director was not providing direct supervision or care for the child. There were two day care staff in the room where the accident happened who were responsible for the child's care. The co-director was not a person responsible, given access, or entrusted under the operational definitions of DCF. In re Bonnie T., August 31, 2005.

Child disclosed that her father had been molesting her. Mother confronted father and threw him out of the house and had the child go live with mother's parents. While the mother could have provided more emotional support, the mother did not physically neglect the child. Directed verdict and physical neglect reversed. In re Carol W., June 28, 2005.

Nothing in the protocol suggests that the teacher knew or should have known that the children were putting their hands down each other's pants. The fact that these incidents occurred in the classroom is not prima facie evidence of neglectful conduct. It is clear that the students took efforts to hide this conduct from the teacher, including having students as lookouts. Directed verdict granted and physical neglect reversed. In re Margery D., June 21, 2005.

Appellants made an intentional and reasonable decision to not allow child back into their home after child had sexually molested another child. The Appellants had three girls in their care and the drastic measure was not unwarranted, given that the Appellants could not provide the type and level of care and intervention that the child required. Child was physically safe in the Department's care and therefore not abandoned. Directed verdict granted and physical neglect reversed. In re Dennis and Kathleen C., April 26, 2005.

Evidence presented was extremely vague. It is possible that father tickled this daughter on her inner thigh and made contact with her vaginal area. The forensic interviewer did not distinguish between appropriate father/daughter contact and sexual abuse. Directed verdict granted and sexual abuse reversed. In re Jaime C., April 4, 2005.

The Department argued that a teacher throwing a notebook at a student is evidence of erratic and impaired behavior. No evidence was presented that the notebook was thrown. The teacher stated that the notebook was slid across the desk. When a teacher attempts to gain a student's attention by sliding a notebook at the student, this is not erratic or impaired behavior. Directed verdict on physical neglect allegation. In re Gail D., February 8, 2005.

Appellant leaves thirteen year old and five year old children in the care of maternal grandmother while Appellant admitted to hospital for medical emergency. The grandmother has psychiatric and substance abuse issues. Directed verdict granted on physical neglect as grandmother was oriented as time, place and person. While children may have been at risk, they were not physically neglected when left in the care of their grandmother. In re Mieshia J., January 14, 2005.

Father asked for placement of his son, who sexually abused his stepson. Father moved into hotel with son until the Department took a 96 hour hold. He provided adequate care until such time as someone else took over. Directed verdict issued. In re Tommie W., December 27, 2004.

Department substantiated parents for physical neglect of four year old baby. After leaving hospital, child went directly to grandparents' home. Department had concerns about parents' ability to care for child but there was no evidence of any neglect of the child. Department considered child at risk. Administrative Hearings Unit does not substantiate at risk cases, directed verdict issued. In re Dante and Lorraine L., July 27, 2004.

Allegations of emotional neglect reversed by directed verdict when the Department fails to make out a prima facie case that Appellant denied proper emotional care. A violation of a foster care regulation is not conclusive proof of neglect. In re Joann W., February 17, 2004.

Only evidence offered by the Department is a statement from the child, and the supervisor testifies that the statement is insufficient to support the substantiation of sexual abuse. Directed verdict. In re Charles S., May 12, 2003.

Department may not substantiate neglect for a child who is at risk. Mother had safety plan to protect two day old infant from father's violence, and it was not neglectful for her to refuse to sign the Department's service agreement. Directed verdict. In re Melissa V., July 22, 2003.

Father cannot explain how his eleven year old daughter was bruised on her face. Although child said at one point that her father hit her, it was after she had said that a classmate hurt her, and a teacher continued to question her because the teacher did not believe the story about the classmate. Directed verdict. In re Tim T., July 16, 2003.

DIRT

The father putting dirt in an eight year old boy's mouth and taping it while he picked up garbage is physical abuse as it is cruel punishment but he did not have the requisite intent, severity, or chronicity for placement on the Central Registry. In re Sheree D., March 15, 2007.

DIRTY CHILD

Physical neglect upheld where service providers report poor hygiene due to the conditions of Appellant's home. In re Jodi S., January 15, 2008.

Physical neglect upheld when child was found in a dirty and unkempt state while one Appellant was in midst of four day psychotic break. The second Appellant did not seek assistance for the first Appellant or the child during this period. Child was also underdeveloped and unable to walk or talk and the living conditions were in poor condition. In re Milton and Juanita F., October 9, 2007.

Over several years, mother denied children sufficient food. Children not allowed to shower or only allowed to shower once a week. Children also reported Appellant hit the children. Several referrals over several years and concerns addressed with Appellant but Appellant did not change. The Appellant intimidated children and told them not to tell the Department what was happening.

Physical neglect upheld as to one child, physical neglect reversed as to one child. Investigator's observation that child looked dirty insufficient evidence for neglect. Central Registry recommendation upheld. In re Marie G., October 3, 2007.

The child's physical appearance and smell was a reflection of the conditions at home. The Appellant's home was not sanitary or appropriate. It contributed to the adverse physical impact on the child. The child's finger fungus became worse during school vacations instead of improving during school when her hands were being washed regularly. Physical neglect upheld. In re Donna B., December 27, 2006.

DIRTY HOME

Physical neglect upheld against father who permits his child to remain in the girlfriend's home, despite the fact that the home is a mess and presents a risk to the very young child. Hearing officer finds that it does not matter that the Appellant was not on the lease, and had no control over the apartment. He was aware of the conditions, and allowed his child to remain in the home.
In re Jesse C., November 28, 2011.

Physical neglect reversed where the Appellant maintained a cluttered or dirty house but there was no evidence of pests or health hazards that physically impacted her children. In re Wesley C., November 2, 2011.

Physical neglect reversed when Appellant was temporary resident in home with his children. While the house was messy and cluttered it did not present a safety concern and was cleaned within one day. In re William D., October 20, 2011.

Physical neglect reversed where the cluttered home did not pose a health or safety hazard to any children. In addition, one could still walk around the house; beds were made; dining room table was able to be used; and no dirty dishes were piled in the sink. The Appellants took immediate corrective action to clean up upon the request of the Department. In re Jo Marie P. and Jon P., March 16, 2011.

Emotional neglect upheld against foster mother due to conditions of the home and the family's animals, all of which were seized by animal control. Teen foster child felt guilty that she was not able to help the animals, which were being neglected. In re Maryanne P., December 20, 2010.

Physical neglect upheld where health department condemns entire home and the children, who were home alone, were using the oven to keep warm as the house had no heat.
In re Lisa D.,January 9, 2009.

Physical neglect upheld when Appellant, a convicted sex offender, and his wife live with son and new born daughter in home that is very messy and cluttered. Home continues to be filthy after several warnings and visits by investigation workers. In re Albert T., February 11, 2009.

Physical neglect reversed where it was not shown that home condition was detrimental or a health concern for the child. The allegation was that the home was messy and dirty with garbage and cockroaches when investigator first visited, but not noted in next two visits to the home. In re Sandra K., March 6, 2009.

Physical neglect upheld where family lived in deplorable conditions for several months and the home was not cleaned up. Central Registry recommendation upheld due to intent, chronicity and severity. Appellant also on Registry for abuse substantiation that he did not appeal. In re Kevin M., April 7, 2009.

Physical neglect is upheld where the evidence establishes that the child spent an inordinate amount of time in a high chair or play pen to prevent her from injuring herself in the parents' cluttered home. The evidence showed that the child was delayed in learning to walk because the parents kept her confined. In re Steven and Tina C., December 29, 2009.

Physical neglect upheld where Appellant mother's home conditions present a health hazard to her young children. In re Jodi S. January 15, 2008.

Physical neglect upheld where Appellant's home is in deplorable condition and she leaves her young children alone in the home. In re Pamela M., March 17, 2008.

Appellant lives with stepfather and two year old daughter. Referral on family that house is filthy. Investigator finds condition of home unsafe. There were empty beer bottles, clutter and garbage everywhere. The house was impassable except for a narrow path. Physical neglect upheld. In re Pauline M., December 26, 2007.

It is a serious disregard for a child's physical well being to require a child to live in a home with animal feces, clutter, filth and garbage. Adverse impact is not required. In re Mary H., December 21, 2007.

Physical neglect due to living in an uninhabitable home will be upheld if the condition of the home poses a serious disregard for the child's well being, even if there is no documented impact to the child. In re Mary H., December 11, 2007.

Physical and emotional neglect upheld when Appellant permitted children to live in a filthy home and exposed them to ongoing domestic violence. Petitions were filed on behalf of children and they were adjudicated neglected; therefore, the allegations were automatically upheld. In re Milton and Juanita F., October 9, 2007.

Physical neglect found when entrance was so cluttered that it created a fire hazard is evidence of not providing adequate safety for the children especially when leaving them home alone. Failure to provide adequate food for the children is a serious disregard for their well being. In re Tarsha C., August 13, 2007.

Physical neglect upheld when father allowed children to live in deplorable conditions. Feces and urine on the floor and loaded gun in cabinet within the children's reach. In re Frederick M., May 30, 2007.

Home was covered in dog hair, bedrooms were cluttered with clothes on the floor and there was a foul smell. Appellants cleaned the home and the Department unsubstantiated. A couple of weeks later another referral was made and home was again found cluttered, dog hair on the floor, and kitchen had dirty dishes piled up in the sink. Seven month old found with several bruises on her face inflicted by three year old child. Substantiation was reversed as no evidence that home condition was detrimental or a health concern for the child. The bruises were a one time incident that could not have been prevented. In re Charles and Jennifer B., August 16, 2006.

Home was infested with roaches and cluttered to the point that moving from room to room was limited. These conditions lasted for several months. Substantiation upheld. In re Rudy D., August 2, 2006.

Grandmother substantiated as police found home with piles of clothes and trash throughout the house, food in the refrigerator was spilled and spoiled, and there were numerous cockroaches. Physical neglect upheld as this was a serious disregard for the children's well being. In re Myrtis L., July 10, 2006.

Mother's mental health problems prevented her from cleaning her home and providing a safe home for her child. Child extremely upset by this and in therapy. Physical neglect upheld. In re Laura C., August 6, 2004. on appeal reversed by agreement.

Although the home was messy, the child was observed to be clean, well fed and cared for. Parents made some progress after being confronted with the condition of the home, and signed a service agreement to keep the home in better repair. Physical neglect reversed. In re Susan A. and William A., August 6, 2003.

Department fails to prove that mother and nine month old child are living in an apartment that is condemned due to thirty five cats, some of whom are diseased and euthanized, and cat urine and feces. Physical neglect reversed. In re Katherine G., June 19, 2003.

Mother allowed her five children to live in an unsafe, filthy home with no running water, and with father and grandmother, who both had serious mental health issues. Although mother did not live in the home herself, she transported the children to school every day for two years. Physical neglect upheld. In re Jennifer N., January 27, 2003.

Appellant is a licensed foster parent. She also is the adoptive mother of Megan and Tinasia. Adoptive and foster children are observed outside of the home in December dressed inappropriately for conditions. The home was very cluttered. The children were unkempt. There was conflicting testimony from Department staff about the level of concern, if any, over the care being provided to the children. Appellant was not cooperative with the investigation and acknowledged this at the hearing, providing an explanation. Physical neglect reversed. In re Karen C., September 19, 2002.

A cluttered home that does not have health hazards or other concerns is not inadequate shelter. Sharing a bed with a three month old child is not physical neglect. In re Jason G., March 7, 2002.

DISCIPLINE

Physical neglect reversed when Appellant first sent child outside as discipline and then was yelling at child for smirking at him. Discipline was not cruel and did not demonstrate a serious disregard for child's physical well being. In re Paul S., April 13, 2012.

Physical abuse reversed when Appellant accidentally scratches child when taking baseball bat away from him. Child was attempting to strike Appellant with the bat and her removal of the object constituted appropriate discipline. In re Bonnie T., January 24, 2012.

Physical neglect reversed when Appellant disciplines child verbally and sends him to his room. No adverse physical impact or serious disregard for child's physical wellbeing. Emotional neglect reversed when Appellant verbally scolds child for misbehavior and the scolding scares the child. The scolding was not inappropriate but made an impact on the child as to the seriousness of his misbehavior. In re Corey L., December 20, 2011.

Physical neglect reversed when a foster parent uses physical discipline that is not abusive. In re Benita J., November 2, 2011.

Emotional neglect reversed when child's claim of on-going physical discipline is not supported by other children in the home, and as the child's guardian, the Appellant has the right to use physical discipline. In re Luevennie M., August 19, 2011.

Physical abuse and physical neglect upheld where the Appellant repeatedly beat her nephew with various implements, including a broom, causing injuries and scarring. She inappropriately responded to his emotional and behavioral health problems, and failed to obtain appropriate services for the teenager. The Department filed an OTC petition, which was granted and the teenager refused to have anything further to do with his aunt after he was removed. In re Sherline G., August 5, 2011.

Physical abuse upheld when youth sustained non-accidental injuries (cuts on the inside of her mouth) as a result of excessive physical discipline. The Appellant continued the altercation and continued to hit the youth beyond what was required to maintain control or discipline of the youth.
Physical neglect upheld as Appellant failed to maintain a safe living environment for the youth and caused injuries during an incident which rose to the level of physical abuse. In re Norma D.,July 13, 2011.

Emotional neglect reversed where the Department was unable to demonstrate how the Appellant's discipline of her children resulted in their maladaptive behavior. In re Andrean G., July 11, 2011.

Physical and emotional neglect reversed when the evidence is insufficient to establish that the foster parent's adult daughter excessively disciplined the foster child, or isolated the child. In re Sheila W., July 11, 2011.

Physical neglect reversed when Appellant used physical discipline on a child in her care and the discipline did not rise to the level of physical abuse. The Appellant was child's guardian and had

the right to use physical discipline and there was no evidence of marks or bruises. In re Zaida B., July 7, 2011.

Physical abuse reversed when child sustained minor injury as a result of a slap by the Appellant. The Appellant was disciplining the child and trying to maintain control of her. In re Mary H., June 13, 2011

Physical abuse and physical neglect reversed where there was no evidence in the record to support a finding that the Appellant acted erratically or impaired when she intervened and stopped her two sons from hitting each other. The older and bigger boy refused to listen and the Appellant held him down and slapped him to prevent him from hurting his brother. The boy stopped. Although the child received a little bruise on his chest, the Appellant acted reasonably under the circumstances. In re Melissa D., March 18, 2011

Physical neglect reversed the Appellant had the right to use physical discipline on her child if she believed it was necessary to maintain control of child. In re Millicent F., February 23, 2011

Physical abuse reversed when child does not report any injuries as a result of physical discipline and injuries are not observed by school personnel or investigator. In re Sabrina F., October 19, 2010.

Physical neglect reversed when record does not support a finding that Appellant is excessive in use of physical discipline. Child has behavioral issues and Appellant uses physical discipline and restraint methods. In re Sabrina F., October 19, 2010.

Physical neglect upheld as father's use of excessive discipline exposed the child to conditions injurious to her physical well being. In re Mohammed and Safina R., October 18, 2010.

Physical neglect as to non-offending parent reversed when record supports a finding that mother was not present when child was disciplined, therefore unable to take steps to protect child's physical well being. In re Mohammed and Safina R., October 18, 2010.

Emotional neglect was upheld for the punitive atmosphere created by the by the Appellants. They made the sixteen year old sleep on dirty laundry, took away all his reading materials, and would not let him into their home. After he went to live elsewhere, the Appellants started telling the fourteen year old girl that she was kicked out of the house. In re George & Virginia D., October 8, 2010 Appeal dismissed October 2011

Physical neglect was upheld with the guardians punished their sixteen year old nephew by not letting him in the house. In re George & Virginia D., October 8, 2010. Appeal dismissed October 2011.

Physical abuse upheld when Appellant threw five year old up against a wall causing injuries because the child would not stop playing with his brother, pick up their toys and go to bed as directed. In re Pedro R., September 8, 2010.

Emotional abuse reversed when Appellants action of placing child in a closet as a form of discipline was inappropriate, but did not rise to the level of emotional abuse. Day care teacher did not intend to terrorize child, but was trying an extreme measure to get child's attention as child was not responding to traditional discipline techniques. In Dasha S., July 21, 2010.

Emotional neglect upheld when the Appellant's five year old son was upset and telling his mother that he did not want to leave her after she told the Department's investigator, in his presence, that if she could not use physical discipline her children, the next time they acted up she was going to call the investigator to come and get her children. In re Alma N., July 1, 2010.

Emotional neglect reversed as child's concern about father's reaction to misbehavior at school is reasonable and expected as child has history of inappropriate behavior and is aware that there will be consequences for his actions. In re Jose R., April 20, 2010.

Physical neglect reversed when Appellant cautions child that if she doesn't behave Appellant will inform child's mother who may discipline the child with a belt. Appellant never physically disciplines the child nor is the child at physical risk of harm from the Appellant. In re Kelly M., April 9, 2010.

Emotional neglect upheld when Appellant warns child that mother will be informed of misbehavior and starts unbuckling her own belt to emphasis that child may be physically disciplined. Child was victim of severe physical abuse by her mother and Appellant's statements and actions cause her emotional distress. In re Kelly M., April 9, 2010.

Emotional neglect upheld when child's out of control behaviors escalate and Appellant continues to use inappropriate discipline and statements with the child. The Appellant's actions are part of the reason for the child's emotional issues. In re Victoria R., March 23, 2010.

Physical abuse reversed where the Appellant pushed his teenaged daughter after she was acting out of control, lying about a boyfriend, and disrespectful towards the Appellant. As a result of falling onto her bed, child suffered a small bruise to her back that disappeared soon afterwards. It was the first time the Appellant used physical discipline on the child and he accidentally pushed her away after they grabbed each other. The child was not afraid of the Appellant and stated she was not afraid of the Appellant. In re Rondell P. Sr., February 19, 2010.

Physical abuse reversed under *Lovan C*. when father uses a belt to discipline his son for his misbehavior in school. Father attempted other forms of discipline before invoking physical discipline. He did not act out of anger and did not use excessive force. The child was not fearful of his parents, and was able to verbalize why he was punished. In re Jimmy C., January 7, 2010.

Physical neglect reversed when stepfather accidentally struck thirteen year old son while physically trying to get the child under control. The boy was diagnosed with behavioral issues and his treating psychiatrist testified that physical intervention was necessary to redirect child as he would get "locked into" his behavior and could not respond to verbal redirection only. In re Thomas P., January 6, 2010.

Physical abuse reversed where Appellant attempts to strike her teenage son on the shoulder to stop him from fighting with his brother but catches his face instead, leaving three marks on his cheek which were visible the next day. Bruising alone not evidence of excessive force. In re Elizabeth P., April 7, 2009.

Physical abuse reversed where father pushes child away after she spits in his face and she hits side of her cheek on kitchen shelf. Father had been disciplining child and *Lovan C.* analysis was required. In re Gary S., June 10, 2009.

Physical neglect reversed where there is insufficient evidence to find that Appellant physically disciplined her children. Appellant was very forthcoming with Department regarding other CPS issues and inappropriate discipline was never identified by any service providers. In re Yomaira A., June 30, 2009.

Emotional abuse reversed where there was no evidence that child suffered adverse emotional impact from Appellant's strict disciplinary methods. Also noted that strict discipline does not rise to the level of emotional abuse, especially in instances where children are placed with relatives who are not adequately prepared to parent children who have suffered past emotional trauma. In re Cheryl B., November 13, 2009.

Evidence that a child requires numerous stitches after being hit by Appellant, is sufficient to establish that the Appellant used unreasonable force. In re Karen H., September 6, 2007.

Emotional abuse reversed when it was determined that the Appellant did not throw all of the child' toys and playthings out as a form of discipline. Many items were thrown out, but this was due to the child's soiling behaviors, which ruined most of the items. In re Jason C., August 17, 2007.

Emotional neglect upheld when it was determined that child was physically disciplined with a belt for soiling behavior which was caused by emotional stress and turmoil in child's life. In re Jason C., August 17, 2007.

Foster children disclose various forms of inappropriate discipline including sleeping in the garage and standing for long periods of time on a deck at night. However, it was not established that the children's disclosures were consistent or made without each other's influence. Children suffered no adverse physical impact and discipline was not determined to be a serious disregard for the children's welfare. The children's ages and perceptions of the discipline were also considered. Physical neglect reversed. In re Dian F., July 26, 2007.

Physical abuse reversed when the Appellant spanked child on the buttocks, reasonably disciplining him for urinating in the bathroom sink. Child kept moving to prevent Appellant from spanking him on the buttocks, slipping on hardwood floors, causing visible bruises. In re Louis M., Jr., July 18, 2007.

Physical abuse upheld when the Appellant regularly beat his children beyond reasonable discipline and caused them serious injuries as well as threatened them if they disclosed his acts to authorities, to the point where one child vomited when compelled to disclose and another child nearly fainted when confirming the abuse. In re Everald P., July 18, 2007.

Physical neglect reversed when Appellant used physical discipline on adolescent son with no adverse physical impact. In re Walter S., July 18, 2007.

It was not established that the scratches on the child's face were the result of physical discipline. The use of physical discipline by a foster parent is not per se neglect. The use of foster care regulations by DCF to protect the child was appropriate and in this case sufficient. Physical neglect reversed. In re Phyllis W., July 5, 2007.

Physical abuse upheld when children report ongoing incidents of physical discipline, report fear of mother when she is mad and have bruising as a result of physical discipline.
In re Tatiene S., July 2, 2007.

Pattern of use of significant physical discipline for minor behavioral infractions – response is not appropriate to situation. In re Tatiene S., July 2, 2007.

Evidence from past investigations demonstrated that the stepfather is not very tolerant of the child's misbehaviors and may on occasion use physical discipline. But it was not established that the physical discipline was frequent or unreasonable or that the Appellant was aware of any unreasonable discipline by her boyfriend. In re Sylvia R., June 27, 2007.

Physical abuse upheld when child suffers sprained neck/shoulder muscles after father forcefully pulls her out of car to reprimand her for insolent attitude. Discipline was excessive given the child's age and alleged misbehavior. In re Sigfredo H. and Dinelly N., June 25, 2007.

The use of physical discipline that does not result in injury will not support a finding of emotional abuse when there is no evidence that the conduct seriously interfered with the child's positive emotional development. The family is now receiving appropriate services aimed at the particular needs of the family and child. The Appellants' conduct at the time of a crisis is not sufficient to support the conclusion that they emotionally abused their child. In re Donna and Milton H., June 13, 2007.

The Department must establish that the use of physical discipline is cruel or unconscionable in order to sustain a finding of emotional abuse. In re Donna and Milton H., June 13, 2007.

Physical discipline of a child with Reactive Attachment Disorder is not sufficient to sustain a finding of physical neglect, even though the Appellants may have known that physical discipline was not appropriate for a child with this diagnosis. In re Donna and Milton H., June 13, 2007.

Appellant (mother's boyfriend) disciplined mother's son by taking belongings away from him and making him sleep on the bathroom floor once. This does not rise to level of unsafe environment, physical neglect reversed. However, these disciplinary measures were excessive and had an adverse emotional impact on the child. Child was fearful of boyfriend and did not want to live in the home. Emotional neglect upheld. Registry recommendation reversed. Boyfriend does not pose a risk to children. In re Robert G., May 30, 2007.

Father's decision to stand two children in a corner for forty five minutes does not support emotional neglect allegation without evidence that the discipline was emotionally harmful to either child. In re David Z., December 21, 2006.

Physical discipline, while not abusive, put children at risk of serious injury and was excessive for situation. Physical neglect upheld. In re Todd L.., November 9, 2006. Appeal dismissed as untimely, April 27, 2009.

Mother and boyfriend do not act in a manner that is cruel or unconscionable in terms of physical discipline and requiring completion of chores. Emotional abuse reversed. In re Vivian T. and Jose G., October 26, 2006.

Department was unable to establish that the location of a time out is a frightening or cruel place. Emotional abuse reversed. In re Stephanie B., October 3, 2006.

The Department cannot assess the reasonableness of physical discipline without considering a family's culture and heritage. However, parents must still conform themselves to the laws of the State. In re Wonder B., September 8, 2006.

Foster mother put three year old and seven year old in corner for ten to fifteen minutes and spanked them with their pants down if they did not stand still. Physical neglect was reversed as no evidence that spanking was harsh or excessive. No evidence of physical danger of standing in corner. Emotional abuse upheld as seven year old was standing in corner and vomited on herself. In re Linda B., July 26, 2006.

Mother hit fifteen year old with a broom and wrestled her to the ground due to the fact that the child refused to stay home and was verbally disrespectful. *Lovan C.* factors were applied. The substantiation was upheld as the punishment was not reasonable in manner or moderate in degree. Placement on the registry was upheld as the child was taken to the hospital and this was not an isolated incident and mother used excessive force. In re Lauren V., July 26, 2006.

Child had significant behavior issues and was put in a basement with three windows as punishment. Although this was poor judgment, Appellant did not place the child in physical danger and there was no adverse impact to the child. Physical neglect reversed. In re Marcelina M., July 10, 2006.

Child consistently reported to a friend, her mother, police, the Department and medical personnel that her father, a corrections officer, became angry over a grade, threw her off a chair and kicked her in the abdomen with his work boots on December 29, 2005. By February 1, 2006, pediatrician reported marks still visible and consistent with blunt force such as being kicked. Under *Lovan C.* standard, discipline was unreasonable and force used excessive. Physical abuse upheld. In re Timothy V., June 16, 2006.

Appellant used weights as discipline for seven year old. Holding weights for two to three minutes is not neglect. Department did not present any evidence showing that the type of discipline was detrimental to any child, let alone this child. Physical neglect and emotional neglect reversed. In re June E., May 18, 2006.

Appellant's nine year old son, when pressed to get off his cell phone, hit his father in the face and began running. Appellant chased and then spanked child two to three times. Child put his hand behind him and spanking hurt one finger. Father and son apologized. Child's finger was swollen, but the child did not complain and went on many rides at an event. *Lovan C.* standard applied and punishment administered deemed reasonable and moderate in degree. Physical discipline by itself is not neglect. Chasing and spanking are not erratic behaviors or failing to provide adequate safety for the child. Physical neglect and emotional neglect reversed. In re Bruce K., May 15, 2006.

Discipline that makes a child feel sad is not neglect. Making child face the wall and not allowing child to eat with the rest of the family during dinner is an appropriate non-physical way to modify behavior. Emotional neglect reversed. In re Lara and Tony A., June 6, 2005.

Hitting a child on the head with a phone is not abuse when the Appellant does not use significant force, and there is no injury to the child. In re Gary H., June 29, 2004.

Lasting welts caused by physical discipline with a kite stick (1/4 inch dowel) are injuries, and support a finding of abuse. In re Charlene H., June 28, 2004.

A foster parent's use of physical discipline, restraints and threats of physical discipline are not abuse unless the child is injured. In re Edward S., June 17, 2004.

Regular physical discipline, without evidence of injuries, is not evidence of cruel punishment. It is not cruel punishment to put children in a corner with the arms extended out for brief periods, in this case, approximately two minutes. In re Heather C. and Shane B., April 29, 2004.

Emotional neglect reversed when foster parent's discipline techniques are not unreasonable. In re Adele and Johnnie B., February 20, 2004.

Emotional abuse reversed when foster mother's makes seven year old clean her own underwear, after soiling, on three occasions. This is not cruel and unusual discipline. In re Debra W., December 9, 2003.

Physical neglect, due to erratic and impaired behavior upheld, when mother disciplines child by locking her in her room, hitting her, and denying food, without explanation to the child as to why she is being disciplined. Child's therapist confirmed that mother's behavior was erratic with the child. In re Barbara J., October 31, 2003.

Physical neglect upheld when the Department proves, by way of a psychological evaluation, that a child is having severe behavior problems due to a long history of a contentious relationship with his father, characterized by lots of physical discipline, rejection and isolation by the father. In re Robert S., October 17, 2003.

Emotional abuse and emotional neglect upheld when foster mother uses threatening and cruel discipline methods, resulting in the children running away to a SAFE home, nearly three miles from their home, seeking shelter. In re Glenda A., September 29, 2003.

Physical neglect upheld when father forces two sons to "duke it out," after the boys had stopped fighting, but continued to misbehave. During the forced fight, one of the boys is injured. Hearing Officer distinguishes parents who allow their children to fight or box for sporting purposes. In re Lindsay S., September 29, 2003.

Physical neglect upheld due to mother's erratic and impaired behavior, when discipline incident gets out of hand, and mother pulls child by hair, slaps her and pushes her. Child is upset and crying when she gets to school. In re Laura M., September 19, 2003.

Child discloses abuse by foster mother and babysitter, has injuries consistent with the allegations, and babysitter confirms that she used physical discipline, because foster mother did, and told her she could too. Physical abuse upheld. In re Lisa W., August 6, 2003.

Emotional neglect reversed when child's story is not consistent, and there is insufficient evidence that foster mother committed an isolated, egregious act, or that there was any impact to the child from inappropriate discipline. In re Susan H., June 6, 2003.

Physical abuse reversed when Department fails to prove that children had to stand at the wall with their hands up for extended period of time. In re Marsha B., February 27, 2003.

abuse upheld as cruel punishment when foster mother wakes child up in the night to hit her with a belt. Physical neglect upheld due to erratic and impaired behavior, when foster mother constantly hitting children and threatening to beat the demons out of them. Emotional neglect of children upheld when they all express fear of foster mother, and an atmosphere of terror. In re Amy B., February 24, 2003.

Appellant is the grandmother of, and relative caregiver for, her grandchild. Appellant's disciplinary method of time outs for the child in his room or in the hallway were unsuccessful, so she locked him in the basement for up to ten minutes. The basement was finished and had furnishings, carpeting, television and toys. There is a door that leads to the kitchen and a separate one to the garage. The child was not afraid to be in the basement. Appellant checked on him regularly when he was in the basement. Although this is not the best choice, and may present licensing concerns, it is not neglect. There was insufficient proof that the child had been able to leave the home through the garage without Appellant's knowledge. Physical neglect reversed. In re Geraldine D., September 13, 2002.

Children report that their father has hit them with an open hand or their arms with a closed fist. One child also reports that the father would grab her wrists and pull her. No bruises or marks caused as a result of the physical discipline. Physical abuse reversed. In re Timothy C., February 20, 2002.

Appellant Legal Guardian utilized physical discipline on child during two incidents. Appellant pushed the child in the shoulder and smacked the child in the mouth. Two incidents of physical discipline do not rise to the level of emotional neglect. Emotional neglect reversed. In re Barbara D., January 4, 2002.

Foster parent's placing of child in a harness, attaching the leash of the harness to the stair banister, and leaving the child tied to the banister overnight was so egregious as to rise to the level of neglect without proof of actual harm, due to the significant risk of physical harm. In re Nanci G., May 31, 2001.

Disciplinary measures such as having a child stand with their arms outstretched while holding a book in each hand or having a child repeatedly go up and down a set of stairs, although seemingly excessive, do not constitute emotional neglect. They can however, constitute cruel punishment which would support a finding of abuse. In re Gwendolyn C., February 6, 2001.

Father's choices of physical discipline, kneeling on hardwood floors and gravel driveway for lengths of time, making the children stand out at night alone, and frequent discipline that would cause the children to curl on the floor in defense was emotional neglect. Discipline designed to terrorize is not appropriate. Emotional neglect upheld. In re Joseph C., December 27, 2001.

DISMISSAL

Allegations of physical neglect and physical abuse are dismissed upon the Appellant's motion, where the Department's documents are illegible, and there are no witnesses able to provide additional evidence. In re Tangie D., February 29, 2008.

Central Registry recommendation is not accepted where there are no witnesses who are able to testify as to why the Appellant's name has been recommended for placement on the Central Registry. In re Rosa R., March 26, 2008.

Allegations of physical neglect of "children unknown" dismissed where Department fails to present any evidence of adverse impact to the children unknown. In re Leslie C., April 17, 2008.

Appellant's substantiation appeal is dismissed when there is sufficient evidence that the child's allegations that he sexually abused her are the basis for the termination of parental rights. Hearing is for the Central Registry only. Burden of proof that father sexually abused daughter was met and Central Registry recommendation was upheld. In addition, the hearing officer observes that the Appellant consented to the termination of parental rights. In re Antono T., July 31, 2007.

Appellant has prior substantiation for sexual abuse. Appellant was arrested and convicted based on the sexual assault. Therefore, the substantiation hearing was dismissed. In re Edgar B., July 25, 2007.

Failure to hold regional review within time frames is not a basis for dismissal. A dismissal would not result in a reversal of the neglect finding and would be prejudicial to the Appellant. Failure to make the review within the time frames has been viewed as a decision to uphold and the Appellant's remedy is to have an administrative hearing. In re Anne D., June 29, 2005.

DIVORCE/CUSTODY ISSUES

Physical neglect reversed where a mother changed her mind about allowing her children to have a visit with their father (the Appellant) and as he was driving away with the children in the car, the

mother opened a car door, injuring her arm. The Appellant did not intend to injure his wife and they were not involved in a contentious divorce. In re: Christopher D., May 18, 2012.

Allegations of abuse by divorcing ex-spouse reversed when the injury to the child is accidental. In re Gina P., April 30, 2012.

Emotional neglect upheld when the Appellant's anger at her ex-spouse prevents her from meeting her daughter's emotional needs. In re Karen G., October 26, 2011.

Physical neglect reversed where there was no causal connection between the Appellant turning off an air conditioner in a teenager's bedroom due to wasting of energy and physical neglect. In addition, the disclosures that the Appellant made the teenager feel "uncomfortable" because he asked her to cooperate to get along in a contentious household does not meet the operational definition for physical neglect. The child wanted to live with her father, who was engaged in a contentious custody battle with the Appellant's girlfriend. In re Wayne R.,October 19, 2011.

The Appellant contributed to a "horrendous" dynamics between her son and his father due to her contentious relationship with the boy's father. She reads e-mails to the child wherein she says the father threatens to run away with the child, scaring him. The boy has disclosed feeling put in the middle which causes him to be anxious, make suicidal statements and to pull out his hair. Emotional neglect upheld. In re Meredith K., September 9, 2011.

Emotional neglect upheld against Appellant father during hotly contested custody proceedings. Appellant's militant parenting style prevented him from providing his children with their emotional needs. In re James C., August 30, 2011. Reversed on appeal by agreement of the Department.

Physical neglect due to substance abuse and violence by Appellant father reversed when the allegations stem from a divorce case, and there is no other evidence corroborating ex-spouse's claims. In re: James C., August 30, 2011.

Emotional neglect reversed where the Appellant pulled his wife into the family's pool, momentarily upset that she filed for divorce and refused to reconcile. The Appellant admitted acting like an adolescent but his actions did not adversely impact his children emotionally. All three daughters said they were not upset by the Appellant's actions but by the presence of police in their home. They love their father and want to continue to see him and have him involved in their active academic, athletic and social lives, for which he is still actively involved in, helping them to thrive.
In re Michael C., February 23, 2011.

Emotional abuse upheld when Appellant subjected child to statements and actions which had an adverse emotional impact. Appellant made child take sides in custody battle and told child he would never see her again, swore at him and was verbally abusive. Child reported difficulty sleeping and stomach aches as result of Appellant's behavior. In re Stephanie M., November 3, 2010.

Educational neglect upheld against noncustodial parent, even though pattern of school avoidance began in the custodial parent's home. Hearing Officer notes that Appellant noncustodial parent

condoned her daughter's absences and did nothing to ensure her daughter's school attendance once the child came to live with her. In re Mariluz N., March 18, 2010.

Emotional neglect reversed as the Department did not prove that the Appellant's actions caused the negative impact to the child during the contentious divorce. In re Martha D., February 19, 2010.

The Department did not prove that the father was aggressive toward the mother. The substantiation of emotional neglect based upon his aggressiveness was reversed. In re Paul G., February 19, 2010 . Appeal dismissed June 2010

Sexual abuse/exploitation reversed where two witnesses stated the child was being coached to lie about the Appellant. The child was torn between her mother and stepfather and her biological father who were involved in a contentious custody and child care battle and had a motive to fabricate that the Appellant sexually abused the child. In re Jeremy G., October 30, 2009.

Sexual abuse reversed where parents are engaged in custody dispute and timing of allegations coincided with court activity. In re Sarah B., June 26, 2009.

Sexual abuse reversed where allegations are made at the end of contentious custody battle and impact outcome of custody hearing. Allegations were not made during the prior two years when children were away from alleged perpetrator and involved with several mental health and legal professionals. The professionals involved in the case had concerns regarding the veracity of the allegations based on the history of the case and their knowledge of the alleged perpetrator. In re David M., February 3, 2009.

Sexual abuse reversed where initial disclosure is made to mother during contested divorce, and the substantiation is based on therapist's opinion, without a specific disclosure. Hearing Officer notes that the Department had reasonable cause to substantiate, but that the evidence did not meet the higher standard required at the hearing level. In re Timothy A., April 17, 2008.

Sexual abuse reversed where Appellant denies allegations, the child's story is inconsistent with her mother's initial report, and the report comes in the middle of a divorce. In re Todd A., March 18, 2008.

Emotional neglect upheld where Appellant mother is aware that divorce and conflict in the home has already upset her daughter, yet she continues to engage in conflicts with her husband, resulting in her arrest. In re Carla C., March 18, 2008.

Sexual abuse reversed where Appellant denies allegations, the child's story is inconsistent with her mother's initial report, and the report comes in the middle of a divorce. In re Todd A., March 18, 2008.

Emotional neglect upheld when children are exposed to years of verbal arguing between parents contemplating divorce and who use children as confidants regarding marital problems. In re Stuart and Tamara P., June 25, 2007.

The Appellant has custody of the children aged thirteen, ten and five for three to four days per week. It is emotional neglect to not let children communicate with their mother during the time the Appellant had custody of the children. The Appellant also forcibly kept the mother from entering his residence to give the five year old a hug. The oldest child refused to call the police at the Appellant's request and the youngest was very upset. In re Sean D., January 30, 2007.

No physical neglect or emotional neglect when the mother files for divorce and she and the father verbally argue in front of the children. In re Jean A.., October 20, 2006.

Mother and father were in a heated divorce. Mother alleges father molested their three year old daughter. Forensic interview completed and father unsubstantiated. Child goes to therapy and therapist believes that the child was sexually abused but did not have an opinion if it was father. Sexual abuse reversed. In re Richard R., October 19, 2006.

Child's stress was exacerbated by her mother and not related to the Appellant. The Appellant reported that the family therapist had instructed him that at times he needed to physically move the child to make her comply with directions. Therefore, when the Appellant picked up the child and tried to move to leave the office with her for scheduled visitation, the Appellant believed that he was following the therapist's advice and acting in the child's best interests. Physical neglect and emotional neglect reversed. In re Scott W., March 20, 2006.

Both the court ordered evaluator and the child's guardian ad litem believe that the child was likely coached to make allegations of sexual abuse against the father by the mother as part of an on going war between the father and the mother in family court. Sexual abuse and emotional abuse reversed. In re Garrett S., February 14, 2006.

Children have suffered from the custody battle between the parents. Evidence suggests that the father has some role in the breakdown of the mother's parent-child relationship with her children. Because of this finding, the children's statements that they are fearful of the mother carry less weight. Emotional neglect reversed. In re Kirsten and Michael S., January 18, 2006.

Father did not participate in conflict between mother and children, opting instead to allow mother to try and handle the situation. Father had no obligation to intervene and this is not a sufficient basis for substantiating emotional neglect. Evidence did not support that the father caused the conflictual relationship between the mother and the daughter. Emotional neglect reversed. In re Raymond C., January 4, 2006.

Children made consistent statements of abuse by their father. However, the statements were made after a motion was filed in a heated divorce case. DCF failed to obtain medical records that would have proven or disproven allegations that child would require reconstructive surgery on her vagina. DCF did not present corroborating evidence and sexual abuse reversed. In re Michael Q., June 14, 2005.

No evidence that staying in three different homes over a five month period physically impacted the child. Appellant is going through a divorce and this is not egregious conduct. In re Ronnie J., April 12, 2005.

Parents involved in custody battle. Physical neglect reversed when the investigator testifies that the child is at risk, and the mother uses physical discipline, but does not injure the child. Child was fearful of mother but found this was an emotional response, not physical. In re Hidell P., November 29, 2004.

Physical neglect due to domestic violence reversed when the child's statements are inconsistent, and the allegations were made during the course of a custody and visitation conflict between the parents. In re Kimberly T., August 2, 2004.

Eight year old child of divorced parents alleged that father slapped her face and locked her in her room. Evidence provided by two people present at father's home that day indicated child not locked in room when she claimed she was. Department did not prove allegation. Although the Department proved that the child in this contentious divorce case was afraid of her father, it did not prove that he had engaged in neglectful conduct that caused the fear. Physical neglect and emotional neglect reversed. In re Mark A., July 23, 2004.

Son adversely impacted by divorce as he had an adjustment disorder but no neglectful conduct found by parents. Emotional neglect reversed. In re Nancy N., July 2, 2004.

A child may be adversely impacted by his parents' custody battle without a finding of neglect. In re Corey P., May 28, 2004; In re Neal C., June 29, 2004.

While there is evidence that two of three siblings are seriously adversely impacted by their parents' separation, the Department may not necessarily presume that third sibling is similarly situated, and so emotional neglect is upheld as to two children, but not the third. In re Susan S., May 3, 2004.

Sexual abuse reversed when the child's disclosure is inconsistent, made during the context of a custody dispute, and there is no prior history of abuse by the Appellant father. In re Jeffery N. W., November 7, 2003.

Physical neglect substantiation reversed. Although father's actions contributed to the family chaos and discord, he was not solely responsible, and his behaviors did not rise to the level of neglect. The eldest child was rebelling, and the parents were going through a divorce, in addition to father's many medical problems. In re John S., September 30, 2003.

Emotional neglect reversed against father, who has difficulty communicating with his ex-wife about his child, but whose concerns for his ex-wife's care of the child are justified, when ex-wife's husband abuses child. There was no evidence that father's inability to get along with mother caused the trauma the child was experiencing. In re Scott L., September 2, 2003.

In a custody battle, there is always adverse impact. Appellant had a role in his child's decline, however, his role was more limited than mother's, and there is insufficient evidence to suggest that his conduct was neglectful. Emotional neglect reversed. In re Charles N., July 31, 2003.

Reliability of report questioned due to ongoing custody issues, and reporter's (Paternal grandmother) son (children's father) is suspected of coercing one of the children to make a prior

false statement of sexual abuse against maternal grandfather. Physical abuse reversed. In re Margaret M., July 22, 2003.

Child makes suicidal gesture as a result of five year long custody battle, and fighting between his parents. Emotional neglect upheld. In re Patrick W., July 10, 2003.

Emotional neglect upheld when father incorporates child into lengthy custody battle, and makes inappropriate comments to the child that make her fear for her mother's safety. In re Joseph H., May 28, 2003.

Appellant is the father of two boys, Christopher, age sixteen and Alex, age twelve. He was awarded custody of the boys after a lengthy and difficult divorce. Although the divorce was finalized on January 16, 2002, the parents had separated seven years earlier. Both boys have psychological problems. Christopher was beyond his father's control and eventually went to live with his mother. Both boys have received treatment, and Christopher was in residential care. Mother instigated the referrals to the Department. Although the lengthy divorce and custody battle negatively impacted the children, Appellant consistently sought treatment for his sons and utilized services. Emotional neglect and physical neglect reversed. In re Ernest D., December 6, 2002.

Appellant and her husband engaged in the divorce process from December 2000 through May 2002. During this time, there were thirteen calls to the police department concerning complaints of domestic disturbance from Appellant or her ex-husband. The parties engaged in screaming matches in front of the children. Father would become physical with Appellant in front of the children. Appellant spoke badly of her ex-husband to the children. One child has previously voiced suicidal thoughts. The other suffers from chronic stomach aches. Both had difficulties in school. Third child must be impacted by the caustic environment. Appellant was unwilling or unable to shield the children from her hatred of their father. Emotional neglect upheld.
In re Sandra F., November 22, 2002.

Father began to discuss the divorce with his seven year old son. Mother interceded and the two began to argue. The argument became physical with father pushing mother, grabbing the phone, preventing mother from calling the police, and threatening to kill mother. Both children witnessed the incident. Both children were crying. Father was arrested. Emotional neglect upheld.
In re Leonard M., November 14, 2002.

Appellant and his wife had separated and were in the process of a divorce. Appellant had been granted temporary custody of their three children, with weekend visits with mother. Two referrals came in to the Department via professionals involved with the family through the court process. The children displayed extreme behaviors during their visitation transitions. Police were initially involved, and then a visitation center. However, the reports from the police and the visitation center indicate that father cooperated with transfers and encouraged the children to visit their mother. Initially, the six year old had stated that father told him to lie about maternal grandfather sexually molesting him. Child recanted everything. Emotional neglect reversed. In re Mark M., August 5, 2002.

Appellant made allegations against her husband during the course of their divorce. The children lived with the Appellant and remained in her care throughout DCF involvement. Appellant suffered from bipolar disorder and had a prior hospitalization for psychosis several months before the

allegations that were the subject of the hearing. Appellant's actions in making accusations against her husband were not erratic or impaired, but were rational and calculated to deprive the husband of visitation. Appellant was engaged in ongoing therapy to address her mental health needs. Physical neglect reversed. In re Stephanie L., July 29, 2002.

Appellant and his wife engaged in a protracted custody battle beginning in 1999. Appellant unsuccessfully attempted to remove his belongings from the family home in August, 2001, causing the child to label his own possessions for several months as the child was afraid that father would take them. Father shared adult information with the child in an effort to cast mother in a negative light. The child's difficulties are directly related to the conflict between his parents. Emotional neglect upheld. In re David S., July 26, 2002.

This is a classic case of a child of divorced parents trying to please each parent individually. Even if the child were afraid to go with her father in the past that alone does not mean that the father has been neglectful, absent some evidence of improper care of the child. Father's refusal to follow recommendations of the Department, including a substance abuse evaluation and counseling with the child, is not neglect. Emotional neglect reversed. In re Gary N., June 18, 2002.

Mother and Father involved in a contested divorce and custody action. The children have experienced emotional difficulties as a result of the contentious relationship between their parents. However, the professionals who completed the evaluations indicate their belief that the mother was the main source of emotional stress in the children. The mother exacerbated the majority of the problems experienced by the children. Emotional neglect upheld. In re Justine Q., April 23, 2002.

The father complied with court ordered evaluations and followed through with the resulting recommendations. While the court ordered evaluations indicated the on-going conflict between the mother and the father caused emotional stress for the children, there was no evidence presented that father actively contributed to that conflict. Emotional neglect reversed. In re Michael Q., January 2, 2002.

DOG BITE

Physical neglect reversed where caregivers do the best they can to keep the family dogs away from the child. The dogs are not vicious, but the child, who has a multitude of behavioral issues, provokes them, and is bitten twice as a result. In this instance, the child was in the care of another adult, and not the Appellant, when the child was bitten. In re Susan M., June 4, 2009.

DOMESTIC VIOLENCE - ADVERSE IMPACT

Emotional and physical neglect upheld where the children disclosed they were saddened and frightened by exposure to family violence by the Appellant. Two children said Howard R. was mean and they did not want to live with him in the home. They were also impacted by the domestic violence and substance abuse; in one case, Howard's daughter was forced to sleep over a neighbor's house because he refused to let her into the family's home. In another incident, the child needed therapy to cope with exposure to domestic violence and substance abuse. Eventually, the child refused to go home and fled to Florida to stay with her father. In re Lori L. and Howard R., November 12, 2010.

Emotional neglect was upheld when it was found that the Appellant stabbed his four year old son's mother in the boy's presence. Causing serious harm to a child's mother is denial of proper emotional care and a serious disregard for the child's wellbeing. In re Jeffrey A., October 19, 2010. Appeal dismissed September 2011.

Physical neglect upheld as to one child where the Appellant fought with the child and her mother over the girl's answering a telephone call, against his wishes. The girl had just gotten her ears pierced and the Appellant grabbed her head, causing her to scream out in pain. The boy's location during the altercation was unknown and the Department did not establish how the boy was impacted physically or how the Appellant's one-time incident negatively and seriously impacted the boy. In re Edward T., August 31, 2010.

Physical neglect upheld when evidence supports a finding that Appellant engaged in ongoing domestic violence with the mother of the children as well as the children themselves. Appellant was physically and verbally assaultive to the children. In re Wellington F., August 24, 2010.

Emotional neglect upheld when Appellant acknowledges that the younger children in the home present as sad and depressed and the older children have increased aggression at home and at school as a result of the domestic violence in the home. In re Wellington F., August 24, 2010.

Emotional neglect reversed when mother engages in physical altercation with shelter staff. Child is six weeks old and being held by maternal grandmother during altercation. No evidence of emotional impact or serious disregard of emotional well being. In re Heather G., June 25, 2010.

Emotional neglect upheld where the Appellant fought with his daughter's mother in the child's presence, scaring her and making her feel sad. Child disclosed that she was very scared that one day her father was going to seriously hurt her mother. In re Michael M., June 24, 2010.

The Department did not prove that the children were at risk of being hurt during the physical altercation between their parents started by the Appellant as they were in different rooms in the mobile home. In re Christopher S., May 26, 2010.

Emotional neglect upheld when father fights with mother in presence of children, threatening to shoot her. Mother and children hide under blanket while father smashes electronics in next room. In re Jimmy C., May 25, 2010.

Physical neglect upheld when father physically puts children in room, cannot recall how son received scratch to face, but agrees it could have occurred during incident and father takes items out of child's bedroom and smashes them, putting children at risk of injury. In re Jimmy C., May 25, 2010.

Appellant continued her relationship with a convicted and dangerous felon who stabbed her in the children's presence despite an active full no contact protective order. The Appellant's actions physically impacted at least one of her children where he has been in and out of the hospital for behavioral problems in the home. In re Elizabeth O., May 14, 2010.

Emotional neglect upheld when father threatens mother and other family with a knife and children hear him and acknowledge being worried. In re Isaiah H., April 20, 2010.

Emotional neglect upheld where child witnesses Appellant slap the child's mother in the face three times so hard that she has a contusion, swelling and throbbing pain. Victim-mother goes to the emergency room and the child goes to school the next day and is afraid for her mother's safety. In re Tom A., March 9, 2009.

Physical neglect and emotional neglect and Central Registry reversed where Department failed to meet the burden of proof that child's hospitalization in 1988 was caused by Appellant's conduct. Child testified as an adult at hearing denying Appellant was violent or abused her. In re Antonio M., March 12, 2009.

Emotional neglect upheld as Appellant engaged in physical altercation with child's mother in front of child on more than one occasion and Appellant acknowledged that it had negative impact on child (serious disregard for child's emotional well being). In re Kyle L., March 20, 2009.

Emotional neglect upheld where Appellant constantly fought with children during contentious divorce with mother, calling her and the children names such as slut and faggot, causing them stress and not wanting to be around or live with Appellant. One child moved in with maternal grandparents and was fearful that the Appellant was going to kill him. In re William W., March 18, 2009.

Physical neglect reversed, emotional neglect upheld. Appellant engaged in physical altercation with his wife in front of his children. Although there is a history of domestic violence in the home, there was insufficient evidence of adverse physical impact to children. However, there was sufficient evidence of adverse emotional impact to children. Children reported they hated Appellant for hurting their mother and they did not want him to return to the home for fear of mother's safety. In re Gregory O., April 7, 2009.

Emotional neglect upheld where Appellant engaged in physical altercation with girlfriend in front of her children and the children reported being afraid their mother would be injured. In re James N., April 24, 2009.

Emotional neglect upheld where the Appellant hit child's mother, awakening the child, scaring her and causing her to cry. The Appellant ignored the child's cries and continued to hit mother in the child's presence. The child wanted the Appellant not to live with the family. In re Joel J., April 7, 2009.

Emotional neglect upheld where evidence supports finding that child was present during altercation, observed Appellant hitting his mother and was upset and fearful for mother's safety. In re Daniel F., May 27, 2009.

Physical neglect upheld where Appellant demonstrated serious disregard for children's physical well being by pulling mother out of car while the car was still in drive. Emotional neglect upheld where evidence supports finding that child was present during altercation, observed Appellant

pulling his mother out of car and dragging her around yard, and exhibited increased aggressive behavior following the incident. In re Kevin J., June 26, 2009.

Emotional neglect upheld where child witnessed Appellant choking the child's mother and punching her in her head. In re Guy L., June 9, 2009.

Emotional neglect upheld against Appellant father who severely beats mother, leaving her with significant, visible injuries. Child was not present for the incident, but was adversely impacted by her mother's condition after the beating. She was unable to function in school, and refused to visit with her father, with whom she had previously enjoyed a close relationship. In re Mark G., July 23, 2009.

Emotional and physical neglect upheld against father who physically abused his daughter in the car, while the car is moving. Children were frightened by their father's behavior, and called 911. In addition, the children were in the physical zone of danger, particularly since the car was in motion. In re Oswald M., July 13, 2009.

Emotional neglect is reversed where children are not present for physical confrontation between mother and her boyfriend. One child enters the room and sees boyfriend retraining mother and tells him to leave her alone. Children report mother and boyfriend argue often but all deny any physical confrontations. In re Mary P., August 25, 2009.

Emotional neglect upheld where child witnessed Appellant assaulting child's mother. Causing a reasonable fear for the safety of a child's mother is denying the child proper emotional care and attention and is a serious disregard for the child's welfare. In re Mark S., September 22, 2009.

Emotional neglect upheld where child expressed fear of father's girlfriend causing serious harm to father and reported having nightmares where the girlfriend kills father. Record supports a finding that Appellant was physically assaultive toward child's father while child was present. In re Angela D., October15, 2009.

Physical neglect reversed despite pattern of domestic violence in the home. The Appellant established that she was attempting to limit contact with the child's father, who was abusive, and there had been no adverse impact or serious disregard for the child's welfare. In re Annika E., October 15, 2009.

Emotional neglect reversed when children were not present in home during physical altercation and mother took appropriate steps to end relationship with abusive partner.
In re Jennifer C., December 10, 2009.

Physical neglect reversed where there is no evidence of adverse physical impact to the child as a result of Appellant father hitting chair that mother and child are sitting in. Child is fearful, but this is not evidence of physical adverse impact. In re Frank R., April 17, 2008.

Physical neglect reversed where there is no evidence of adverse impact to three week old child from parents' domestic altercations. In re Stephen S., May 28, 2008.

Physical neglect reversed where the Appellants engage in a loud verbal altercation, but there is no evidence of a physical struggle, and the children are not at risk of physical harm. In re Tammy S. and Julius I., June 30, 2008.

Physical neglect reversed where Appellant father engages in physical altercation to protect other household members from intoxicated niece. While children were present in home, they were not near the altercation and suffered no adverse physical impact. Child reported being scared, however this is evidence of emotional neglect, not physical. In re Mark R., September 8, 2008.

Emotional and physical neglect reversed where physical altercation takes place in the bathroom next to the bedroom where a two month old was sleeping and slept through the incident.
In re Amy B. & Michael C., December 8, 2008.

Emotional neglect due to domestic violence reversed. Child was one year old, and was within physical zone of danger when his mother hit his grandmother who was holding the child at the time. No evidence of adverse emotional impact. In re Tammy D., December 9, 2008.

Emotional neglect upheld when child could clearly describe the physical violence he observed in the home and expressed a sincere fear of returning to the Appellant's home.
In re Shabbir K., November 27, 2007.

Physical neglect reversed where there is no evidence that child was placed in danger by the Appellant as a result of a domestic altercation between Appellant and mother. However, Emotional neglect upheld where child was fearful Appellant was going to seriously injure mother. In re Laurence C., November 20, 2007.

Appellant pushed his girlfriend's head while she had the baby in her arms. She reacted by screaming at the Appellant. The child started crying and was scared. Physical neglect reversed as child was not in physical danger. Emotional neglect upheld. In re Marvin B., October 25, 2007.

Emotional neglect upheld when a verbal fight escalated to where physical safety became jeopardized. The girl was so concerned for her mother's well being that she called 911.
In re Michael & Patricia J., October 12, 2007.

Father makes unwanted sexual advances towards mother. Mother tells father to stop, he does not. Father continues to touch mother in sexual way despite her objections. This occurs repeatedly in front of ten year old daughter. Daughter does not want to visit father, her grades start to fail. Father has raped mother in past but daughter not aware of the rape. Emotional neglect upheld, Central Registry recommendation upheld. In re Derrick S., October 10, 2007.

Emotional neglect upheld when Appellant requests estranged husband pick child up early as she was not feeling well, and then physically attacks the father as he tried to leave with the child. Young child visibly distraught when his mother's name is mentioned. In re Ana S., September 24, 2007.

Emotional neglect upheld when the Appellant stops taking her psychotropic medications, resulting in a psychotic episode where children are present. A serious domestic disturbance ensued in which

she assaulted her husband in child's presence. The child had difficulty concentrating in school because he could not get the image of the incident out of his head. In re Latricia Y., September 4, 2007.

Emotional neglect upheld as child witnessed incident and prior incidents of domestic violence. Emotional neglect upheld for former girlfriend's daughter, who upon learning of incident was scared for mother's safety. Central Registry recommendation upheld based on prior sexual abuse substantiation and domestic violence incidents. In re Edgar B., July 25, 2007.

Children witnesses father's arrival home intoxicated, fight with wife and become uncontrollable. Appellant started breaking and throwing things. Children were scared and hiding in their rooms. There was a history of domestic violence. Emotional neglect upheld. In re Richard Z., May 14, 2007.

Emotional neglect upheld as child impacted by ongoing domestic violence and by mother's mental health issues. Child's doctor attributed child's weight loss and headaches to the stress in the home. In re Alexandria S., May 14, 2007.

Emotional neglect due to domestic violence upheld when Appellant engaged in physical altercation with child's mother in front of child. Parents sustained injuries and five year old child reported being frightened and sad when parents were fighting. In re Pedro R., February 22, 2007.

Evidence that a child is aggressive toward the victim of domestic violence is sufficient to establish that the child has been adversely impacted by chronic exposure to domestic violence. In re Frank C., January 3, 2007.

Mother pulled knife on her partner and the partner responded by grabbing the mother's throat. As a result of this incident, the eight year old went next door and called the police. Emotional neglect upheld, physical neglect reversed. In re Nichelle B., & Alexander M., November 27, 2006.

Appellant threatens to knock his girlfriend's teeth down her throat in the presence of the child, who is so afraid that she calls the police during the Appellant's physical fight with his girlfriend. Emotional neglect upheld. In re Roland C., November 9, 2006.

Evidence that a child minimizes the violence in the home can be used to establish impact, in that child has normalized the violent behavior. In re Diane S., October 3, 2006.

Father threatened children when they refused to let him enter the house. Father entered the home and pushed son down to the ground. Father attacked mother when she returned home. Physical neglect upheld for three children who were subject of father's erratic and impaired behavior. Physical neglect reversed for two children who did not witness the incident. In re Kevin C., September 8, 2006.

Child witnessed domestic violence between mother and father. Father locked child and mother out of the home in the winter and they had to walk two miles. Father also struck the child with a belt in the mouth for spilling water on the floor. Child was afraid of father and did not want to visit him. Physical neglect and emotional neglect upheld. In re Ben H., July 31, 2006.

Child was standing in the kitchen while the Appellant had a knife and acted out in anger and stabbed the countertop. Appellant then attempted to grab another child from the mother's arms. In addition to this incident, there was a past history of domestic violence disputes. Child reported being afraid for himself and his mother during that incident and reported that his mother and the Appellant fought frequently when they lived together. Emotional neglect upheld. In re Kristopher P., March 3, 2006.

Appellant placed mother into a headlock near the top of a staircase while she was holding an infant child. Another child witnessed the incident and was fearful during the incident. The Appellant's actions demonstrated a serious disregard for the safety of the infant and adversely impacted the older child. In re Michael D., November 28, 2005.

Two children hear their parents argue, have witnessed father punch holes in the walls, throw things, and swear at the mother. The children report that they are afraid and sad when their parents argue. Police had to intervene on several occasions. After the most recent arrest, mother allowed father back into the home within twenty four hours. The substantiation was upheld. In re Mark and Megan H., November 22, 2005.

Child was exposed to domestic violence. The Department only alleged physical neglect. The Department could not prove that there was any adverse physical impact. It was found that the child did have an adverse emotional impact but emotional neglect was not alleged. In re Melissa H., November 14, 2005.

Father became angry at mother. He threw a phone which hit mother in the face. The child was in the room when this happened. Physical neglect reversed as to the mother. She did not cause the physical danger and there was no adverse impact to the child and this was not a serious disregard for her welfare. However, due to length of the violent domestic relationship with the father, the fact that mother did not make better efforts to protect herself and her children, and the emotional adverse impact to both children, mother's substantiation for emotional neglect is upheld. In re Susan L., September 28, 2005.

Child witnessed her father yell and swear at her mother and witnessed him push her down a flight of stairs. Father's behavior had a direct adverse impact on the child. Child was afraid to sleep alone for the fear that father would enter the home and hurt her or her mother. Physical neglect upheld. In re Paul R., September 22, 2005.

Appellant Father and mother engaged in domestic violence where he struck the mother. All three children observed the incident and all three children were afraid and crying. The substantiation was upheld. In re Charles C., August 15, 2005.

Appellant Grandfather grabbed the child's mother out of the bathroom by the neck and threw her up against a wall. The child witnessed the violence and screamed at him not to hurt her mother. Grandfather's actions caused the child to experience fear and nightmares. Emotional neglect upheld. In re Gary P., August 15, 2005.

Father and his girlfriend went to mother's house to drop off the child after a visit. The mother and her boyfriend attacked father and his girlfriend when they arrived to drop off the child. The child witnessed the attack and ran into the house because he was afraid. The child has had dreams of his mother fighting. Emotional neglect upheld. In re Mary E., August 15, 2005.

Child reports that she has seen her parents hit each other and yell at each other frequently. Child has developed a coping mechanism of covering her eyes because she is scared when her parents fight. This fear and behavior is evidence of an adverse impact on the child and emotional neglect upheld. In re Nicholas S., June 1, 2005.

Appellant father and mother engaged in physical altercation. Father had mother by the throat. Daughter present and was afraid, sad and had difficulty sleeping after the incident. She was also accidentally hit in the eye during the altercation. Emotional neglect upheld. Physical abuse reversed when insufficient to find that the Appellant injured the child. In re Edward K., September 17, 2004.

Parents' verbal argument escalated when mother initiated a physical confrontation. Child at home and witnessed some of the incident. Child upset about family break up. Department substantiated physical and emotional neglect against father. Department proved impact to child but was unable to establish that the impact was caused by father's conduct. Substantiation reversed as there was no evidence of a pattern of violence, nor could the child's anxiety be linked to Appellant, as opposed to mother's behavior. In re Scott S., July 30, 2004.

Emotional neglect upheld when the children express fear of their father after witnessing domestic violence between father and stepmother. In re Gregory B., October 20, 2003.

Emotional neglect upheld when children are afraid for the safety of Appellant's partner, due to frequent loud fighting and domestic violence in the home. In re Therese B., September 11, 2003 on appeal remanded and agreement to remove from registry.

Physical neglect upheld when nine year old child sees his father choking his mother, and is afraid for his mother's safety. Physical neglect of two year old child is reversed because she was sleeping and did not see the altercation. In re Matthew L., April 23, 2003.

Appellant and her husband argued in the presence of the child. Appellant threw two knives at her husband, one of which struck him. He called the police. Appellant went upstairs to her room and was uncooperative with the police and eventually arrested. When she left her room and came down to the kitchen area, she began to yell at her husband and the officers. All three children either saw or heard this behavior. Andrea was visibly shaken as a result of Appellant throwing the knives. Physical neglect and emotional neglect upheld. In re Christina B., December 31, 2002.

Mother and father argue, with the fight escalating to an assault by father on mother. Both Nicole and Chelsea report witnessing it. Both report being afraid as father choked mother. Father was arrested and mother had injuries. Father minimized the severity of the incident and denies that any of the girls actually witnessed it, although he acknowledged the impact on his children. Physical neglect upheld. In re Norman W., October 25, 2002.

Appellant is the father of two girls, age eleven and age six. Appellant became very angry with his wife when she refused to eat dinner with him and their children. He quickly escalated out of control, yelling, throwing things about, and eventually holding a knife to his wife's throat. The next morning, the fight began again with Appellant restraining his wife causing her to cry and scream. The girls were home for both incidents and knew what was going on. Both were afraid that Appellant would hurt their mother. Father left the home with both girls. He was stopped and arrested in the presence of the children. Emotional neglect upheld. Physical neglect upheld. In re Christopher M., October 21, 2002.

Mother and father argued frequently and engaged in a few physical altercations, with each party being the aggressor at one time or another. Six year old child witnesses one incident where father hit mother. The child yelled when the hitting began and eventually ran out of the house. The child had been bed wetting prior to this incident and began therapy shortly after the incident due to her increasing anger and oppositional and defiant behaviors. Her deteriorating behaviors can reasonably be linked to the environment in which she lived. Emotional neglect upheld. However, physical neglect reversed. In re Kathy E., June 13, 2002.

Father, an alcoholic, regularly engages in loud verbal disputes with his live-in girlfriend, which is often witnessed by the child, who also has mental health problems. This behavior is deemed erratic. The child's mental health problems stem from a variety of sources, including the loss of his mother, but the domestic violence is bound to play a role, especially in this fragile child. The child has missed numerous days of school and complains of a "nervous stomach". Physical neglect and emotional neglect upheld. In re Mark H., September 19, 2001.

Evidence that child had internalized domestic violence in the home and viewed it as normal, together with evidence that child's exhibition of maladaptive behavior towards mother were attributed to father's verbal and physical abuse of mother will support a finding of emotional neglect. In re Andres V., June 13, 2001.

Evidence that children retreated to their bedroom to block out fights between parents is evidence of negative impact. In re Ron C., April 16, 2001.

DOMESTIC VIOLENCE - CHILD IN THE MIDDLE

Physical neglect upheld against mother when she engages in an altercation with her partner in the car in the presence of her child, and the Department has established a long history of violence between the two. In re Omitsu C., May 8, 2012.

Physical neglect upheld when Appellant mother, with child in the car, pursues father in his car and blocks him in. Serious disregard for child who may have been injured when mother's car collided with father's car. In re Vicky V., April 23, 2012.

Physical abuse upheld when child tries to intervene in domestic violence incident and Appellant hits her leg with a bat causing bruising. In re Jason M., April 10, 2012.

Physical and emotional neglect upheld where the Appellant exposed both of his children to family violence when he repeatedly hit and punched his wife as she held onto their infant son. One of the punches was misplaced, hitting the baby boy in the face. The child sustained an injury to his face and had to be transported to a local hospital for emergency medical treatment. Another child, frightened by the Appellant's hitting her mother, ran out of the apartment, yelling for help. The Appellant's actions frightened her. In re Oneil A., January 26, 2012.

Physical and emotional neglect upheld when father kicks door to bathroom where mother and child are hiding, and part of the door breaks. In re Dean C., November 28, 2011.

Physical and Emotional neglect both upheld when Appellant father exposes young children to physical risk of harm and serious domestic violence that results in mother having two black eyes. In addition, appellant fought with police who tried to arrest him, also in the children's presence. In re Howard K., December 20, 2011.

Physical neglect upheld when Appellant engages in physical altercation with spouse in presence of children and five year old is hit in the course of the altercation. In re Emma R., October 14, 2011.

Physical and emotional neglect upheld when Appellant engages in incident of domestic violence with his wife. Hearing Officer notes that the children were uprooted because mother took them to a domestic violence shelter, and the child said that he "froze" with fear when his mother tried to get him to call the police. The Appellant told the child that he would break the child's neck if he used the phone. In re Edward M., September 26, 2011.

Emotional neglect upheld when child is aware of Appellant's coercive control over the child's mother, even though the child did not witness all of the domestic violence between the adults. Child was aware that Appellant stalking her mother. Appellant had violent criminal history. In re Roberto D., August 4, 2011.

Physical neglect upheld when Appellant engages in domestic violence with children present and teenaged son feels he must intervene to protect his mother. In re Felix V., June 30, 2011.

Physical neglect reversed where the Appellant intervened to protect his daughter during a physical fight with her mother. After the altercation, the child was admitted to a psychiatric unit for mental health treatment and the evidence in the record demonstrates that the Appellant acted appropriately in caring for his daughter and meeting her needs. In re Jukka L., June 10, 2011.

Physical neglect reversed when evidence does not support a finding that Appellant initiated the altercation. In addition, the Appellant did not disregard the child's physical wellbeing; the Appellant attempted to remove the child from the aggressor and the situation. In re Cleveland M., May 31, 2011.

Physical neglect upheld where the Appellant placed his infant child in a zone a danger as he fought with the child's mother as she was holding him. Child could have been seriously injured. In re Maurice B., March 23, 2011.

Physical neglect upheld where the Appellant engaged in a physical altercation with his ex-wife and his son stepped in to protect mother. The Appellant punched the son twice in the ribs, hurting the boy. In re Phoebner P., February 17, 2011.

Physical neglect upheld, in part, and reversed, in part, where the Appellant placed his daughter, Meghan, in the middle of a fight with his wife. The wife was swinging a baseball bat in his direction, breaking a car window. The Appellant sped away with four year old Meghan not properly restrained, nearly running over his wife. As the Appellant and his wife fought outside in front of the house, Olivia and Cameron remained inside the house, out of the way and not in the zone of danger of being physically hurt. Damian looked on shouting "don't run over my mommy."
In re Matthew M., January 5, 2011. appeal dismissed December 2011.

Physical neglect upheld against foster grandmother, who struggles for control over young baby with the child's father, and incites a melee between family members, which requires police involvement and several arrests. In re Mary F., December 6, 2010.

Physical and emotional neglect all upheld when mother attacks her adult son with a knife and a screwdriver in front of her minor children. Moral neglect also upheld because mother demands minor child to bring her the knife while she is attacking the son with a screwdriver. In re Marjorie B., August 12, 2010.

Physical neglect upheld even though mother confronted boyfriend while her children were sleeping. Children woke up when altercation became physical. Mother threw a vase at her boyfriend and bit him. Children were in the zone of danger. In re Tara S., August 2, 2010.

Emotional neglect reversed even though children were exposed to physical danger during mother's violent altercation with her boyfriend. The fight was a brief moment in an otherwise calm household. Mother left the relationship and protected her children appropriately. In re Tara S., August 2, 2010.

Physical neglect reversed when there is insufficient evidence to establish adverse impact or zone of danger. In re Jennifer O., July 29, 2010.

Physical neglect of baby reversed. Appellant father did not place the baby in danger, the child's mother did when she fought with the Appellant in the moving vehicle. In re Sandy N., July 26, 2010.

Emotional neglect upheld when children are terrified to report the violence in the home and one of them vomits during the interview. Even though the children later recanted their allegations, Hearing Officer finds that this is consistent with their fear of their father. In re Luis M., July 20, 2010.

Emotional neglect was upheld when the child witnessed her mother, the Appellant, involved in a confrontation with her mother and brothers that escalated into a pushing and shoving incident where one of the brothers punched her. The child was upset and fearful for her mother's safety. The Appellant's continued involvement was a denial of proper emotional care to the child's affective needs. In re Alma N., July 1, 2010.

Physical and emotional neglect upheld when Appellant engages in serious episode of domestic violence against his child's mother, and the child is thrown into the cupboard while trying to help his mother. In re Timothy W., March 11, 2010.

Physical neglect and emotional neglect upheld where the Appellant brutally assaulted his children's mother in their presence and they ran out of the home fearing for their mother's safety and in order to get help. The assault took place throughout many rooms in the apartment, including in a small hallway where the children were standing close by. The Appellant formed the intent to cause mother serious injuries and knew the implications to his children; his actions had a serious disregard for his children's welfare; his actions, especially domestic violence, were chronic in nature; and domestic violence was a major fact in the Central Registry recommendation.
In re Adonis S., January 14, 2010.

Emotional neglect and physical neglect upheld where Appellant choked and hit girlfriend in the presence of her child. Appellant also went after child who tried to call police causing a bruise to child's forehead. In re Geraldo M., January 21, 2009.

Emotional neglect upheld where the Appellant resorts to a physical altercation to retrieve his cell phone from the mother when he was leaving the residence with the child resulting in the child being put in the middle, upset and confused. In re James H., February 20, 2009.

Physical neglect reversed where child is not in danger of being hurt when Appellant father was struggling to get his cell phone away from the mother. In re James H., February 20, 2009.

Physical neglect upheld as serious disregard for child's welfare where Appellant grabs child's mother by the hair and throws toward the car while children are present. In re Tony B., March 30, 2009.

Emotional neglect upheld where Appellant attacks the child's mother in his presence causing an older sibling to try and break it up. In re Tony B., March 30, 2009.

Emotional neglect upheld where father puts child in the middle of contentious relationship with his ex-wife. Child expressed sadness over parents' fighting and reports she made up stories about mother so father would stop asking her questions. In re Robert C., March 23, 2009.

Physical neglect upheld where the Appellant engaged in a physical confrontation with the mother of his son and the boy was physically between his parents during the incident. The child was in the zone of danger and could have been injured. The Appellant also involved the child in the incident by attempting to remove him from the mother's car. Emotional neglect upheld as result of altercation which occurred in front of child and child was visibly upset, crying and trying to get his parents to stop fighting. In re Linnon M., April 27, 2009.

Physical neglect reversed where the Appellant's former girlfriend and mother of the child, acted erratically during a visitation exchange by trying to pull the child out of a car window and/or door after securing him in a seat in the Appellant's car. The Appellant responded by jumping in the

backseat and shielding the child to prevent mother from taking him and/or interfering with his visitation. In re James G., April 8, 2009.

Physical and emotional neglect upheld where child is witness to two separate incidents of domestic violence in one day, and Appellant mother fails to comfort or care for child when he becomes upset and fearful. In re Karen M., April 28, 2009.

Physical neglect upheld where youth fears for his mother's safety during an altercation with the Appellant and the youth feels he needs to physically intervene. In addition, serious disregard for youth's well being when the Appellant physically threatens him. Emotional neglect upheld where evidence supports finding that child was present during altercation, the Appellant has an extensive history of being abusive to child's mother and youth expresses concern for his siblings' emotional well being. In re John P., July 23, 2009.

Physical neglect upheld where child is injured during a domestic violence altercation between Appellant mother and her boyfriend. Although mother had previously told boyfriend to leave due to his violent behavior, she allowed him to return to the home when he was too intoxicated to drive home. The boyfriend became violent and child tried to intervene and was struck and injured.
In re Christine J., September 16, 2009.

Emotional neglect upheld where the child was concerned about the safety of his mother while the Appellant engaged in an altercation with her. The child had witnessed a prior incident where the Appellant punched mother in the face and he and his siblings had to intervene to protect her.
In re Devon T., December 4, 2009.

Emotional neglect upheld where the Appellant's continued beating of the child's mother in the child's presence resulted in the child feeling nervous, scared and sad. Physical neglect upheld where the Appellant fought with child's mother as the child fought the Appellant to prevent him from seriously injuring his mother. The child was afraid that the Appellant, an athletically built man, might injure him. In re Keneth J., December 18, 2009.

Physical and emotional neglect upheld where Appellant father is intending to hit mother with belt, and hits child by mistake. In a separate incident, father also takes cricket bat out of child's hand and uses it to hit mother. In re Mohammed A., January 4, 2008.

Physical neglect upheld following several incidents of domestic violence, all of which were instigated by the Appellant. The Appellant involved his two sons in the physical confrontations with others. Hearing Officer finds a serious disregard for his sons' safety. Central Registry recommendation upheld. In re James E., January 2, 2008.

Physical neglect reversed where physical fight instigated by the Appellant occurs when there is no evidence that the child was harmed or in the zone of danger. In re Xavier P., February 3, 2008.

A physical neglect finding will be upheld where the Appellant initiates a physical fight with a partner who has previously assaulted the Appellant, and the child is present in the zone of danger.
In re Kristy P., February 29, 2008.

Where Appellant confronts partner, who she knows has been violent toward her in the past, and her child is present, physical and emotional neglect will be upheld. Hearing Officer cites "zone of danger" and finds that Appellant seriously disregarded her child's safety and well being. In re Rose R., February 14, 2008.

Physical neglect upheld where Appellant father engages in serious incident of violence toward his wife, and the child attempts to intervene, trying to separate the parties. In re John T. III., March 18, 2008.

Emotional neglect upheld where Appellant father is intimidating and controlling toward all members of the household, and children express that they live in constant fear of their father's actions. In re John T. III., March 18, 2008.

Physical neglect due to exposure to domestic violence reversed where Appellant intends to remove child from an explosive confrontation between two parents, and instead winds up increasing the volatility of the situation. The child was not impacted, and the Appellant's intentions were to help. Her judgment was poor, but there is not enough evidence to support a conclusion that the Appellant seriously disregarded the child's well being. In re Carol H., March 28, 2008.

Physical neglect upheld even though the Appellant did not initiate the violence, where he responds to his partner's violence with more force than is necessary, and attacks the partner in her children's presence. In re Stephen S., March 18, 2008.

Physical neglect due to exposure to domestic violence reversed where the child is not in the "zone of danger" and is not physically at risk of harm. In re Katherine G., March 18, 2008.

Physical neglect reversed where the altercation is purely verbal, and the Appellant pushes the child out of the way, but not in a manner in which the child is physically harmed or placed at risk. Although child was upset by the incident, there is insufficient evidence to support a finding that she was physically neglected. In re Harold B., March 25, 2008.

Physical neglect due to domestic violence and substance abuse upheld where Appellant father seriously injures mother in front of children, and there is evidence that the children attempted to intervene. Appellant demonstrated serious disregard for children's well being. In re Jacob R., April 23, 2008.

Physical neglect without adverse impact upheld where Appellant mother attempts to crash her car into her husband's car in the same vicinity as her child. Mother's actions display a serious disregard for her child's well being. In re Virginia F., May 13, 2008.

Physical neglect due to domestic violence reversed, even though there is long history of violence between the couple. The child is only six months old, there is no evidence that the child, who was in Appellant father's arms when mother choked father, had ever been caught in the middle of a physical confrontation in the past. In re Steve T., May 30, 2008.

Physical neglect upheld where Appellant Mother initiates physical violence with her husband while the husband is holding their infant child. Hearing Officer finds that the child was within the zone of

danger, and that this was a serious disregard for the child's well being. In re Augustina C., May 14, 2008.

Physical neglect upheld where Appellant jumps on moving car and pounds on it during domestic violence incident. Child was in the car, and Hearing Officer finds a serious disregard for the child's physical safety. In addition, Appellant grabbed the baby out of his mother's arms, and refused to return him to mother. In re Jonathan D., May 28, 2008.

Emotional neglect upheld where Appellant threatens to kill the child's mother in front of the child, and the child is so afraid of the Appellant that the child is unable to make a call to 911. In re Eugene T., May 8, 2008.

Emotional neglect upheld, even though the children did not witness the incident, where the children are aware of the fight, their mother's injuries, and are frightened. In re Scott C., May 13, 2008.

Physical and emotional neglect reversed where the Department fails to establish that the Appellant initiated the physical altercation between the Appellant (father's girlfriend) and the child's mother. In re Ada G., June 20, 2008.

Emotional neglect upheld where Department establishes adverse emotional impact through the children's behaviors. The child mimics the Appellant's vulgar language and becomes aggressive toward mother. In re Frank B., June 3, 2008.

Physical neglect upheld where Appellant father assaults mother while mother is holding their one year old child. In re Michael W., June18, 2008.

Emotional neglect and emotional abuse due to domestic violence upheld, even though children are in a separate room. Department established that the children were afraid their father would kill their mother; one child ran to seek comfort from an older child, and neither child wanted their father to return to the home. In re Deborah H. and Jack H., June 12, 2008.

Physical neglect upheld where Appellant repeatedly confronts her boyfriend, whom she knows has a propensity for violence. He has been violent with her and threatened to kill her. Despite this, the Appellant twice confronted the boyfriend with their baby in her arms, and the baby was injured on both occasions. In re Daquaya S., June 9, 2008.

Physical neglect upheld as to Appellant mother where she initiates a physical confrontation with her sixteen year old son, then asks her younger children to intervene when the boy responds violently. In re Marjorie B., July 15, 2008.

Emotional neglect upheld as to Appellant father and stepmother where their fighting is shown to cause increased anxiety in father's daughter, who is already anxious about her visitation with her father. Physical neglect upheld as to Appellant mother where the physical altercation results in her scratching one of the children, who has intervened in the parents' struggle. In re John and Michelle W., August 18, 2008.

Physical neglect reversed where there is no evidence that the baby was in physical danger during his parents' physical altercation. In re Sarah L., August 1, 2008.

Physical neglect reversed where Appellant, drunk and combative, physically fought with father where teenaged children were out of the zone of danger and not in the area of the Appellant's physical fight. In re Denise C., August 26, 2008.

Physical neglect upheld where Appellant beat mother in children's presence. One child, M., jumped on the Appellant's back to stop the beating. The Appellant pushed the child off his back and continued beating mother. M. was angry at the Appellant for beating mother. The other child, A., was so traumatized that she had difficult sleeping afterwards. In re Melvin J., September 8, 2008.

Physical and emotional neglect reversed where Appellant kicks boyfriend out of the home after he throws things against the wall. They engaged in therapy and boyfriend returned. A few months later he involved the child in a serious incident. Appellant again threw him out and did not reconcile with him. In re Nadine G., November 24, 2008.

Emotional neglect upheld as child present during physical altercation between estranged parents. Appellant initiated altercation. Child, who is autistic, showed visible signs of distress during the incident by holding his ears and rocking back and forth. Central Registry was upheld as Appellant was charged with risk of injury as a result of the incident and charges were still pending at time of hearing. In re Vance Z., November 21, 2008.

When the child is within the physical zone of danger during a domestic dispute, a physical neglect finding will be upheld. However, unless there is evidence of adverse emotional impact, the emotional neglect finding will be reversed. In re Tammy D., December 9, 2008.

Father's erratic behavior, while intoxicated, supports finding of physical neglect when it results in physical tug of war over child. In re Brian K., October 3, 2007.

The Appellant and his estranged wife, the mother of the child, engage in a physical confrontation while the Appellant was holding the child. It was not determined that the Appellant acted violently during the fight or that the child was in any serious danger. Child did not suffer any adverse physical impact. Physical neglect reversed. In re Bruce S., September 27, 2007.

Emotional neglect upheld when Appellant requests estranged husband pick child up early as she was not feeling well, and then physically attacks the father as he tried to leave with the child. Young child is visibly distraught when his mother's name is mentioned. In re Ana S., September 24, 2007.

Unclear where the child was during the altercation between the Appellant and her husband. Physical neglect reversed. In re Karen H., September 6, 2007.

Appellant was a live-in boyfriend and had access to child. Appellant seriously disregarded a child's well being when he choked the mother and then threw the child off him when she got in the middle

of the confrontation. Child was frightened. Appellant had done nothing to alleviate the confrontation, such as leaving the home before it could escalate. Physical neglect upheld. In re Frank L., July 25, 2007.

Appellant assaulted his wife with the children present. He also started to pull her up the stairs by her hair in their presence. The children begged him to stop and tried to physically stop him. In re Brian G., July 5, 2007.

Appellant hit his girlfriend while she was holding their child in her arms. Appellant then accidentally hit the infant while he was intending to hit the girlfriend again. Pattern of using exceedingly poor judgment in trying to physically hurt his girlfriend when his daughter is in harm's way results in Central Registry placement. In re Thomas D., June 13, 2007.

Physical neglect reversed when Appellant attempts to retrieve child from spouse with suspected substance abuse issues. Appellant was acting in child's best interest and did not place the child at risk during any part of the incident. She did not strike her spouse and attempted to obtain assistance from police. Although both parents were arrested, the Appellant was granted sole custody of the child the next day and the Appellant's criminal charges were nollied. In re Heidi S., June 11, 2007.

Physical neglect upheld where Appellant fought with mother on a stairwell and tried to trip her as she carried the child. The mother was just as culpable in the fight, but the Appellant had the opportunity to exit the premises as he passed her on the stairwell. Instead he chose to fight back. In re Peter C., April 30, 2007.

Appellant fighting with other adults and eight year old intervenes to stop the fight. Appellant pushes the child and child hits the counter and suffers a cut lip. Physical neglect not challenged and therefore upheld. Physical abuse reversed, as this was an accident. In re Tyler B., November 17, 2006.

Mother's boyfriend physically assaults child's mother in presence of child, chases both mother and child as they flee to neighbor's home and forcibly enters the home and pries child's hands off mother in order to drag mother outside. Child is frightened, tries to intervene and reports that boyfriend is mean and fights with mother all the time. Physical neglect and emotional neglect upheld. In re Matthew B., November 6, 2006.

Father forces his way into estranged wife's home while young son is present and son tries to assist mother in keeping father out of the home. Emotional neglect upheld. In re Terrence W., October 26, 2006.

Child was in her mother's arms and another child was standing in the kitchen while the Appellant had a knife and acted out in anger and stabbed the countertop. Appellant then attempted to grab the child from the mother's arms. Although there was no actual impact to the children, this was a single incident that demonstrated serious disregard for the children's safety. Physical neglect upheld. In re Kristopher P., March 3, 2006.

Mother and father had a physical struggle over the child. Mother's version that she was holding the child and the father was pulling the child away from her is credible. Mother was able to document her injuries from this incident. Mother was not the aggressor in this incident and should not be held accountable for being victimized. There is no evidence that there was a pattern of violence in the home or that the mother should have known that the father might become violent on this occasion. The injury to the child was minor and not visible a few hours later. Physical neglect as to the mother reversed. In re Tashima C., February 8, 2006.

Father choked the mother while she was holding the five month old infant. Father claims the child was in a basinet in the room and not in the mother's arms during the incident. The five month old is totally dependant on adult caregivers and no matter where the child was during the incident, this was physical neglect. Either way the child was in the zone of danger and easily could have been harmed. In re Willie D., November 28, 2005.

Mother instigated an incident with the father. They engaged in a physical altercation while mother was holding the child's hand. She also taunted father while in her car and father shattered the car's window. Mother's actions were a serious disregard for her son's safety. The substantiation was upheld. In re Tikyra L., October 11, 2005.

Children were exposed to a serious domestic violence incident such that the eleven year old escorted his younger sibling to safety and then returned to enter the fray in an attempt to separate his mother and father. Physical neglect and emotional neglect upheld. In re Kelly D., May 26, 2005.

Father attempts to leave with twenty month old in his arms. Mother blocks the door. There is a struggle over the child and both parents have their hands on the child. All three ended up on the couch and no one is hurt. There was no physical impact to the child, there was no evidence that the child was yanked and pulled between the parents. The behavior of the parents was wrong, but it was not physically neglectful. Physical neglect substantiation reversed. In re Sumit S., March 14, 2005.

Father while holding one year old child, engaged in argument with wife. Father denied putting hands on wife, wife said father grabbed her and shook her. Baby cried briefly. Department did not establish that baby crying was due to parent's argument, isolated incident, no egregious conduct, emotional neglect reversed. In re Timothy B., December 10, 2004.

Appellant arrived to pick up seven year old child and father was holding child and refused to let her go. Appellant physically removed child from father's arms. This was a one-time event. Department argued child scared because of being removed from father's arms yet there was testimony that child was upset by her father threatening to keep her from her mother. Adverse impact was not proven to be caused by Appellant. Physical neglect reversed. In re Sandra A., July 23, 2004.

A victim of domestic violence may be found to have emotionally neglected her child when she allows her child to continue to be exposed to a pattern of violence, especially when it is established that the child attempts to intervene and stop the violent incident. In re Joan D., June 30, 2004.

Physical neglect upheld when Hearing Officer finds that parents have a history of domestic violence, and recent incident more likely than not involves a tussle over a child in a car seat. In re Carey B. and Rodney M., October 1, 2003.

Physical neglect against mother upheld when she initiates a physical fight with father in front of their two daughters, cutting father with a sharp object. At least one of the girls was frightened, and both attempted to intervene in the fight. Hearing Officer finds that mother's behavior was erratic and impaired. In re Darlene R., September 18, 2003.

Physical neglect upheld when Appellant has a physical altercation with mother while he is holding their four month old child. Hearing Officer found that the incident was egregious, in that it showed a serious disregard for the child's welfare. Emotional neglect reversed as the department failed to prove that Appellant denied the child proper emotional care and attention. In re Daniel G., December 12, 2003.

Physical neglect, conditions injurious, upheld when grandmother assaults her daughter in front of her granddaughter. Hearing Officer believes testimony that mother was holding the child at the time, but points out that even if she wasn't, the child was clearly negatively impacted, as she reported that she was screaming and crying, and was afraid of her grandmother. In re Cindy S., November 3, 2003.

Physical neglect is upheld as to one child, as he was in his mother's arms during the incident, and therefore in the "zone of danger." Father showed disregard for the child's physical well being. Physical neglect as to the other three children is reversed, as they were inside, and not at physical risk of harm. In re Marc Z., October 3, 2003.

Physical neglect upheld when parents physically wrestle over their two year old child; the child is crying, and the child's head is seen bobbing back and forth. In re Jeremiah P., September 16, 2003.

The Department established a pattern of domestic violence between mother and her partners, and her unwillingness to remove the children from the situation. The Department also established that the baby was in mother's arms when she was thrown to the floor, and the older child was having difficulties such as defiance and aggression in school. Physical neglect, conditions injurious, upheld. In re Carmen G., August 1, 2003.

Mother and child victims told investigator that Appellant initiated domestic violence, and the children tried to intervene. At mother's own prior substantiation hearing, she admits that she was the instigator in the incident, and Appellant tried to calm things. Physical neglect reversed. In re Nelson O., July 22, 2003.

Physical and emotional neglect upheld when mother attacks father's girlfriend in front of child. Mother accidentally choked the child while trying to get the child away from the girlfriend. Mother's behaviors were erratic and impaired, and disregarded the child's emotional well being, as he was scared and crying during the incident. In re JoAnn B., June 30, 2003.

Appellant is the mother of a five year old child. She lives with and has a long term relationship with partner. Partner is an opiate addict and has mental health issues. Appellant has sought treatment for her, as well as counseling for herself. The two argue. Child physically intervenes and tells them to hug. Child denies any physical violence. Both adults admit to arguing and that child has intervened. There is no demonstrable impact on child. Physical neglect reversed. In re Marcia J., November 1, 2002.

Appellant contested the finding of emotional neglect as to her child. Appellant prevailed before the Hearing Officer by decision dated May 8, 2002. The Department filed an Objection and a Motion for Reconsideration. Emotional neglect was initially reversed. Upon reconsideration it was determined that the placed the child in the middle of what was described to police as a very violent incident. Appellant woke her child and then moved him from his room into her bedroom. Appellant minimized both the incident and her child's involvement at the hearing. Appellant minimized prior domestic violence and its impact on the child. Appellant is clearly a caregiver of her own child. The Adjudicator failed to take into consideration the Agency's "specialized knowledge of the impact of domestic violence on children and that such domestic violence in the presence of a child may result in maladaptive behavior in the child." Emotional neglect reinstated. In re Crystal D., September 4, 2002.

Children report that father hits mother. One child reports seeing father choke mother. Children report intervening to stop fights at times. The fighting upsets the children and makes them sad. "As long as (father) is an active participant in the violence within the home, he must also accept responsibility for the impact…". Emotional neglect and physical neglect upheld. In re Olusegun S., July 1, 2002.

Domestic violence incident in which father threatened mother with a knife. Child intervened, was scared, and has intense fear and flashbacks. Emotional neglect upheld. In re Jesus A., November 20, 2001.

Father, after fight with mother, follows her to her house and continues fight, striking mother; son has to intervene in assault and is scared. Physical neglect upheld. In re Dale L., September 7, 2001.

Father, after leaving mother during fight and taking child, gives child back to mother. Father then kicks door down to retrieve child. The child was crying during this episode. Father's behavior was erratic. Emotional neglect upheld. In re Andrew H., August 13, 2001.

Stepfather followed mother into her children's bedroom to continue their argument and also started yelling at the children. Stepfather pulled phone out of wall and then was pushed by eldest son. Stepfather threw the son into a hallway. Actions put children at risk of possible injury and resulted in one child intervening. Conduct constituted physical neglect as it displayed a total disregard for child's welfare, as evidence indicated he did not consider consequences of his actions on the children. Physical neglect upheld. In re Peter S., November 21, 2000.

Appellant mother appeared at father's home during his court ordered visitation. Mother attempted to remove child from father's arms and father placed himself between mother and child. When mother made a second attempt, father released child. Pediatrician noted a small superficial cut

under child's nose and deemed it most likely caused by child's nails. Physical neglect reversed as to mother. Father was not notified of substantiation until date of hearing, and all evidence demonstrated he was not neglectful during incident. Physical neglect reversed as to father also. In re Donna O., October 26, 2000.

DOMESTIC VIOLENCE - EMOTIONAL NEGLECT

Emotional neglect reversed as Appellant took steps to remove herself and her children from violent situation. Appellant was unable to prevent spouse from moving into apartment across from hers, but contacted police and followed through with court proceedings when he entered her apartment without her permission and attempted to kill himself. In re Cindy L., December 14, 2011.

Emotional neglect upheld when children present aspects of aggression due to continued exposure to domestic violence. In re Gilberto R., October 26, 2011.

Emotional neglect upheld when Appellant destroy most of the furnishings in the home, including fish tank and tanks for youth's reptilian pets. Youth was scared during the Appellant's rampage and fled the home. In re Vincent M., November 22, 2011.

Emotional neglect upheld when the Appellant has been involved in over 18 incidents reported to local police involving disputes with her ex-husband. The Appellant initiated the altercation in this case and continued to escalate the situation in the presence of her children.
In re Robin G., September 20, 2011.

Emotional neglect reversed when the children reported not being aware of the altercation that was reported by their mother. The children expressed concern for their mother's safety only after she told them the Appellant tried to harm her. In this case the children's mother was not found to be a credible reporter. In re David C., September 20, 2011.

Emotional neglect upheld when child is aware of parents' on-going physical and verbal altercations. In re Tashia H and Rashad U., June 24, 2011.

Emotional neglect upheld where both of the Appellant's daughters disclosed not liking when the Appellant drinks and gets "out of hand." The Appellant's drinking and family violence worries both children, even when they are away from home. They asked to live with their father, away from the Appellant. One of the children disclosed hiding in her bedroom when the Appellant begins drinking and "holding onto something." In re Shenee L., June 10,2011.

Emotional neglect upheld when the Appellant's older daughter reports being aware of fights between her parents and is saddened and upset about them. In re Yaser H., June 8, 2011.

Emotional neglect upheld as to one child who ran up to his mother and saw the Appellant throw her against a wall and dragged her across the floor. The child said he was scared for his mother and, as a result of witnessing the violence, became sad. In re Dwayne H., Jr., May 10, 2011.

Emotional neglect upheld when child is aware of Appellant's physically abusive behavior towards child's mother. Child is sad and upset as a result of Appellant's actions. In re Joseph G., May 31, 2011.

Emotional neglect, domestic violence, is established when seventeen year old son picks up his mother, puts her in her room, and tells her to stop acting stupid. Child was impacted by the domestic violence between his parents and believed it was permissible for him to manhandle his mother. In re Frederick P., May 26, 2011.

Emotional neglect reversed when the evidence does not support a finding that child was aware of any conflict in the home and no evidence of emotional impact. In re Carlos G., May 6, 2011.

Emotional neglect upheld where the Appellant's daughters lived in fear of him. They also described feeling as if they were walking on eggshells to avoid upsetting him in any way. One daughter said she does not trust him and he "puts on a show." She cried when he visited her at school. Another daughter preferred living in a hotel after mother escaped because the Appellant lived in her home and she did not want to live with or near him. In re Farshad M., April 6, 2011 appeal pending.

Emotional neglect reversed as there was insufficient evidence in the record to determine where child was during domestic violence incident, whether child was aware of the incident or the impact the incident had on the child. In re Jason G., March 24, 2011.

Emotional neglect upheld where the Appellant grabbed and pushed his former wife in his children's presence, making them cry and become scared. The Appellant continues to be assaultive of the mother; the children cling to their mother in an effort to protect her from the Appellant's continued abuse. In re Daniel M., March 16,2011.

Emotional neglect upheld when the Appellant engaged in a physical altercation with his children's mother. The children were present for the altercation and were fearful for their mother's safety. In re Timothy C., January 7, 2011.

Emotional neglect was upheld when it was found that the Appellant stabbed his four year old son's mother in the boy's presence. Causing serious harm to a child's mother is denial of proper emotional care and a serious disregard for the child's well being. In re Jeffrey A., October 19, 2010. Appeal dismissed September 2011.

Emotional neglect upheld where the Appellant fought with his wife and threatened to kill her in front of their five year old daughter, who also witnessed the Appellant arrested and handcuffed by the police. She cried and was sad during the entire incident. Also, the Appellant called his teenaged son to watch the police arrest and handcuff him, causing the boy to disclose it made him feel sad and not have a pleasant feeling. In re Eric V., March 24, 2010.

Emotional neglect upheld where the Appellant's children were negatively and emotionally impacted by his violence against their mother in their presence. Domestic violence included stabbing a couch with a knife because the Appellant was mad at mother, his former wife. Appellant also instructed son to call mother names such as bitch, whore, slut, etc. and instructed son to disrespect

mother and other females which caused the boy to be physically aggressive towards mother and baby sister. In re Alil Z., January 29, 2010.

Emotional neglect upheld where the Appellant's daughter was negatively and emotionally impacted by his breaking into his ex-wife's house at three a.m. and demanding to speak to both the daughter and her mother. The Appellant was acting irrationally and erratically and the child packed a bag and was prepared to jump out of a second floor bedroom window to escape. The child wrote the Appellant a song, told him to get help for his behavior, took a bath and sobbed after the incident. In re Brian L., January 21, 2010.

Emotional neglect upheld where the Appellant fought with his daughter's mother in the child's presence. The girl disclosed that the Appellant scared her when he fought with her mother. In re Jacek C., January 11, 2010.

DOMESTIC VIOLENCE - NO ADVERSE IMPACT

Emotional neglect reversed when a fight starts between parents while the children are sleeping. Although the children woke up when they heard a loud noise, they were not adversely impacted by the fight, which was a one time incident between the parents. In re Alfred G., June 23, 2011.

Physical neglect reversed when child was not present in the home during the physical altercation and the Appellant took steps to protect child from the offending parent. In re Ebony S., January 24, 2011.

Physical neglect reversed when evidence supports a finding that children were not present for verbal altercation between parents. Children were in their bedrooms asleep and were not aware of the incident. During the incident, Appellant was holding his service revolver and told his wife she may as well shoot him. Appellant then stored gun and drove himself to the hospital for psychiatric treatment. Children were not at risk of harm during the incident as father was not out of control and did not threaten anyone with the gun. In re John G., July 7, 2010.

Emotional neglect was not proven when the two youngest children were sleeping and unaware of a physical altercation between their parents. In re Deborah S., July 1, 2010.

Physical neglect was not proven when the evidence does not indicate any physical harm to the children or threatened their safety. In re Deborah S., July 1, 2010.

Physical neglect upheld where the Appellant broke down a bathroom door where his ten year old son hid from him. Afterwards, the Appellant assaulted the boy and he could have been seriously injured. In re John P., June 30, 2010.

Physical neglect reversed when the evidence did not prove that the Appellant hit the children's mother. The children who witnessed the incident did report that the father was aggressive. In re Paul G., February 19, 2010. appeal dismissed June 2010.

Physical neglect reversed when there is no evidence that child was placed in danger by the Appellant as a result of a domestic altercation between Appellant and mother. However, emotional

neglect upheld when child was fearful Appellant was going to seriously injure mother. In re Laurence C., November 20, 2007.

Physical altercation between Appellant and boyfriend occurred when children were out of the room and therefore physical neglect reversed. In re Tamiko C., October 25, 2007.

Appellant pushed his girlfriend's head while she had the baby in her arms. She reacted by screaming at the Appellant. The child started crying and was scared. Physical neglect reversed as child was not in physical danger. Emotional neglect upheld. In re Marvin B., October 25, 2007.

Physical neglect reversed when child was several feet away asleep with maternal grandfather while Appellants fought during a domestic incident. In re Michael F. and Susan F., October 11, 2007.

Emotional neglect reversed when child was asleep upstairs while the Appellants fought downstairs in the kitchen. Child did not suffer any adverse impact. In re Michael F. and Susan F., October 11, 2007.

Child was not in the kitchen when the Appellant grabbed his wife by the throat, ripped phone out of the wall and threatened to kill his wife. Physical neglect reversed and emotional neglect upheld. In re Ari B., October 3, 2007.

Physical neglect reversed when parents engaged in incident of domestic violence but there is insufficient evidence to determine if child witnessed the incident, was in the physical proximity of the incident or was at any risk of injury during the incident. In re Minnie and Cleon M., September 24, 2007.

Appellant and wife engaged in verbal altercation which escalated to physical altercation in the middle of the road. Four year old child was on the sidewalk watching the incident. Traffic had to stop. Police arrived and arrested Appellant. Police report indicated that child not in physical danger. Physical neglect substantiation reversed, insufficient evidence that child in any risk of physical harm. Noted in decision facts would support finding of emotional neglect but the Department did not substantiate emotional neglect. In re Jason W., August 7, 2007.

Physical neglect reversed when child was not physically impacted during domestic violence incident between Appellant and estranged wife. Appellant did not seriously disregard his daughter's well being since he did not initiate the confrontation in the child's presence.
In re Stephen B., July 31, 2007.

Appellant substantiated for physical and emotional neglect due to domestic violence incident. Appellant attacked former girlfriend in front of child. Child in car and not in physical danger, Physical neglect reversed. In re Edgar B., July 25, 2007.

Physical neglect reversed when Appellant allowed husband to return home after he engaged in recommended substance abuse treatment. Appellant and spouse engage in a serious domestic violence altercation in the presence of the children. The spouse was clearly the aggressor.

Children suffered no physical injuries but were frightened. The Appellant attempted to protect the children from harm by calling the police. In re Toni T., July 24, 2007.

It is not physical neglect when the children are outside and they observe the Appellant, who is inside with the mother, hit their mother. The children were safe and not in danger of being hurt. In re Steven M., July 5, 2007.

Physical neglect reversed when parents engage in one incident of domestic violence and children are not physically impacted or at risk of being impacted. In re Tatiene S., July 2, 2007.

Physical neglect reversed when parents engage in one incident of domestic violence and children are not physically impacted or at risk of being impacted. The husband was attempting to move past the wife and pushed her aside. The wife fell over a stoop and cut her lip. The children did not feel threatened during this incident and were not afraid. In re Stuart and Tamara P., June 25, 2007.

Physical neglect reversed when Appellant attempts to retrieve child from spouse with suspected substance abuse issues. Appellant was acting in child's best interest and did not place the child at risk during any part of the incident. She did not strike her spouse and attempted to obtain assistance from police. Although both parents were arrested, the Appellant was granted sole custody of the child the next day and the Appellant's criminal charges were nollied. In re Heidi S., June 11, 2007.

Physical neglect reversed when Appellant was trying to get child away from spouse who has a history of violent behavior and was acting irrationally. Appellant attempted to obtain assistance from police. In re Tina G., June 11, 2007.

Physical neglect reversed when Appellant and spouse engage in verbal argument only, never becomes physical or threatening. Child was not present during argument and could not be considered at risk of being injured during incident. As soon as the parents started arguing the child sent to her bedroom. In re Andrew W., May 18, 2007.

Emotional neglect substantiation reversed as child was only two months old and could not have been impacted emotionally as result of exposure to domestic violence. In re Alexandria S., May 14, 2007.

Appellant fights at picnic with another mother and the children are taken away and not in close proximity to the brawl. Physical neglect reversed. In re Cindi S., April 12, 2007.

Appellant and child's mother briefly fought while child is sleeping in a room approximately twenty five to thirty feet away. Mother was the aggressor and the Appellant contacted the police as soon as she got safely away from situation. Child was not adversely impacted. The Appellant was criminally charged with Disorderly Conduct but charges were later nollied. The Hearing Officer also considered that the Appellant has a history of sincere concern for the child in spite of a poor relationship with mother. Physical neglect reversed. In re Teresa P., April 11, 2007.

Emotional neglect reversed when children were sleeping in their bedroom during Appellant's fight with boyfriend in the living room. There was no adverse impact or interference with their positive emotional development. In re Nakia H., February 28, 2007.

Physical neglect reversed when mother allowed father to move back into home after addressing his alcohol issues. Although mother filed a complaint of domestic violence against father with police she later recanted and there was no evidence of physical violence occurring in front of the children or indicating that their safety was ever threatened. In re Carolina M., February 15, 2007.

Physical altercation takes place in the presence of the children. The children were in a separate part of the kitchen and separated by a kitchen counter. They were not in proximity to the altercation and not at risk of injury. Physical neglect due to domestic violence reversed when there was no evidence of adverse physical impact on the children and no disregard of the children for the children's safety. In re Richard C., January 16, 2007.

Emotional neglect will be reversed when there is no evidence that children witnessed their father's erratic and threatening behavior toward a sibling. In re David Z., December 21, 2006.

Physical neglect reversed when the child witnesses a verbal fight even though the child is frightened by that event when there is no evidence that she has ever witnessed physical violence between them in the past, and she has not been physically impacted by the verbal confrontation. In re Roland C., November 9, 2006.

Parents argue in another room and baby is unaware of the argument and is not in danger of injury during the argument. Emotional neglect and physical neglect reversed. In re Michelle K., October 26, 2006.

Estranged parents engage in a dispute inside a restaurant, child is in car and father is not even aware that mother had child in the car. Emotional neglect reversed. In re Robert T., October 26, 2006.

Father threatened children when they refused to let him enter the house. Father entered the home and pushed son down to the ground. Father attacked mother when she returned home. Physical neglect upheld for three children who were subject of father's erratic and impaired behavior. Physical neglect reversed for two children who did not witness the incident. In re Kevin C., September 8, 2006.

Mother and father engaged in verbal altercations and three incidents involved the police. However, the children were not exposed to any violence, were not aware of police involvement and are happy well adjusted children. There is no evidence of adverse impact or that this was serious disregard for the children's well being. Physical neglect reversed. In re Paula S., August 10, 2006.

Father and mother engaged in a dispute in presence of their infant child. Father and mother gave conflicting accounts of what happened. Father was found more credible and the substantiation was reversed as the child did not suffer any adverse impact and the father did not act with a serious disregard for the child's well being. In re Shane B., August 2, 2006.

During verbal dispute Appellant accidentally stepped on girlfriend's foot and she pushed him and said she could not breathe. Children came out of their rooms, one hit the Appellant, was grabbed by Appellant and she threw a glass object causing laceration requiring medical attention. Department failed to show Appellant failed to provide and maintain proper safety for them or an adverse impact. Physical neglect reversed. In re Angel E., July 13, 2006.

Mother alleges domestic violence with father. Father's substantiation is reversed as there was no evidence to independently support mother's claim and no evidence of adverse impact to children. Children later were removed from mother's care. Father's child has flourished in his care. In re Jason W., July 5, 2006.

The conclusion that there has been a history of loud verbal disagreements between spouses is not evidence of neglect. Appellant's part in the disagreements and whereabouts of the children must be examined before improper care and attention can be found. Such evidence was absent here. Emotional neglect and physical neglect reversed. In re Maryann M., June 26, 2006.

Appellant, a convicted sex offender with anger management problems, called girlfriend's three year old daughter into the home after mother told child to go outside while she packed to leave. Appellant continued preventing mother from leaving bedroom, and pushed mother to the floor. Child observed from the living room. The adults continued to argue and child was crying and fearful. While child was emotionally impacted, emotional neglect was not alleged and adverse impact has not been shown. Nor was it found that this single incident was a serious disregard for the child's physical welfare. Physical neglect reversed. In re Timothy M., June 26, 2006.

Although physical altercation between Appellant and girlfriend was abhorrent, especially in the presence of child, it does not indicate the child suffered an adverse physical impact or that the altercation was so violent that child was in any danger. The underlying facts of the arrests, the domestic violence and restraining order that would show a history with the child are necessary to prove the Department's case, were absent here. Physical neglect reversed. In re Nelson C., May 23, 2006.

Appellant and his wife engaged in a physical altercation and a verbal argument in the same room as the child. The parents did not allow the Department to interview the child. The Department did not have sufficient evidence to prove that the child was adversely impacted by the incident and the incident was not a serious disregard for the child's well being. In re John L., October 28, 2005.

Appellant's wife struck him in the face. Prior to the incident, the Appellant took the children out to the garage and returned to talk to his wife. The children indicated that their mother was the loudest and the aggressor. It was not proven that the Appellant emotionally neglected his children.
In re James C., October 11, 2005.

Four year old child witnessed mother slap her father in the face. This was not family violence that is permitting the child to live under conditions injurious to her well being. In addition, there was no impact. Physical neglect reversed. In re Kathleen and Michael T., August 31, 2005.

Father and his adult brother engaged in a loud verbal argument. Father struck his brother. Father and his brother then went outside where they engaged in a physical altercation. The children were

in their rooms and heard the verbal arguing and witnessed their father being arrested. There was no neglect as there was no adverse impact to the children and this was not a serious disregard for their welfare. In re John K., August 31, 2005.

Appellant mother was sexually assaulted by her partner. The children were in the basement and were unaware of the assault. The children later witnessed their mother crying. Mother instructed the child to call the police. The partner was arrested. There was a pattern of domestic violence between the mother and her partner. The children had not witnessed any physical altercation between the adults prior to this incident. There is no evidence of adverse impact by the prior domestic violence and impact of this incident was negligible. Physical neglect was reversed as to mother. In re Deborah C., August 31, 2005.

Appellant mother would not allow father to leave her home with their four year old child. Mother was forcing him out of the residence and he hit her with a bag containing cookies and a can of beer. She was able to push him outside, close and lock the door and call police. It was not shown that mother failed to provide and maintain adequate safety for the children. In addition, the children were not impacted. Physical neglect reversed. In re Tammy Y., August 15, 2005.

Mother and father engaged in a verbal argument in front of children. Mother got children in car and they were driving away when father picked up a cement block and threw it at the car and actually hit the car. Father was arrested. There were three previous domestic violence incidents where father was arrested each time. Physical neglect reversed regarding mother. There was no adverse impact and this was not serious disregard for children's welfare. In addition, the troubling and neglectful actions were those of father not Appellant mother. In re Naida C., July 28, 2005.

There was indication in the record that the child told the investigator that his parents frequently argue and this upsets him. However, this alone does not amount to physical neglect. There must be something else provided in the way of detail to take the matter from upsetting to adverse emotional impact. It is not enough to say simply that the child was upset. In re Milagros V., March 17, 2005.

In the record there was some evidence that infant was exposed to her parents' fights. Although the infant awoke during the altercation, there is no evidence of adverse physical impact. In re Ryan F., February 28, 2005.

Emotional neglect due to domestic violence reversed when there is insufficient evidence to establish a physical altercation, and the children were not in the home to witness the verbal altercation. In re Joseph and Audra P., November 30, 2004.

Emotional neglect of two children, eighteen months and two months, reversed, as the incidents of domestic violence did not occur in their presence, and there was no impact to them. Children were at risk, which is not a category of neglect. In re Robert C. and Anna C., November 29, 2004.

Appellant and ex-partner engaged in a verbal argument in front of son and he was crying. Verbal argument is not domestic violence. No proof child exposed to domestic violence. Emotional neglect reversed. Physical neglect reversed because the department did not prove that the

Appellant allowed her child to live in conditions injurious when she permitted him to visit with his father. In re Stacey S., September 27, 2004.

Two episodes of domestic violence occurred very near each other. Children, ages one and two, were too young to be interviewed, were nearby but not in physical danger. Neither incident was so serious as to rise to the level of serious disregard for the children's welfare. Emotional neglect reversed. In re Robert and Kelly F., September 30, 2004.

Divorced couple argue a lot and there may have been some physical confrontation, but Department did not prove that anything physical was witnessed by the children. Emotional neglect and physical neglect of father reversed. In re Tina G., August 24, 2004.

Parents engaged in verbal altercation that became physical. Father grabbed mother's throat and kicked the doors of an entertainment center, breaking them. One child slept through the incident, the other was asleep until the glass doors broke. No evidence of adverse impact from the one time incident. Department provided insufficient evidence to support a pattern of domestic violence. Emotional neglect reversed. In re Suzannah A., July 30, 2004.

An isolated incident of domestic violence is not sufficient to support a finding of emotional or Physical neglect. In re Joann M., June 15, 2004.

A five month old child who is not present for domestic violence does not display the maladaptive functioning necessary to support a finding of emotional neglect due to exposure to domestic violence. In re Deann M., May 25, 2004.

An isolated incident of physical violence between adults that is inadvertently witnessed by a child does not rise to the level of emotional abuse. In re Edwin L., May 17, 2004.

The Department must show a connection between mother's arguments with boyfriend and child's low self esteem, if the Department wants to argue that the low self esteem is evidence of impact from volatile relationship. In re Mark R., March 22, 2004.

Physical neglect reversed, when the Department only demonstrates a pattern of verbal arguments, not violence, and each of the family members is involved in counseling. In re Jesse W., and Linda M., December 4, 2003.

Physical and emotional neglect both reversed when the only evidence of domestic violence is a single episode when the baby was nine days old, and the evidence demonstrates that mother removed him from the room before the episode became physical. In re Julian C., December 10, 2003.

Physical neglect, inadequate supervision reversed. Father had no prior reason to believe that his live in girl friend was not an adequate caregiver before she hit and abused his daughter. Emotional neglect due to domestic violence reversed when there is no evidence that the children witnessed the domestic violence. In re Ralph W., November 21, 2003.

Physical neglect reversed when Department fails to prove either inadequate supervision or conditions injurious due to Appellant's boyfriend's substance abuse, and loud verbal fighting between Appellant and boyfriend. Hearing Officer finds insufficient evidence that children impacted by the relationship, and no single egregious incident from which to infer impact. In re Millie W.-S., November 4, 2003.

Physical neglect reversed on both Appellant and her husband, as there was no evidence that the sleeping children heard or saw anything more than yelling between their parents after the children went to bed. The children were not bothered or upset by their parents' loud argument, and were not aware that either parent had been injured in the fracas. In re Brenda W.-R., October 24, 2003.

Emotional neglect of three month old baby reversed when there is no proof that the baby was even aware of the isolated incident of domestic violence. In re Jennifer Z., October 24, 2003.

Domestic violence between two parents, initiated by Appellant, results in emotional neglect to four children being upheld when they all see their father attack their mother. Physical neglect is upheld as to one child, as he was in his mother's arms during the incident, and therefore in the "zone of danger." Father showed disregard for the child's physical well being. Physical neglect as to the other three children is reversed, as they were inside, and not at physical risk of harm. In re Marc Z., October 3, 2003.

Emotional neglect due to exposure to domestic violence is reversed when there is an isolated incident, and insufficient evidence to prove that it was witnessed by either child. In re Jose V., August 20, 2003.

Physical neglect reversed. Although parents engaged in a loud fight, they contacted grandparents and removed the child from the environment in an effort to protect him from the disturbance. The child did not witness anything more than yelling and door slamming. In re Kelly R. S. and Steven S., June 11, 2003.

Emotional neglect reversed when child's story is not consistent, and there is insufficient evidence that foster mother committed an isolated, egregious act, or that there was any impact to the child from inappropriate discipline. In re Susan H., June 6, 2003.

Department is not able to prove that the isolated incident of domestic violence had impact on the child, who was removed from the environment, and the violent partner was removed from the home. Physical neglect reversed. In re Patricia L., August 7, 2003.

Absent any physical threat to his wife, and no history of prior domestic violence, father's angry outburst is not physical or emotional neglect, and the allegations are reversed. Although hearing officer found that the children were upset about the incident, there was no evidence that the children were afraid of their father, rather that the children were afraid when the police took him away. In re Thomas B., May 7, 2003.

Physical neglect upheld when nine year old child sees his father choking his mother, and is afraid for his mother's safety. Physical neglect of two year old child is reversed because she was sleeping and did not see the altercation. In re Matthew L., April 23, 2003.

Physical neglect reversed when there is no evidence that the child was awake or aware of his parents' fight, and there is no prior history of domestic violence between the couple. In re Jamie C., April 9, 2003.

Mother and boyfriend have one bad incident of domestic violence which was not witnessed by the child. After the incident, mother and the boyfriend both engage in counseling and later reconcile. There is no evidence that there are any further incidents of domestic violence and therefore the mere continuation of the contact is not physical neglect. Physical neglect reversed. In re Susan B., February 25, 2002.

Foster children indicate that the foster father and foster mother fight a lot and hit each other. There are no details to suggest the severity and actions of the foster parents. The children express positive attitudes regarding their placement with the foster parents. Emotional neglect reversed. In re Richard L., February 7, 2002.

The child and his sister were in the sister's bedroom upstairs and did not observe the domestic violence incident. The child and his sister heard yelling and things being broken. There was no evidence to demonstrate that the child had any lasting fear or concerns about his mother or her safety. Also, insufficient evidence to establish the child witnessed anything so outrageous as to automatically rise to the level of physical neglect without evidence of adverse impact. Physical neglect reversed. In re Andrea D., January 18, 2002.

There is a history of domestic violence between mother and father. No evidence was presented at hearing as to what the children witnessed in the past or how violent the prior incidents were. The children did not witness the recent domestic violence incident (father kicked mother in the chest), although one child heard father call mother a whore. The known conduct by the father did not rise to the level of neglect. The evidence of the children's behavior in reaction to the incident and the other domestic violence was minimal. Physical neglect reversed. In re Raymond M., January 2, 2002.

Although the children witnessed a violent incident, they were not harmed, intended to be harmed or at risk of being harmed. The domestic violence was not pervasive or a way of everyday life. The father moved out after the incident. Any divorce would result in expected impact. Emotional neglect reversed. In re Paul R., November 26, 2001.

Every time an incident of domestic violence occurs, it does not mean that there is neglect. Child was asleep during verbal incident, and it is inconclusive as to whether child was flipped from the mattress when he was sleeping on it. The child indicated no fear of the Appellant. Physical neglect reversed. In re Richard H., September 17, 2001.

Father assaulted mother in law. The children were not present and therefore there was no impact to the children. Emotional neglect reversed. In re Daniel C., August 21, 2001.

Parents were drunk during a verbal argument and child was sleeping in another room. Physical neglect reversed. In re Sylvia G., August 13, 2001.

Mother did not neglect child when she had a fight with father while the child was sleeping; nor was she neglectful in having the child with her in the car, knowing that father would follow, as she drove to the police station. Physical neglect reversed. In re Sara C., July 17, 2001.

DOMESTIC VIOLENCE - PATTERN

A long pattern of violence between a couple that precedes the child's birth may be used as a basis for neglect due to exposure to family violence. In re Omitsu C., May 8, 2012.

Emotional neglect due to exposure to a pattern of domestic violence reversed when mother provides evidence that she was a victim who attempted to flee from her husband, sought restraining orders, left the state and entered battered women's shelters over the course of her seven year marriage. In re Rita W., February 7, 2012.

Physical neglect upheld where the Appellant has a history of engaging in erratic and impaired behavior and exposing his family to violence. In one incident, the Appellant kept pushing a high chair around with one of his daughters sitting in it; in another incident, he fought with another daughter's mother physically and the child stepped between the couple, concerned about her mother's safety. As a result, the Appellant pushed the child up against a wall and stepped on her foot; in another incident, upon execution of a valid search warrant, the police found loaded guns within easy reach of the Appellant's children due to his operation of a drug factory from the home he shared with his children. In re Delon J., January 31, 2012.

Physical and emotional neglect upheld where the Appellant exposed her children to domestic violence on a regular basis. In one incident, the Appellant attempted to stab her husband in the chest with a fork, when one of her son's intervened to stop the attack. In another incident, the Appellant stopped her car in the middle of a busy city street to verbally and physically fight her boyfriend. During the fight, she placed two of her children in a zone of danger of being physically injured. In re Denny Luz Q., December 29, 2011.

Emotional neglect upheld where the Appellant had repeatedly engaged in a pattern of domestic violence in the presence of her children, causing them fear and frustration. One of her sons moved in with a neighbor because of the chaotic home environment created by the Appellant. Prior reports of emotional and physical neglect due to domestic violence were reversed because of a lack of information regarding the whereabouts of the children and the impacts to their emotional and physical well-being. In re Keri O., October 7, 2011.

Emotional neglect upheld where the Appellant exposed child repeatedly to family violence by engaging in physical violence with paramour in child's presence, and child felt a need to intervene to protect the Appellant, and was sad because of the fighting. Child turned up the television's volume to block out the noisy fights. In re Miss X., January 7, 2009.

Physical neglect reversed where the Department relied upon a history of domestic violence but the prior unsubstantiated investigations involving domestic violence were not introduced as evidence. In re Tricia C., February 20, 2009.

Emotional neglect upheld where parents slap each other and argue daily for the month before the mother goes in for surgery and the five year old feels unsafe and the ten year old soils himself three times in a day and refuses to clean himself. Emotional neglect reversed as to one year old child in the home where there is no evidence the child is aware of the domestic violence.
In re Heather W. & Phillip W., March 31, 2009.

Physical neglect reversed where the Department did not prove that there was a pattern of behaviors that threatened the child's safety. There were two separate incidents of domestic violence. After the first, couple went to marriage counseling and Appellant moved out with the child. After being out of the house a considerable time and living in a shelter, she moved back in when the second incident occurred. Child not adversely impacted either time. In re Jamie Z., June 26, 2009.

Physical neglect reversed despite pattern of domestic violence in the home. The Appellant established that she was attempting to limit contact with the child's father, who was abusive, and there had been no adverse impact or serious disregard to the child. In re Annika E., October 15, 2009.

Emotional neglect upheld where the Appellant's children were negatively and emotionally impacted by his constant physical and verbal abuse of their mother. All children disclosed that the Appellant yells loudly and that they have to cover their ears and can't sleep and be alert for school because of the Appellant's actions and behaviors. Appellant's older daughter believed her parents would be better off if they separated. In re Kevin (Kayzure) C., December 18, 2009.

Emotional neglect upheld where parents admit that the environment is a "living hell" due to conflict, and the children are screaming and crying while police are present, and the social worker finds them withdrawn and overly stressed. In re Frank B., February 19, 2008. Appeal dismissed April 14, 2009.

Emotional neglect upheld due to long history of domestic violence, and children's statements that they are "sick of" the constant fighting. Hearing Officer also relies on educator's statements that one child engages in disruptive and inappropriate behavior in the classroom. In re Brigitta R., May 28, 2008.

Emotional neglect was upheld due to the Appellant's exposing the children to continuous domestic violence, frightening the children as well as negatively impacting their emotional well-being.
In re Sandra L., June 12, 2008.

Ongoing pattern of verbal altercations, along with sporadic physical violence in front of the children, supports a finding of emotional neglect. Hearing Officer notes adverse impact as to one child, and serious disregard for the other. Physical neglect allegation reversed as there was no evidence of adverse physical impact. In re Wildine F., July 15, 2008.

Domestic violence is defined as a "pattern of coercive control." Where there is no evidence of coercive control, then the allegations of emotional neglect due to exposure to domestic violence, are reversed. In re Kris B., July 14, 2008.

Emotional neglect upheld where Appellant maintains relationship with paramour despite exposing child to domestic violence which negatively impacted child whereby he could only communicate by screaming. In re Carmen C., September 2, 2008.

Physical and emotional neglect upheld where Appellant grandfather (legal guardian) demonstrates a pattern of drinking on a daily basis and yelling and fighting with household members when intoxicated. Children report being afraid of grandfather when he is drinking and leave the home for extended periods of time to remove themselves from grandfather's presence and violent behavior. In re Francisco S., September 24, 2008.

Physical and emotional neglect reversed after mother invites a friend over, who had previously been threatened by mother's sixteen year old daughter. The sixteen year old had been out of the home for three days without permission. Mother had no way of knowing when her teenaged daughter would return. When the girl came back she and the girlfriend got into a verbal altercation that resulted in the girl going next door and calling the police. In re Trudy R., August 30, 2007.

Physical neglect was upheld when it was determined the Appellant knowingly exposed her children to an ex-boyfriend who the Appellant knew had reacted violently toward her in the past. The Appellant continued the exposure by attempting to drive, with her children in the car, the person who had just assaulted her to a motel in an attempt to hide him from the police. In re Shannon F., August 6, 2007.

Physical neglect and emotional neglect upheld when mother is unable to provide safe living environment due to unmet mental health needs and chronic exposure to domestic violence. In re Jennifer W., July 23, 2007.

Physical neglect upheld when the Department is able to demonstrate a pattern of physical violence between the Appellant and the child's mother that the child witnessed, including one incident when the Appellant forced his way into the home and assaulted the mother in front of the child. In re Kenneth T., April 11, 2007.

A parent's admission that her children have been exposed to a long history of serious domestic violence will support a finding of physical neglect, with or without evidence of adverse impact. The parent's indifference to her children's chronic exposure is evidence of neglect. In re Shandra E., March 21, 2007.

Appellant participates in the domestic violence, and repeatedly allows abusive spouse back into the home. Emotional neglect upheld. In re Diane S., October 3, 2006.

Children witnessed a violent physical altercation between father and his estranged wife. Children were removed under OTC and remained in DCF care at the time of the hearing. Central Registry was upheld due to pattern of physical and verbal violence in the home that the children witnessed. In re Thomas A., August 17, 2006.

Paternal grandmother testified that she had to remove the children from the home on a weekly basis due to fighting between father and his girlfriend. Physical neglect upheld. Father was also placed on Central Registry due to pattern of his actions. In re Francis R., August 2, 2006.

Child was standing in the kitchen while the Appellant had a knife and acted out in anger and stabbed the countertop. Appellant then attempted to grab another child from the mother's arms. In addition to this incident, there was a past history of domestic violence disputes. Child reported being afraid for himself and his mother during that incident and reported that his mother and the Appellant fought frequently when they lived together. Emotional neglect upheld. In re Kristopher P., March 3, 2006.

Mother had alleged that the father was abusive to her in the past. She and the children moved out of the home for a period of time due to father's abuse. She and the children then moved back into the home. The prior investigations suggested that father was abusive but did not prove that he was in fact abusive. There is no current conduct that denies these children proper care and attention. In re James F., November 15, 2005.

Mother and stepfather engage in domestic violence in the home. Mother admits that the stepfather has choked her in the past. Stepfather even put his hands around the child's throat in front of a school official. The child was afraid of her stepfather. Child engaged in counseling. Emotional neglect against the stepfather was upheld. In re Moise J., November 7, 2005.

Father became angry at mother. He threw a phone which hit mother in the face. The child was in the room when this happened. Physical neglect reversed as to the mother. She did not cause the physical danger and there was no adverse impact to the child and this was not a serious disregard for her welfare. However, due to length of the violent domestic relationship with the father, the fact that mother did not make better efforts to protect herself and her children, and the emotional adverse impact to both children, mother's substantiation for emotional neglect is upheld.
In re Susan L., September 28, 2005.

Even though the Department proved a pattern of domestic violence and impact to the children (anxiety and vomiting) emotional neglect was reversed, as the Appellant was a victim, and was attempting to break away and shield her children from the abuse, therefore no neglectful conduct. In re Cassandra R., December 10, 2004.

Two episodes of domestic violence occurred very near each other. Children, ages one and two, were too young to be interviewed, were nearby but not in physical danger. Neither incident was so serious as to rise to the level of serious disregard for the children's welfare. Emotional neglect reversed. In re Robert and Kelly F., September 30, 2004.

Appellant and boyfriend had a history of domestic violence with most incidents occurring prior to birth of son. Mother was attempting to extricate herself from the relationship when father entered her home without her knowledge and they ended up in a physical confrontation. Her six month old child slept through the entire incident. Although the Department proved a pattern of domestic violence, Appellant was talking steps to end the relationship. Emotional neglect and physical neglect reversed. In re Danitra F., July 30, 2004.

Pattern of violence that results in injuries to mother and child running to her room to call 911 is sufficient to sustain emotional neglect allegations when child expresses fear of her father, and fear for her mother's safety. In re Michael S., April 20, 2004.

Physical neglect upheld when the Department establishes a pattern of violence in the home that is so severe that mother is blind in one eye, and the child witnessed repeated episodes of violence. Mother continued to allow abuser into the home despite the abuse. In re Nerissa T., March 18, 2004.

A pattern of domestic violence that does not place the child in physical danger is not sufficient to support physical neglect finding. In re Jennifer S., January 16, 2004.

Patterns of domestic violence which result in child fearing for parents' safety is sufficient to support Emotional neglect finding. In re Laura O., January 9, 2004.

Physical neglect upheld when the Department proves a pattern of domestic violence in the home, initiated by both parents, and which created conditions injurious to both children. In re Tina P., December 2, 2003.

Physical and emotional neglect upheld due to history of domestic violence in the home, and because father brings his son into the fights with mother. The child was scared by his parents' behaviors. In re Edward O., November 25, 2003.

Although there was a history of domestic violence in the home, mother always responded to her children's needs, and followed the advice of providers with respect to recommendations for her children. Physical neglect due to conditions injurious reversed during the first incident of domestic violence that involved the children. In re Ellen B.-H., November 24, 2003.

Physical neglect upheld when Hearing Officer finds that parents have a history of domestic violence, and recent incident more likely than not involves a tussle over a child in a car seat. In re Carey B. and Rodney M., October 1, 2003.

Emotional neglect upheld when the children are afraid for Appellant's safety due to frequent loud fighting and domestic violence. Physical neglect reversed as the Department failed to demonstrate an adverse physical impact to the children stemming from the fighting. In re Catherine R., September 11, 2003 on appeal remanded substantiation upheld and registry reversed.

Emotional neglect upheld when child witnesses an incident of domestic violence, in which father kicks mother in the stomach. Child was upset and afraid, and recalled an incident two days earlier, in which father kicked down child's bedroom door. In re Thaddeus S., September 3, 2003.

Mother recognized that stepfather's anger management problem resulted in repeated abusive behaviors toward her fourteen year old child, and their eleven year old child, and relationship problems between the siblings. Physical neglect upheld. In re Tamara G., August 1, 2003 on appeal by agreement substantiation upheld and registry reversed.

The Department established a pattern of domestic violence between mother and her partners, and her unwillingness to remove the children from the situation. The Department also established that the baby was in mother's arm when she was thrown to the floor, and the older child was having

difficulties due to defiance and aggression in school. Physical neglect, conditions injurious, upheld. In re Carmen G., August 1, 2003.

The Department demonstrates a long pattern of domestic violence in the home, even though the Department is not able to prove that the child has been impacted. Mother's refusal/inability to protect the child from the violence demonstrates total disregard for child's physical and emotional well being. Physical neglect and emotional neglect upheld. In re Stephany D., July 3, 2003.

Physical neglect upheld when mother allows children to live in a pattern of domestic violence as demonstrated by a long DCF case history. Most recently, mother was drinking with father when he hit her over the head with a chair, and she and the two small children had to go to the hospital in an ambulance. In re Janice C., June 2, 2003.

Physical neglect upheld even though there is no evidence of impact on the children due to long history of domestic violence, because the incidents were so egregious. Police documented a pattern of 911 hang ups from Appellant's home dating back over one year. Mother is bruised all over, vomiting, and urinating on herself. Mother refused to sign releases for the Department to make collateral contacts with school and pediatrician. In re Kimberly B. and Gregory S., March 17, 2003.

Father choked mother until she was unconscious. Child called the police after hearing his mother scream. Appellant had bruises. Although Appellant filed for divorce, she and her husband attempted to reconcile and child called the police again as Appellant and her husband had another domestic violence incident. Appellant was again rendered unconscious when her husband punched her. The boys were afraid as a result of the ongoing domestic violence. Physical neglect upheld. In re Aileen D., October 10, 2002.

Appellant is married to P. He is the adoptive father of two children. Additionally, Appellant and P were licensed foster parents and there was a foster child in the home. Maternal grandmother also lived with the family. P had begun to threaten the children, including threatening to get a gun to shoot child. He was drinking on a daily basis. He had previously threatened Appellant that he would burn down the house and had raised his fists to her and child. Appellant did not allow the children to be alone with him as a result of his threats. Maternal grandmother corroborated P's threatening behavior and her fear of him. She also believed that he had a gun. The Department had remained involved and persuaded P to move out of the home. The foster child was removed and the home was closed. Emotional neglect upheld. In re Victoria D., August 31, 2002.

A pervasive pattern of domestic violence existed in the family household. Mother's boyfriend was frequently intoxicated and verbal and physical violence were not unusual in the home. The children knew to retreat to their bedrooms during those episodes and they were scared and afraid for their mother. Emotional neglect upheld. In re Jenie R., February 27, 2002.

DOMESTIC VIOLENCE-PHYSICAL NEGLECT

Physical neglect reversed as Appellant left home with children and moved to a shelter to remove them from her abusive spouse. The Appellant sought a restraining order and took reasonable steps to protect children from further incidents of domestic violence. Appellant not at fault for

having to leave the shelter when her children disclosed the location to their father. In re Cindy L., December 14, 2011.

DOMESTIC VIOLENCE - PRIOR HISTORY

Letting boyfriend that had lived with the Appellant for three years back into the home after he had physically assaulted the woman while he was intoxicated was not physical neglect of the eight and nine year old children. The Appellant put a condition on him that he could not drink, as she knew it had been an issue in his previous relationship. He had been sober for the previous three years. Letting the boyfriend back in was a calculated risk. The existence of the protective order means that there is a risk associated with the boyfriend having contact with the Appellant. It does not automatically mean that the Appellant failed to provide and maintain adequate supervision and/or safety of children. In re Rachelle G., April 12, 2007.

DOMESTIC VIOLENCE - SERIOUS DISREGARD

Physical and emotional neglect upheld where Department presents sufficient evidence to establish that it is more likely than not that Appellant father murdered the children's mother, denying the children of both parents; one through death and one through incarceration. In re: Patrick C., March 20, 2012.

Physical neglect reversed when throws juice at child's father and he reacts with extreme violence. The father had never before been physically aggressive toward the appellant and she had no reason to anticipate the intensity of his response. While the Appellant's behavior was inappropriate she did not place the child in a zone of danger or demonstrate a serious disregard for his wellbeing. In re Victoria G., February 24, 2012.

Physical neglect upheld when evidence supports a finding that Appellant, during a heated argument with child's mother, picked toddler up and threw her on the couch - Serious disregard as Appellant was not aware of his actions or how the child could have been injured. In re Robert C., September 23, 2010.

Physical neglect upheld as serious disregard for child's welfare where Appellant grabs her by the hair and throws her toward the care in the child's presence. In re Tony B., March 30, 2009.

Physical neglect reversed where Appellant threw physically and substance abusing paramour out of the house and he breaks a window. In re Kimberly B., April 22, 2009.

Physical neglect upheld where father demonstrated serious disregard for children's physical well being by pulling mother out of car while the car was still in drive. Emotional neglect upheld when evidence supports finding that child was present during altercation, observed Appellant pulling his mother out of car and dragging her around yard, and exhibited increased aggressive behavior following the incident. In re Kevin J., June 26, 2009.

Physical neglect upheld where youth fears for his mother's safety during an altercation with the Appellant and the youth feels he needs to physically intervene. In addition, serious disregard for youth's well-being when the Appellant physically threatens him. Emotional neglect upheld when

evidence supports finding that child was present during altercation, the Appellant has an extensive history of being abusive to child's mother and youth expresses concern for his siblings' emotional well being. In re John P., July 23, 2009.

Physical neglect upheld where Appellant does not initiate physical altercation with spouse, but while he is driving sprays perfume in his face in response to his hitting her. The Appellant's three children were in the car during the incident. Action demonstrates serious disregard for children's physical well being. In re Nicole J., August 7, 2009.

Physical neglect upheld where the Appellant repeatedly punched mother on a bed next to five month old baby who could have been seriously injured. In re Jon D. P., August 26, 2009.

Emotional neglect upheld where Appellant mother trashes house, cuts herself repeatedly with a knife, and has to be tasered by the police to get her under control. Although the children were in their bedrooms, they heard everything and were terrified. In re Melissa D., June 18, 2008.

Physical neglect upheld where Appellant father brings a meat cleaver into his bedroom where his young child is sleeping. The police enter the bedroom and the father is arrested. Hearing Officer finds conduct demonstrates a serious disregard for the child's physical wellbeing, even though the child was not injured. In re Xuanwei H., June 2, 2008.

Physical neglect upheld where Appellant attempts to run down his wife and children in his car after a protracted fight with his wife. Hearing Officer finds serious disregard for the children's wellbeing. In re Oscar R. R., July 24, 2008.

Physical neglect upheld where Appellant runs after her daughter's father and strikes him on the back of the head while he is carrying their one year old daughter out of the apartment. Child not impacted but Appellant demonstrated serious disregard for child. In re Bethany G., November 24, 2008.

Physical neglect upheld where Appellant instigates a serious physical confrontation with his estranged wife in his daughter's presence. Hearing Officer finds that child was within the zone of danger and at risk of injury. In re Timothy P., November 14, 2008.

Physical neglect reversed where child was in her bedroom and not physically impacted by altercation between divorcing parents. Emotional neglect reversed where child, while upset at divorcing parents' verbal fights, displayed no evidence of being adversely impacted in her emotional development. The child's discomfort was short-lived and subsided after parents moved into separate residences. In re Barbara M., December 11, 2008.

Child was not in the kitchen when the Appellant grabbed his wife by the throat, ripped phone out of the wall and threatened to kill the his wife. Physical neglect reversed and emotional neglect upheld. In re Ari B., October 3, 2007.

Appellant substantiated for physical neglect when she allows intoxicated boyfriend access to children and home in spite of a current protective order. Appellant did not contact police immediately upon boyfriend's arrival. Children were present when boyfriend choked mother and her

daughter eventually contacted the police. Appellant continued to expose the children by taking them in car with boyfriend in an effort to protect him from the oncoming police. In re Shannon F., August 6, 2007.

History of domestic violence in the family. Appellant beat wife and wife hospitalized with broken rib and punctured lung. Appellant placed his four children at risk of physical harm and allowed them to witness repeated acts of violence. Physical and emotional neglect upheld; registry recommendation upheld due to intent, severity, chronicity of domestic violence. In re Ralph S., May 1, 2007.

Appellant's repeated acts of domestic violence are evidence of a serious disregard for his children's well being. He continued to engage in assaultive behaviors even though a number of providers had intervened in the family. In re Frank C., January 3, 2007.

Breaking down the door with mother and child on other side is a serious disregard. In re Michael G., December 1, 2006.

Physical neglect will be upheld when the child is present for a verbal altercation that turns physical. Although there was no adverse physical impact, the Appellant had a serious disregard for the child's well being when he began a serious physical assault of the child's mother in the child's presence. In re Roland C., November 9, 2006.

Stepfather acts in manner that demonstrates serious disregard for the children's safety. Physical neglect upheld. In re Mark P., October 5, 2006.

Appellant father became upset over a phone bill and threw a telephone and hit his niece in the chest. He also grabbed a kitchen knife and cut his adult daughter on her hand. The other adults in the home locked the father in basement and the family went outside to wait for police. Two children, eight and thirteen years old, were in the home at the time of the incident. Chasing someone with a knife is egregious and does not require someone to get hurt to prove physical neglect. Physical neglect was upheld. In re Michael E., August 15, 2005.

Father pulled mother out of bed and forced her to the kitchen. Children followed and witnessed father pull phone jack out of the wall and start to choke the mother. Children were crying and yelling for the father to stop. Single traumatic incident demonstrated serious disregard for children's welfare. Emotional neglect upheld. In re Darren C., June 29, 2005.

Isolated incident that child was exposed to. Even though the Appellant lost control, child was not in danger, as child was in the next room and the father's outburst (yelling and throwing dishes) was directed at the mother and not the child. This is a close case, as some impact was shown (child in brief therapy, nightmares). Physical neglect reversed. In re Dean M., April 19, 2005.

Appellant grabbed adult victim by the throat and choked her. Although Appellant's twelve year old son was in the apartment and was aware of the incident, his safety was not in jeopardy and physical neglect reversed. It did, however, expose the child to family violence and this was such serious disregard that adverse impact was not needed. Emotional neglect upheld. In re Craig P., January 14, 2005.

Mother and boyfriend have history of domestic violence incidents. Mother allowed boyfriend back in house and after another incident, boyfriend left house on foot and mother followed in car and continued arguing with boyfriend. Mother spit in boyfriend's face, boyfriend threw his tool box at car, smashing the car window. The daughters were in car but they were not hurt. Emotional neglect upheld based on daughters being afraid and mother also showed serious disregard for daughters' safety. In re Melanie K., November 10, 2004.

Parents were arguing in car on way to mall with sixteen month old son in car. Father went into mall and upon returning to car found mother talking to her sister on phone. Father started punching mother in head and face for telling sister her business. Mother got out of car and father continued to hit her until bystander intervened. Emotional neglect and physical neglect as to mother reversed as she was the victim. Emotional neglect by father reversed as no emotional adverse impact shown. Physical neglect by father upheld – father demonstrated a serious disregard for his son's well being. In re Dodley and Phara J., October 14, 2004.

During course of argument, Appellant stabbed wife in the face with needle nose pliers in presence of one year old son. Physical neglect and emotional neglect upheld, single incident demonstrates serious disregard for child's welfare and Appellant denied child proper care and attention. In re Job V., October 14, 2004.

Father's threat to kill his wife following a long verbal argument that is overheard by the child, is sufficient to sustain emotional neglect finding, even without evidence of adverse impact. In re Hassam G., April 21, 2004.

Serious physical violence between parents may sustain a finding of physical neglect to the children even in the absence of evidence of adverse impact. In re Michael S., April 20, 2004.

Father initiated a serious incident of domestic violence against mother in the presence of young children. The episode demonstrated a serious disregard for the children's well being. Physical neglect upheld. In re Errol G., August 7, 2003.

Physical neglect upheld when it is determined that father physically attacked mother in front of his two children. His behavior was erratic and impaired, and was so egregious as to support the substantiation. In re William F., May 9, 2003.

Physical neglect upheld when father takes children to the police to give false statements about their mother and grandmother. Impact was proven on one child (she became afraid of the police because she knew it was wrong to lie to them) but was not necessary to prove because the act was so egregious. In re Randy M., May 2, 2003.

Child heard Appellant say "I wish your mother was dead." Appellant subsequently called the home twice later that day, leaving very threatening messages. The "content and timing of the calls reveals a complete disregard for his son's well being." There was no evidence that the child heard the messages, or was impacted by them. Emotional neglect upheld. In re Karl G., October 18, 2002.

Ongoing domestic violence in the home, coupled with at least two of the children's observations of a "choking" incident where Appellant choked and slapped the mother. Egregious incident and the substantiation is affirmed, but changed from physical to emotional neglect. In re Zephanie B., June 20, 2002.

Father accosted mother while she and the children were in the car. Father swore at mother and called her names in front of the children. When father returned to the home, he had a gun. Only one child present for this incident, but both children are fearful of father. The child who was not present was old enough to be aware and fearful for himself and his family. Father's actions were erratic, impaired and egregious. Emotional neglect and physical neglect upheld. In re Adam R., June 12, 2002.

Mother and boyfriend had a physical altercation. While driving away, the boyfriend ran over the tip of the foot of the eight year old child. This is a one-time incident of domestic violence, mostly outside the presence of the children. Physical neglect reversed. In re Bernadette P., March 19, 2002.

Father jumped on wife in bed and attempted to choke her. One child witnessed the incident and another child heard it and hid in bathroom. One child said she was scared and does not want the father to return to the home. Emotional neglect upheld. In re Michael M., October 15, 2001.

Appellant's girlfriend threw a frying pan full of food across room. Appellant reacted by taking the phone off the receiver and striking girlfriend on the neck. Appellant's fourteen year old child was present during incident but in another part of the house. Child indicated she was fearful of returning to her father's home and would attempt suicide if forced to return. Child disclosed father had thrown her against a wall in the past and verbally abused her. Child was evaluated and deemed not a risk to self unless returned to father's home. Although child was in another part of the home at the time of the incident, incident was very severe and child was still exposed to domestic violence in the home. Physical neglect upheld. In re Stephen S., October 30, 2000.

DOMESTIC VIOLENCE - VICTIM

Physical neglect and emotional neglect reversed when Appellant did not initiate physical confrontation with her child's father's new wife. Appellant was in her car waiting for her child to exit the home when the other woman exited her home and hit Appellant's car with a baseball bat. In re Sandra R., April 24, 2012

Emotional neglect reversed where the Appellant's husband unexpectedly attacked her in the presence of their teenaged son. The Appellant defended herself as her husband was the aggressor. Although the boy was shaken, the evidence in the record did not support a finding of any long-term negative emotional impacts to the boy. Since the incident, the teenager chose to reside with the Appellant in a new apartment-away from his father-where he is being well-cared for by the Appellant. In re Wendy T.-M., March 5, 2012

Physical neglect reversed against Appellant when his girlfriend starts a fight while he is driving a car. He did attempt to restrain girlfriend, but only because she was interfering with his ability to drive. In re Ernest W., June 13, 2011.

Emotional neglect reversed when the evidence does not support a finding that Appellant exposed her children to domestic violence. An unrelated man entered the family home by force and assaulted the Appellant's husband. The Appellant removed the children from the home and contacted the police. In re Sabrina F., October 19, 2010.

Physical neglect and emotional neglect are reversed when Appellant does not initiate physical altercation with ex-husband, but tries to remove him from home. In re Quettcy G., March 1, 2010.

Physical neglect and emotional neglect reversed when Appellant is victim of domestic violence incident and takes all necessary steps to protect her child. In re Karen P., March 23, 2010.

Physical neglect reversed where physical altercation between Appellant and boyfriend happens before birth of the child. In re Rose C., September 29, 2009.

Physical neglect reversed where Appellant mother does not initiate violence, and has no reason to suspect that her husband will respond violently to her. In re Diana S., January 16, 2008.

Physical neglect reversed where Appellant father is the victim of domestic violence that is initiated by his wife. In re Xuanwei H., June 2, 2008.

Emotional abuse and neglect reversed as to victim of violence, even though she may have started a verbal argument. Hearing Officer finds that parents sometimes have loud disagreements, but neglect occurs only when the arguments develop into threats or result in physical violence. In this case the Appellant did not provoke the violent physical struggle that ensued. In re Deborah and Jack H., June 18, 2008.

Physical neglect reversed, even though Appellant mother has repeatedly allowed her children to be exposed to domestic violence. Hearing Officer finds that mother has taken many steps to protect her children, and in spite of her circumstances (isolation and lack of resources) is trying to keep her children safe. In re Gena F., July 22, 2008.

Physical neglect reversed when an Appellant allowed husband to return home after he engaged in recommended substances abuse treatment. Appellant and spouse engage in a serious domestic violence altercation in the presence of the children where spouse was clearly the aggressor. Children suffered no physical injuries but were frightened. The Appellant attempted to protect the children from harm by calling the police. In re Toni T., July 24, 2007.

Mother did not physically or emotionally neglect her children when she attempted to remove an abusive man from her home and a physical fight ensued in the children's presence. In re Cindy L., December 8, 2006.

Father was intoxicated and stabbed mother. Mother was substantiated. Mother's substantiation was reversed as the situation was not a result of anything that she did and she took all the steps she could to minimize impact on the children. In re Rhonda E-S., July 5, 2006.

Father restrained mother on the couch after she hit him. Father was not aggressor, did not initiate the fight and only responded to protect himself. Father cannot be held responsible for this incident of domestic violence. In re Russell D., July 26, 2005.

Appellant-Father was attacked by mother at the children's bus stop. Mother stabbed father with a screwdriver. Mother initiated the incident and it was not proven that father placed his children's safety in jeopardy or that he was denying them proper care and attention. Physical neglect and emotional neglect reversed. In re John F., July 26, 2005.

Boyfriend physically assaulted mother and child. Child was impacted both physically and emotionally by the incident. However, Mother attempted to get her boyfriend in counseling and was unaware of his mental health issues. After the incident mother obtained a restraining order and engaged in family therapy with the child. Mother's failure to take more extreme measures, with the knowledge she had and what she was attempting to do did not constitute emotional neglect. In re Colleen A., July 6, 2005.

Verbal and physical altercation between Appellant and her estranged husband began in mall parking lot and continued and escalated in the car. In hindsight, the mother admitted that she should have made alternate driving arrangements to the mall given the father's history, but the mother's actions did not amount to emotional neglect of her children. In re Anne D., June 29, 2005.

Appellant's failure to protect children from domestic violence and failure to address her own mental health needs, resulted in the children's maladaptive functioning. Although the husband was the offender, the Appellant wife was equally responsible for allowing her daughter to live in this atmosphere long enough that resulted in her daughter's violent acting out. Emotional neglect upheld. In re Carmela Z., January 11, 2005.

The parents were arguing in car on way to mall with sixteen month old son in car. Father went into mall and upon returning to car found mother talking to her sister on phone. Father started punching mother in head and face for telling sister her business. Mother got out of car and father continued to hit her until bystander intervenes. Emotional neglect and physical neglect as to mother reversed as she was the victim. Emotional neglect by father reversed as no emotional adverse impact shown. Physical neglect by father upheld – father demonstrated a serious disregard for his son's well being. In re Dodley and Phara J., October 14, 2004.

Appellant did not initiate the domestic altercation, and took reasonable steps to remove and protect her children from it. Although there had been verbal disagreements in the past, this was the first incident to result in police activity, and there was no physical altercation. In re Donna V., September 27, 2004.

Mother's decision to allow father to continue to live in the home even after incident of domestic violence is not physically or emotionally neglectful, when there is no evidence of a pattern of domestic violence, and there is a safety plan in place. In re Sandra F., April 29, 2004.

Mother did not neglect her children when she hit father, because she was reacting to his assault of her. She was a victim, and not the aggressor. In re Sandra F., April 29, 2004.

Physical neglect reversed, when there is evidence of impact from domestic violence, but insufficient evidence to support finding of neglectful conduct against mother, who kept her family in counseling for one and a half years. In re Sheila M.-B., December 31, 2003.

Physical neglect due to domestic violence reversed when there is no pattern evidence, and mother takes all appropriate steps to protect her child after the incident. In re Yashica E., December 22, 2003.

Emotional neglect reversed when mother returns to home with her children after a single incident of domestic violence. Mother believed it was safe for her to return, and sought counseling in connection with the incident. In re Erin S., June 10, 2003.

Physical neglect reversed when boyfriend shows up at mother's apartment, intoxicated, and starts a physical fight with her. Mother had instructed boyfriend that he would not be permitted in her home if he drank. In re Beth K., May 14, 2003.

Emotional neglect reversed. Appellant grandmother was facilitating a visit between child and mother. Mother began a fight with grandmother that the child witnessed. Grandmother did not hit or push mother after mother began hitting her. She did not instigate or exacerbate the situation. In re Lucille V., April 4, 2003.

Physical neglect reversed when mother takes steps to protect her child during boyfriend's tirade. There was no evidence to establish conditions injurious due to ongoing domestic violence, because record only contained evidence of the current incident, and one pushing incident five years prior. In re Michelle P., February 13, 2003.

Father assaulted mother resulting in a black eye. Father's sixteen year old son intervened to end the fight. Although younger sibling was not actually injured, father's actions in assaulting his wife with the child sleeping next to her are so egregious as to not require an impact for physical neglect. Although mother may have exercised poor judgment in returning to father, there is no indication of inadequate supervision. Physical neglect by mother is reversed. In re Lyndsy S-P. and Duane P., October 25, 2002.

Father returned from partying with friends and was drunk and possibly under the influence of drugs. Father initiated an argument that escalated to the point of his choking mother to unconsciousness. Mother regained consciousness and tried to leave with the baby. Father tried to stop her and at one point brought the baby back into the home. Mother was eventually able to leave. Mother returned after it appeared that father left, but before police arrived. Father returned home and continued the violence by cutting the phone lines and destroying property. Mother is not responsible for father's behavior. She took steps to protect the child. Mother only returned to the home when it appeared that father was not there. Physical neglect reversed. In re Tamar B., July 3, 2002.

Mother and father got into a verbal argument and Father put his hand on her. Mother called to one of the children to call 911. The child obeyed, police arrived, and both parents were arrested. As none of the children report physical violence, and three of the four children were unaware of the

argument, the children were not exposed to violence among family members. Also, mother did not hold the children to inappropriate expectations by teaching them to dial 911. Mother's claim is that she did this in order for the children to be able to respond to any emergency in the home. Emotional neglect reversed. In re Clement B., and Barbara S-B., July 3, 2002.

DOMESTIC VIOLENCE - ZONE OF DANGER

Physical neglect reversed when child was not present in room during physical altercation.
Physical neglect reversed when child was asleep during altercation and Appellant was not aggressor. In re Patreeya T., May 24, 2012

Physical and emotional neglect reversed where the Appellant and her boyfriend physically fought but did not place the children in a zone of danger of being physically injured. One child was in her bedroom where she called the police, and the other child ran out of the apartment to get help. The Appellant's boyfriend, not the Appellant, was arrested for the assault and protective orders were issued immediately thereafter. There was no evidence of physical injuries and no long -term emotional impacts were noted in the record. The Appellant maintained a good relationship with her children, especially after she stop seeing the abusive boyfriend. In re: Lisa G. (neé W.), May 21, 2012

Physical neglect reversed when physical altercation did not occur in same room as the child and child was not in a zone of danger. In re Elbert S., May 18, 2012

Physical neglect reversed when Appellant does not initiate verbal altercation with spouse and child is asleep throughout the entire incident and not in zone of danger. Argument never became physical and child was not at risk of injury or harm. In re Bob R., May 14, 2012

Physical neglect upheld when Appellant strikes her child's father while he is holding the child. Appellant also threatened father with a knife while the child was present. Child was in zone of danger. In re Alonda G., May 14, 2012

Physical neglect reversed when child is not in the room during verbal altercation; therefore not in the zone of danger. In addition, Appellant never became physical assaultive during the altercation. In re William F., May 7, 2012

Physical neglect upheld where the Appellant engaged in a physical altercation with his wife, throwing a chair which hit their son. In re John P., April 20, 2012

Physical neglect upheld as child was present during domestic violence incident and was in zone of danger. Physical neglect reversed for two children who were in other parts of the home and not in a zone of danger. In re Jason M., April 10, 2012

Absent evidence that children are in the home during parents' domestic dispute, there can be no finding of physical neglect for an incident of violence that left mother with injuries. Department establishes physical neglect against Appellant father when there is evidence that two of the couple's five children are in the home and witness at least part of the incident. In re: Gregory U., February 27, 1012.

Physical and emotional neglect upheld when father fights with grandfather and police in the presence of the children. Police taze the father in front of the children. Father has long history of anger management issues so Central Registry upheld. In re Dean C., November 28, 2011.

Physical neglect upheld as youth was present in the home during the Appellant's rampage when he thrashed the home, littering the floor with broken glass and other dangerous debris. In re Vincent M., November 22, 2011.

Physical neglect reversed when children are not within the zone of danger of Appellant's assault of the children's mother. Emotional neglect upheld even though children were not in zone of danger. They were aware of the assault, and had witnessed past assault incidents. In re Gilberto R., October 26, 2011.

Physical neglect reversed when the children report they did not witness a physical altercation between their parents and were not present in the room during the argument; therefore they were not in a zone of danger. In re David C., September 20, 2011.

Physical neglect reversed when evidence supports a finding that there was not a domestic violence incident in front of the children and the children were not placed in any type of physical danger as a result of the Appellant's actions. In re Brenda C., August 19, 2011.

Physical neglect upheld due to a couple engaging in a physical altercation in close proximity to their nine month old son. At one point during the fight, the child's mother retrieved a knife and fork to stab the child's father. The fight moved around the family's small apartment and the child was placed in a zone of danger, jeopardizing his physical safety. In re Rachel W. and Carl Y., July 26, 2011.

Physical neglect upheld when parents engage in verbal and physical confrontation while children were sleeping. While the children were not present, the father was threatening the mother with a gun and the mother stabbed the father with a kitchen knife. Due to the high level of violence the children were placed at risk of physical harm and at risk of being left during the night without an appropriate caretaker if both parents were significantly injured. In re Tashia H and Rashad U., June 24, 2011

Physical neglect upheld where the Appellant, a boxer, engaged in a violent altercation with her boyfriend, also a boxer. The fight took place throughout the apartment. At one point during the fight, the Appellant attempted to stab her boyfriend, which escalated his aggression, causing him to kick a hole in the apartment walls, especially close by to where the child was sleeping, waking the child and causing her to fear that the Appellant and her boyfriend will hurt each other some day. In addition, the Appellant's actions constituted a serious disregard for her child's welfare and wellbeing. In re Tabatha R., June 23, 2011.

Physical neglect reversed when the Appellant engages in a physical confrontation with her adult daughter in presence of infant grandchild. The infant was located in a playpen during the incident and was not in a zone of danger. In addition, the evidence supports a finding that the Appellant did not initiate the physical confrontation but was acting defensively. In re Mary H., June 13, 2011.

Physical neglect reversed where the Appellant fought with her husband while the children remained sleeping in their upstairs bedroom-outside the zone of physical danger. In re Shenee L., June 10, 2011.

Physical neglect upheld when Appellant throws a soap bottle at his spouse during an argument and the bottle hits his three year old child, injuring her eye. In re Yaser H., June 8, 2011.

Physical neglect reversed when evidence does not support finding that the Appellant initiated the altercation or that the child was ever in a zone of danger. In re Albert S., May 26, 2011.

Physical neglect upheld as to all three children as they were placed in a zone of danger by the Appellant as he assaulted his wife, the children's mother. He was only six feet away and destroyed his wife's cell phone as she attempted to call 911. In re Dwayne H., Jr., May 10, 2011.

Physical neglect reversed when the evidence does not support a finding that child was present for any incident of domestic violence. In re Carlos G., May 6, 2011.

Physical neglect upheld where the Appellant's erratic behavior demonstrated a serious disregard for his two daughters' safety and well-being. The Appellant engaged in a domestic violence incident in the presence of both daughters, making them fearful of him. In re Farshad M., April 6, 2011 appeal pending.

Physical neglect upheld where the Appellant beat and injured mother in child's presence. He threw a glass at the mother and child as they tried to escape to another room. The glass nearly hit the child, shattering against a wall, sending shards in every direction. In re Roderick M., March 10, 2011.

Physical neglect and emotional neglect upheld when child is present during an argument with the Appellant (person given access) and child's mother. Appellant threw a glass bottle at mother's car while child was in front seat. The bottle shattered and glass hit the windshield scaring the child and placing her in a zone of danger. In re Brandi M., February 18, 2011.

Physical neglect upheld where the Appellant, upset, grabbed his live-in girlfriend, causing injury, after she announced she and their children were leaving him for good. He was holding one child while another child observed standing close by to the girlfriend. The children were in a zone of danger of being injury had the Appellant escalated the dispute. In re Lucas V., February 14,2011.

Physical neglect upheld when the Appellant engaged in a physical altercation with child's father while child was in close proximity. In re Sara L., February 8, 2011.

Physical neglect upheld where the Appellant engaged her boyfriend in a fight as he was holding their infant child, causing the child to bump her head against the door. The child could have been seriously injured. In re Suzanne K., October 18, 2010 On appeal, central registry reversed and substantiation upheld, by agreement April 2011.

Physical neglect reversed when evidence supports a finding that arguments were only verbal and older child was never in a zone of danger. In re Robert C., September 23, 2010.

Physical neglect upheld where the Appellant assaulted his wife in the presence of his two boys, putting them in a zone of danger as he fought with their mother on the bed they shared with her. One of the boys repeatedly used every insult hurled at his mother by the Appellant and disclosed "daddy hit mommy." Both boys cried. In re David T., September 13, 2010.

Physical neglect reversed when Appellants acknowledge they were involved in a verbal altercation, but were separated from children by a closed door and the children were never at risk of injury. In re Stephanie and Thomas B., September 7, 2010.

Physical neglect upheld even though mother confronted boyfriend while her children were sleeping. Children woke up when altercation became physical. Mother threw a vase at her boyfriend and bit him. Children were in the zone of danger. In re Tara S., August 2, 2010.

Physical neglect reversed when Appellant acknowledges physical altercation with child's mother, but there is no evidence that the child was in a zone of danger or at any risk of harm during the altercation. In re Artismess T., July 7, 2010.

Physical neglect was upheld when the Appellant engaged in a verbal argument with her mother and two brothers that escalated into a pushing and shoving incident and the brother punching the Appellant. The incident occurred close to the seven year old daughter of the Appellant. In re Alma N., July 1, 2010.

Physical neglect reversed where the Appellant fought with his daughter's mother on a sidewalk as the child was safely secured in her car seat and in a car, away from the fighting couple. The child was not in a zone of danger or threatened with being physically injured. In re Michael M., June 24, 2010.

Physical neglect upheld where the Appellants exposed their children to domestic violence and substance abuse which negatively impacted them physically. Both boys were placed in a zone of danger when they intervened during one of the Appellants' fights to protect mother from father's physical blows. Father grabbed the boys by the hair and dragged them to their bedroom, injuring one of the boys. The children's doctor opined that they should go to counseling due to exposure to trauma and violence, which caused them to act up. In re Robert L., Sr. and Karen L., June 4, 2010.

Physical neglect upheld as to one child and reversed as to two other children. The one child present was eleven months old and in close proximity to the Appellant as he brutally attacked his former wife. The second child was in the shower and the third child was asleep in an adjacent room; both were unaware of the assault until after it took place. In re Richard M., May 19, 2010.

Physical neglect reversed when Appellant removes television from foster child's room and places it at top of stairs. Neither foster child was in zone of danger and foster father did not put children at risk of injury. In re Nick and Cindy F., May 11, 2010.

Physical neglect upheld when Appellant pushes a laptop computer and printer off a refrigerator during an argument and her three year old child was present in the room and within a zone of danger. In re Meagan P., April 20, 2010.

Physical neglect upheld where the Appellant's erratic behavior showed a serious disregard for her two daughters' safety and well being. Appellant engaged in a domestic violence incident in the presence of both daughters. The Appellant took a drill to the windows to the home, causing shattering glass to fly as the two girls stood close by, placing them in a zone of danger and at risk of physical injury. In re Farima D., April 12, 2010.

Physical neglect reversed when evidence supports a finding that the child was not in the room when adults were arguing; adults waited until after the child went to sleep to argue and child was never at risk of physical harm. In re Gabrielle C., April 9, 2010.

Physical neglect upheld when Appellant physically assaults the mother of his six month old son while the child is next to the mother. Child is within zone of danger and dependent on mother for all physical needs. In re Rafael C., April 9, 2010.

Physical neglect reversed where the children's mother's boyfriend repeatedly engaged in domestic violence but the Department was unable to meet its burden by a fair preponderance regarding the location of the two children during the domestic violence. There was no evidence that the children were in a zone of danger. The children expressed fear of the Appellant but the Department did not substantiate emotional neglect. In re William F., March 11, 2010.

Physical neglect reversed where the children's father slapped their mother, the Appellant, while the couple was in their bedroom. The children were in another bedroom across the hall, ten feet away and not in a zone of danger of being physically impacted or injured. In re Lisa C., March 4, 2010.

Physical neglect upheld where he fought with another girlfriend, the mother of his three month old son, while she held the baby and where he almost punched the baby boy, placing the child in a zone of danger. In re Harlee S., February 4, 2010.

Physical neglect reversed as the Department did not prove that either child was home when the altercation between the adults occurred. In re Carlos A., January 20, 2010.

Physical neglect and emotional neglect upheld where the Appellant brutally assaulted his children's mother in their presence and they ran out of the home fearing for their mother's safety and in order to get help. The assault took place throughout many rooms in the apartment, including in a small hall way where the children were standing close by. The Appellant formed the intent to cause mother serious injuries and knew the implications to his children; his actions had a serious disregard for his children's welfare; his actions-especially domestic violence-were chronic in nature; and domestic violence was a major fact in the Central Registry recommendation. In re Adonis S., January 14, 2010.

Physical neglect reversed where the fight between the Appellant and the child's mother took place in a lower level living room while the child was upstairs on a second floor landing, out of a zone of danger. In re Jacek C., January 11, 2010.

Physical neglect is upheld where Appellant mother engages in physical altercation with father while he is changing their infant's diaper. Mother cuts father's arm with tape dispenser. As child is in close proximity to the parents during altercation, this demonstrates a serious disregard for her physical well being. In re Lora C., January 29, 2009.

Physical neglect reversed where it is not shown child is in zone of danger and department has not established the frequency, extent of the altercations, and each party's involvement in the altercations. In re Erica T., January 21, 2009.

Physical neglect upheld where children present and in close proximity where they could get hurt when the Appellant is hitting and throwing their mother to the floor. In re Luis L. and Arvia L., January 26, 2009.

Physical neglect reversed as to second child because he was located in a separate room and safe during the Appellant's altercation with the first child. He was not in danger of being physically injured. In re Shelly V., January 8, 2009.

Physical neglect reversed where police report made no mention that child was present when Appellant's wife punched him outside of their home. Child was with paternal grandparents during the altercation. Department failed to speak to Appellant or paternal grandparents prior to substantiating physical neglect against Appellant. In re Brian C., February 6, 2009.

Physical neglect upheld where Appellant slaps child's mother in the face three times causing injuries while she is holding six month old child in her arms. In re Tom A.., March 9, 2009.

Physical neglect reversed where the Appellant engaged in a physical confrontation with his girlfriend in the presence of her children. While the children were present in the backyard, there was no evidence to suggest they were in a zone of danger or at risk of being injured.
In re James N., April 24, 2009.

Physical neglect upheld where the Appellant engaged in a physical confrontation with the mother of his son and the boy was physically between his parents during the incident. The child was in a zone of danger and could have been injured. The Appellant also involved the child in the incident by attempting to remove him from the mother's car. In re Linnon M., April 27, 2009.

Physical neglect upheld where the Appellant hit the mother as the child slept next to mother. Child was lying in the zone of danger and could have been physically injured. In re Joel J., April 7, 2009.

Physical neglect reversed where the Appellants fought over child's refusal to go to school in child's presence but where child was not placed in a zone of danger on both occasions. Once where the child was on a couch about ten feet away, and once where the child was safe in a car while parents were about twenty feet away outside of a car. In re Virginia and Gordon C., May 18, 2009.

Physical neglect reversed where there is no evidence that child was within zone of danger or at risk of injury during physical altercation between caretakers. In re Daniel F., May 27, 2009.

Physical neglect reversed where there is no evidence that child was within zone of danger or at risk of injury during physical altercation between caretakers. Facts supported a finding of emotional neglect but that was not substantiated by the Department. In re Jose B., May 27, 2009.

Physical neglect upheld when Appellant father demonstrated serious disregard for children's physical well-being by pulling mother out of car while the car was still in drive. In re Kevin J., June 26, 2009.

Physical and emotional neglect upheld where father breaks into mother's home and attacks her in the child's presence. Later in the evening, father assaults mother in the car, while the child is in the backseat. The incidents were a serious disregard for the child's well being, and the child was within the zone of danger for each occurrence. In re Manuel M., June 4, 2009.

Physical neglect upheld where Appellants (parents of twin infants) engage in a physical altercation in the kitchen which moves into the bedroom where the twins are sleeping. Appellants are hitting each other and husband takes a bottle of Febreze and throws it against the wall. Although no impact to the children, Appellants demonstrated serious disregard for their daughters' safety as the daughters were in the zone of danger. In re Kelly and Charles B., July 15, 2009.

Emotional and physical neglect upheld against Appellant who physically abuses his daughter in the car, while the car is moving. Hearing Officer finds that the children were frightened by their father's behavior, and called 911. In addition, the children were in the physical zone of danger, particularly since the car was in motion. In re Oswald M., July 13, 2009.

Physical neglect upheld where the Appellant repeatedly punched mother on a bed next to five month old baby who could have been seriously injured. In re Jon D. P., August 26, 2009.

Physical neglect upheld where Appellant repeatedly hit mother while she held baby in her arms and lap. In re Joseph T.J., September 11, 2009.

Physical neglect reversed where Appellant was engaged in an argument with wife in a car that led to wife driving car recklessly. Appellant's actions were not the cause of the wife's conduct.
In re Jeffrey D., September 18, 2009.

Physical neglect upheld where father physically moves mother to the side during an argument while she is holding two year old in her arms. Father's use of physical force, whether it was a shove or a punch, was a serious disregard for the infant's physical well being as she is dependent on her parents for safety and his actions placed her in a zone of danger. In re Dawei S., September 28, 2009.

Physical neglect upheld where Appellant pushed the mother of a two year old down to the ground and hit her in the face while she was holding the child. Child was in a zone of danger. In re Gary C., October 9, 2009.

Physical neglect reversed where the record does not support a finding that child was ever in zone of danger during physical altercations between her father and his girlfriend. Record does not

support a finding that father's girlfriend drove while intoxicated with child in the car. In re Angela D., October 15, 2009.

Physical neglect upheld and emotional neglect reversed where child in crib near the altercation where father is repeatedly hitting the mother is in the zone of danger. In re Julio R., November 20, 2009.

Emotional neglect upheld and physical neglect reversed where mother and teen age child pulled the Appellant and his son apart during an altercation. The altercation was not very physical and posed very little risk to the child. In re Phillip S., November 24, 2009.

Emotional neglect reversed where children were not present in home during physical altercation and mother took appropriate steps to end relationship with abusive partner. In re Jennifer C., December 10, 2009.

Physical neglect upheld where the Appellant chased the child and his mother, threatening them while wielding a knife. Child was terrified as he sought help and refuge from a neighbor.
In re Devon T., December 4, 2009.

Physical neglect upheld when a two month old is in a car seat in close proximity to a physical altercation taking place in the home between the Appellant and his girlfriend. Although the child was not injured, the Appellant demonstrated a serious disregard for his son's welfare by escalating the argument. Physical neglect reversed as to girlfriend's daughter as the circumstances do not indicate that she was near enough to sustain an injury. In re Frank D., November 1, 2007.

Physical neglect reversed when a teenager and Appellant fight with a baseball bat and it can not be established that the Appellant was the aggressor. Physical neglect reversed when it was established that sibling in the home during the fight was out of the zone of danger. In re Aaron R., August 16, 2007.

Physical neglect reversed when a domestic violence incident between parents was largely verbal and when it did turn physical the children were not present in the zone of danger. In re Jeffrey S., August 10, 2007.

Appellant kicked mother of the child in the face when one year old child is in the playpen in close proximity. In re Augustus N., April 24, 2007.

Emotional neglect and physical neglect upheld when mother engaged in physical altercation (throwing objects) while children were present in the room. Mother was unaware of the children's location and the children hid under the kitchen table to protect themselves. In re Kimberly T., March 2, 2007.

Physical neglect will be upheld when the children are present and within the zone of danger of a physical altercation. It does not matter that the Appellant was not the instigator of the fight. In re Ramon P., January 17, 2007.

DEPARTMENT OF PUBLIC HEALTH

Standard for revoking a daycare license is different from one for upholding a substantiation. The definitions applied are different. In re Gwendolin S., March 22, 2006.

DRESS

Appellant is a licensed foster parent. She also is the mother of two children. Children are observed outside of the home in December dressed inappropriately for conditions. The home was very cluttered. The children were unkempt. There was conflicting testimony from Department staff about the level of concern, if any, over the care being provided to the children. Appellant was not cooperative with the investigation and acknowledged this at the hearing, providing an explanation. Physical neglect reversed. In re Karen C., September 19, 2002.

DRINKING AND DRIVING

Physical neglect upheld when Appellant is arrested for DUI while driving with his wife and infant child in the car. In re Aquilino R., July 26, 2011.

Physical neglect reversed when Appellant did not knowingly or intentionally allow her spouse to drive while intoxicated with the children in the car. In re Cynthia R., July 6, 2011.

Physical neglect upheld where the Appellant got into a motor vehicle accident while she was abusing prescription drugs, causing serious injurious to her daughter. The child was not safely secured in a booster seat and suffered permanent injury to her face. In re Kerry M., August 13, 2010.

Driving with an alcohol level of .208 with children in the car is a serious disregard for the welfare of the children. Physical neglect upheld. In re Deborah S., July 1, 2010.

Physical neglect upheld when father is intoxicated and involved in a single car accident with child in the car. While no adverse physical impact, father's actions demonstrated a serious disregard for child's physical well being. In re Michael S., January 12, 2010.

Physical neglect proven where mother hits a utility pole with her children in the vehicle and fails three field sobriety tests. Appellant did not take a chemical analysis for alcohol. In re Sooyeon L., January 29, 2009.

Physical neglect upheld where Appellant drives while intoxicated with a child in the car.
In re Michael R., February 26, 2009.

Physical neglect reversed where the Appellant was arrested for suspicion of driving under the influence and risk of injury where the children did not perceive or report that the Appellant was intoxicated and where the evidence did not support a finding by a fair preponderance of the evidence that the Appellant was intoxicated. In re Susan P., May 12, 2009.

Physical neglect reversed where there is insufficient evidence to find Appellant drove while intoxicated with her children in the car. Emotional neglect upheld where the Appellant's teenage daughter report being concerned about their mother's drinking and that when she drinks she is mean and calls them inappropriate names. In re Maureen P., May 19, 2009.

Physical neglect upheld where the Appellant was in a minor car accident with her child in the car and the Appellant had a Blood Alcohol Content level of .238. Central Registry reversed where there was no evidence of a pattern of neglectful behaviors, Appellant took responsibility for her actions and took steps to prevent any future incidents. In re Leslie C., May 8, 2009.

Physical neglect upheld where Appellant drove while intoxicated with child in the car. Blood Alcohol Content was .132, well-above legal limit of .08. Central Registry reversed as this was an isolated incident and the Appellant was remorseful, entered counseling and took steps to address her emotional issues. In re Julie O., July 21, 2009.

Physical neglect upheld where Appellant is stopped and arrested for DUI with her two children in the car. She failed field sobriety test and her urine samples indicated she was legally intoxicated. In re Veronica D., July 1, 2009.

Physical neglect upheld where the Appellant drove while intoxicated with his daughter in the car. The Appellant hit a traffic sign and cone which became lodged under his motor vehicle. The Appellant was unaware of his location, smelled of alcohol, had slurred speech and failed four field sobriety tests. The Appellant also acknowledged he drank at a company function and "it got out of control." In re Kalvin B., November 17, 2009.

Physical neglect upheld where Appellant mother admits to drinking a few beers, while tired, and driving her two children and their friend home from little league and dinner. Mother pulled over and arrested, failed two breathalyzers, and did not have her headlights on at the time of the stop. In re Kim T., May 29, 2008.

Physical neglect reversed where the Department alleges Appellant father drove his sixteen year old to the doctor after consuming alcohol, but did not present any evidence that father was impaired, or that there was adverse impact or a serious disregard for the child's well-being.
In re Patricia K. and Thomas K., May 16, 2008.

Physical neglect reversed where there is no evidence that Appellant mother was intoxicated while driving her daughter. Daughter's opinion that mother was intoxicated is not sufficient, without evidence of mother's conduct that led the child to believe her mother was actually intoxicated. In re Meredith F., June 18, 2008.

Physical neglect upheld on Appellant mother who allows father to drive her car while he is intoxicated and behaving erratically. The couple's seven month old son was in the car with them, and the father caused an intentional car crash. Hearing Officer finds a serious disregard by the Appellant. In re Sharlene L., June 9, 2008.

Physical neglect reversed where the Department is unable to establish adverse impact or serious disregard. Appellant was not aware that her daughter was impaired, when she allowed her other

child to be driven in the same car. When Appellant realized the driver was impaired, the Appellant drove the car. In re Dorese R., August 13, 2008.

Physical neglect upheld when an Appellant was intoxicated while driving with a fifteen year old child as a passenger and they were involved in a car accident. The girl was living with the Appellant and she had assumed responsibility for the care of the child. In re Dina E., August 6, 2007.

There is no evidence that the Appellant failed to provide and maintain adequate safety for her children, although it is more than likely that she was intoxicated on three separate occasions. On one occasion, the Appellant was in a car but it was not proven that she was driving. In the second instance, the Appellant attended a parent-teacher conference, but the children were not present. In the last report, the Appellant came to a doctor's office with the child, but staff stated that the Appellant seemed alright to drive the child home. Physical neglect reversed. In re Dina E., August 6, 2007.

Physical neglect reversed when Appellant who removes children from a domestic violence incident he did not initiate is suspected of drinking while caring for the children. No evidence that Appellant drank to point of intoxication or that his caretaking abilities were impaired. In re Kerri W., July 10, 2007.

Physical neglect upheld when mother drives while intoxicated and two of her children are in the car with her. No impact but demonstrates serious disregard for safety. In re Monalisa B., May 18, 2007.

Physical neglect upheld when Appellant's motor vehicle was stopped more than once for DWI while children accompanied her. Another time, Appellant was admitted to hospital due to a drug overdose while caring for her children. The Appellant suffers from chronic alcoholism.
In re Susanne R., May 10, 2007.

Physical and emotional neglect upheld when Appellant was driving while intoxicated with child in the car. Appellant hit a pole and car caught on fire, resulting in hospital treatment. Child went to separate hospital and feared his mother was dead. In re William F. & Kelly R., March 19, 2007.

The Department must prove its allegations and the Appellant is not required to disprove them. If the Department substantiates physical neglect due to erratic driving while under the influence of alcohol, the Department must prove that the Appellant is actually under the influence of alcohol.
In re Brendan D., March 14, 2007.

Appellant father arrested for DUI with three children in the car. There was no physical impact to the children. This was one incident of egregious conduct. Physical neglect upheld. In re William P., December 7, 2006.

Driving under the influence not proven. Physical neglect reversed. In re Zenon K., October 27, 2006.

The Department substantiated the Appellant as a perpetrator of physical neglect of her eleven year old son as she allegedly drove him approximately three miles to her job while intoxicated. A co-worker drove them home. Appellant denied drinking, yet her sister subsequently found her drunk again. Such conduct is failure to maintain adequate safety and although no physical impact, single incident demonstrates serious disregard for child's welfare. Physical neglect upheld. In re Nancy M., June 26, 2006.

Appellant was intoxicated and drove erratically while her children were in the car. The Appellant was so intoxicated that she could not sign the bill at a restaurant and was almost incoherent. She failed to maintain adequate supervision of her children. Although there was no adverse impact, there was a single incident that demonstrated a serious disregard for the children's welfare. Physical neglect upheld. In re Kathryn B., May 2, 2006.

Consuming two alcoholic drinks over the course of an afternoon and an evening, and then driving a car is not evidence of a serious disregard for the children's well being and does not support an allegation of neglect without a finding of adverse impact. In re Kirsten and Michael S., January 18, 2006.

Appellant allegedly was intoxicated while driving with children in the car. No evidence to indicate the Appellant was over the blood alcohol limit. No evidence that Appellant drove dangerously. Emotional neglect reversed when the Department fails to present specific evidence of neglect due to substance abuse and verbal fighting. In re Andrew F., October 14, 2004.

Physical neglect upheld when father drives children home after being warned by the police not to drive, due to his intoxication. Father was very agitated, and the decision to drive with the children in his car was reckless and unnecessarily exposed the children to risk. In re Gregory B., October 20, 2003.

Physical neglect reversed when mother allowed father to take child to the races, even though mother knew father's alcohol use was on the rise. Department did not prove that father was intoxicated when he drove the children, and mother did not have reason to believe father might become intoxicated before driving their son. In re Kelli P., April 23, 2003.

Father admits to drinking two beers while driving with the children in the car. The fact that the father drank two beers while driving his children home is not in and of itself proof of erratic or impaired behavior or conditions injurious. There is no evidence that the father was impaired when he was driving. The investigation was lacking and there was no proof of any injurious conditions. Physical neglect reversed. In re Michael G., May 22, 2002.

Foster father consumed a few beers while watching softball games and then drove a foster child home. Drinking and then driving, in and of itself, is not enough to support erratic and impaired behavior. There needs to be evidence of intoxication while driving the child. Physical neglect reversed. In re Richard L., February 7, 2002.

DRUGS IN HOME

Physical neglect reversed when Appellant was not aware that her boyfriend, who did not reside in the home, was storing drugs in a safe in the basement. Appellant was not present when the police raided the home and the children were unaware of the presence of drugs in home.
In re Lashunda D., November 22, 2011.

Remanded case of physical neglect reversed when department fails to prove that the Appellant was aware of her husband's drug activity and there is no evidence of drug sales occurring at the home. In re Leshan H. November 10, 2011.

Physical neglect upheld due to the Appellant operating a drug factory in his children's presence. In re Jucoby P., April 7, 2011.

Physical neglect upheld when children are present during police raid of home. Raid is a result of Appellant selling drugs out of the home and the drugs are stored in close proximity to the children's bedroom. Conditions injurious as they children could access the drugs. In re Eric O., December 20, 2010.

Moral neglect upheld when Appellant's fifteen year old stepson is arrested during raid of home because he is in the same room as Appellant's drugs. Fifteen year old is charged with possession of narcotics in a school zone and intent to sell. No evidence that youth has ever been in trouble before and he denied knowledge of drugs in home. Youth now involved with juvenile probation.
Physical neglect upheld when youth is present during police raid of home. Youth is afraid and hides in sister's bedroom during raid. Raid is a result of Appellant selling drugs out of the home.
Registry upheld as Appellant demonstrated a serious disregard for youth's physical well being by selling drugs out of home and his actions resulted in youth's arrest and involvement with criminal justice system. In re James G., November 2, 2010.

Physical neglect upheld when mother is arrested along with child's father, while father is selling drugs out of the couple's car and their child is with them. In re Dulce R., July 26, 2010.

Physical neglect reversed when the Appellant's seven year old daughter saw her rolling marijuana cigarettes and the Appellant told her to stay out of the kitchen because it was not good for her to see. The Department did not prove that the child was within reach of the marijuana or that the Appellant was selling from her home, or at all. In re Alma N., July 1, 2010.

Physical neglect upheld where Appellant mother allows her child to be exposed to others' smoking crack cocaine in his presence. In re Karen M., April 28, 2009.

Physical neglect reversed where it is not proven that possession of two grams of marijuana was accessible to the child or that the sale of drugs by the adult son living in the home was done in the presence of the Appellant's minor child - cited *State v. Fagan*. Also, Appellant's use of marijuana was not neglect absent evidence of adverse impact. In re Carla M., June 4, 2009.

Physical neglect reversed where Appellant has drugs in the home and sells some to friends, but has the drugs hidden from children. Children credibly report they were never aware there were drugs in the home or that father occasionally smoked marijuana. In re Vincent B., August 4, 2009.

Physical neglect reversed where children are unaware of drug activity in the home, and there is insufficient evidence to support a finding that the Appellant was selling drugs out of the home (which would be an inherently dangerous activity, and might support a finding of neglect.) In re Kevin S., January 29, 2008.

Drug dealing is an inherently dangerous activity. When performed in the presence of children, there is a serious disregard for the children's physical and emotional well being especially if there is evidence of a pattern of these transactions in the children's home. In re Xavier P., February 3, 2008.

Physical neglect due to substance use/abuse will not be upheld where there is no evidence of adverse impact, and the Appellant did not seriously disregard the child's well being. In re Dennis P., February 1, 2008.

Central Registry recommendation upheld where Appellant mother is aware that the father is using illegal drugs with their children, and does nothing to stop it. Mother was also aware that father was physically and verbally abusing his daughter, and did nothing to prevent it. In re Michele C., March 27, 2008.

Emotional neglect upheld where child is frightened by his father's narcotic sales, attempts to destroy the father's drugs and is disciplined as a result, and he witnesses a police raid in his home. Emotional neglect of two year old reversed because there is no evidence that she was aware of or adversely impacted by Appellant's conduct. Hearing Officer notes that she may have been in serious physical risk, however, the Department substantiated emotional neglect. In re Maurice J. Sr., April 24, 2008.

Physical neglect reversed when Appellant was not aware that roommate was dealing drugs out of the home and had her son in the car when conducting drug transactions on the way to pick Appellant up from work. Police report supported finding that Appellant did not know of roommate's activities. In re Marta L., October 29, 2007.

Allowing boyfriend to sell drugs out of home when boyfriend keeps a gun for protection is serious disregard, along with sufficient intent, and a two week pattern of buys by the police to say that the Appellant poses risk to children and place on registry. In re Erin P., March 15, 2007.

Child wants to live with one parent and therefore has strong motivation to fabricate allegations that the other parent, the Appellant, has cocaine in his bathroom. Even though he may have used the drug in his past, no evidence to support current drug use and physical neglect reversed. In re Gregory T., February 8, 2007.

The Appellant permitted her boyfriend to utilize her mobile home to package marijuana. The children, at ages two and four, were in the middle of a dangerous situation. The Appellant put the children in that situation by letting her boyfriend use her place for his activity while the children were there. It is also a serious disregard for their welfare to do so and an adverse physical impact does not need to be shown. Physical neglect upheld. In re Theresa D., December 12, 2006.

Not a serious disregard for children's welfare when cocaine was in Appellant's shirt pocket hanging in the bedroom closet. Children were not ever "within reach" of the cocaine or marijuana roaches found in bedroom. No evidence that children had access to bedroom. In re Amaurys A., October 26, 2006.

Foster mother locks her door when she leaves the house and also locks the children out of the home. Foster mother sent the child over to her cousin's home although she was aware that they drink and smoke marijuana. Foster mother was also suspicious that the child had smoked marijuana in her cousin's home nine days earlier. Physical neglect was upheld. In re Telisa A., August 10, 2005.

Drugs and loaded guns found in Appellant's home. Appellant claimed she did not know what was going on in home. Appellant not credible, as Appellant either knew or should have known what was going on. Although there was no impact to the child, activity in and of itself showed a serious disregard for safety and welfare of child. Physical neglect upheld. In re Sarah C., November 4, 2004.

Appellant's drug use and drug sales in the home are a condition injurious and supports a finding of physical neglect. In re Floyd J., February 11, 2004.

Twelve year old child with mental health issues smoked marijuana he found on his father's bureau. Mother was aware of the use of marijuana by her husband but did not believe it was around the children or that the marijuana was accessible to them. Physical neglect reversed. In re Marjorie A., May 8, 2002.

As a result of the police activity, only a few marijuana seeds and some live ammunition were found in the room that had been used by the foster mother's son. There was no incriminating evidence that drugs were actually used in foster mother's home or sold out of her home. Physical neglect reversed. In re Clara W., April 23, 2002.

Eleven year old child was aware of his father's drug history, and witnessed a lot of people come into and out of his father's home. The child never witnessed drug sales or drug use in the home except for one occasion two years earlier. No evidence that the father was under the influence in the presence of the child. The child never expressed fear of his father or that he was in danger or unsafe while with his father. Physical neglect reversed. In re Paul D., March 7, 2002.

DRUGS - SELLING

Physical neglect upheld where the Appellant lived with her boyfriend, a known drug dealer, and her home was targeted for a home invasion as a result. Afterwards, the Appellant's boyfriend kept a gun and ammunition under the couple's bed, within close proximity and easy reach of the children. Had the children gained access to the gun and ammunition, they could have been subjected to serious bodily injury or death. In re Mary K., February 1, 2011

Physical neglect reversed where the record does not support a finding that drugs that the Appellant was accused of selling were accessible to his children. Record supports a finding that the

Appellant was arrested in a store parking lot, none of his children were present with him and the children were not aware of drugs ever being present in the home. In re Scott N., April 27, 2009.

Physical neglect upheld where Appellant gets high while the primary caretaker of five month old, and drives with her in the car shortly after smoking marijuana. Physical neglect upheld where Appellant is arrested for selling narcotics while infant is with him in car and he has narcotics on his person and drugs and weapons are found in the home. In re Lindon Q., May 27, 2009.

Physical neglect reversed when Appellant was not aware that roommate was dealing drugs out of the home and had her son in the car when conducting drug transactions on the way to pick Appellant up from work. Police report supported finding that Appellant did not know of roommate's activities. In re Marta L., October 29, 2007.

Selling narcotics in the presence of thirteen year old son is physical neglect. In re Michael F., Feb. 23, 2007.

EDUCATIONAL NEGLECT

Educational neglect upheld against mother who fails to send children to school. Both children had substantial unexcused absences, and one of the children had to be retained in second grade as a result of missing so much school. In re: Rita W., February 7, 2012.

Educational neglect upheld when Guardian does not register her school-age niece in school for several months. In re Linda Y., April 26, 2011.

Educational neglect upheld where the Appellant did not ensure her seven year old child's attendance in a school she was registered to attend. The Appellant admitted sometimes having difficulty getting the child to school. In re Diana C., May 9, 2011.

Educational neglect reversed where the child had only nine unexcused absences in the school year before entering a program suitable for the child's behavioral health needs. In re Jeanine D., December 23, 2010.

Educational neglect was not proven when child who is frequently tardy has a 504 plan that provides accommodations for her insomnia and inability to get to school on time. In re Tammy E., August 18, 2010.

Educational neglect reversed where the Appellant allowed child to miss four days of school in two consecutive months in the beginning of her first grade school year. The Appellant ensured the child's regular attendance for the remainder of the school year and attendance was satisfactory or better after the Appellant received mental health treatment. In addition, the child suffered no adverse educational impacts for missing some classes. In re Lisa F., April 27, 2010.

Educational neglect upheld where the Appellants failed to ensure their registered teenaged daughter's regular attendance in public school. The Appellants lacked sufficient explanation for the child's non-attendance, and the child missed so many days of school that she was required to repeat the ninth grade. In re Wanda & John C., April 1, 2010.

Educational neglect upheld against noncustodial parent, even though pattern of school avoidance began in the custodial parent's home. Hearing Officer notes that Appellant noncustodial parent condoned her daughter's absences and did nothing to ensure her daughter's school attendance once the child came to live with her. In re Mariluz N., March 18, 2010.

Educational neglect reversed where the child was recommended to attend summer course to improve reading skills. Child was registered but did not complete program. Her attendance was otherwise "good" during the academic school year, in accordance with Connecticut law.
In re Lisa C., March 4, 2010.

Educational neglect upheld where Appellant failed to take appropriate steps to ensure regular attendance at school. Appellant's teenage daughter refused to go to school and missed several days of school throughout middle school. Daughter started high school and stopped attending school altogether. Appellant gave up and allowed daughter to stay home. Daughter involved in mental health programs but no medical reason for daughter to stay home. In re Barbara G., May 12, 2009.

Educational neglect upheld where child misses more than twenty days of school between January and May, is tardy numerous times and is taken out of class early. Child's inconsistent attendance directly affected progress in school and resulted in child being retained. In re Yomaira A.,June 30, 2009.

Educational neglect upheld where Appellant did not enroll children in school for three months after moving from New York to Connecticut. Appellant's contention that they needed a physical from a Connecticut medical doctor is not accurate. In re Amanda M., September 19, 2009.

Educational neglect upheld where the child missed sixty seven days of school because of her deteriorating mental health and the Appellants refused to ensure she attended school.
In re Maria P. and Eloi P., October 30, 2009.

Educational neglect reversed where there is no evidence that the parents failed to take reasonable steps for their daughter's education. Hearing Officer finds that there were communication problems between the school and the parents. In re Timothy and Judi S.,March 26, 2008.

Educational neglect upheld where child's poor attendance negatively impacts her school performance, and Appellant mother has no/inconsistent explanations for the absences.
In re Melissa H., May 29, 2008.

Educational neglect upheld where six year old misses thirty five days of school without valid reasons. In re Gwendolyn E., December 31, 2008.

Educational neglect upheld as Appellant delayed enrolling children in school and failed to ensure their attendance. In re Lawrence L., October 3, 2007.

Educational neglect upheld as Appellant claimed it was inconvenient to send the child to school and Appellant was resisting authorities who were concerned with child's education. In re Brenda P., September 13, 2007.

Child absent from school while with mother, Appellant father never interviewed about the absences. No proof Appellant knew child missing school while with mother. Educational neglect reversed. In re Matthew L., May 14, 2007.

Educational neglect reversed when child suffers from unusual disease not normally seen in children and commonly misunderstood. Child suffered from, among other ailments, chronic fatigue syndrome, making it extremely difficult to function in the morning. School agreed to adjusted schedule, but required child to attend classes in the morning. Parent made several attempts to have school provide home schooling but was consistently denied by school. Child's poor attendance was not a result of mother not taking all appropriate steps to get her to attend.
In re Alice G., April 11, 2007.

Teenage child with PDD was tardy forty six times and had fifty six excused absences and two unexcused absences. Mother did not provide the school with medical documentation regarding his absences. Mother was unwilling to take child to doctor every time he was sick. In May 2004, it was determined that there was no medical basis to miss school. Educational neglect upheld.
In re Tracy S., July 24, 2006.

Father had weekend visitation with his child. He decided not to allow the child to return to mother's home. Child had asthma and father did not have any of the medication. Father and paternal grandmother held the child out of school for the week which they would not let the child return to mother. Medical, physical and educational neglect were upheld. In re Thomas K. and Maria C., July 24, 2006.

Educational neglect reversed. Failure to follow through with IEP recommendations does not meet operational definition of educational neglect. In Carole V., November 10, 2004.

Child missed fifty two days of school between September and January. The child has chronic asthma and mother established that she was following doctor's advice. Educational neglect reversed. In re Milagros C., October 12, 2004.

Educational neglect reversed when the child has numerous absences due to a medical problem causing incontinence. In re Ida D., September 10, 2004.

Educational neglect will not be upheld when the Department relies on a report saying fourteen days of school were missed, without any additional information or details as to why the child was missing school. In re Patricia H., February 3, 2004.

Educational neglect upheld when children missed one fourth of the year's school days and were tardy an additional twenty five times. In re Evelyn D., January 16, 2004.

Educational neglect upheld when Department proves that fifteen year old not enrolled in school for three months. Educational neglect of two younger children reversed when Department cannot

prove that they were not being home-schooled. Failure to comply with another state's regulations governing home schooling is not evidence of neglect. In re Luanne and Mark H., November 4, 2003.

Educational neglect is upheld when child is not allowed to attend school because she is not current in her immunizations or physical exam. Mother was given from August 2001 until May 2002, to get an appointment for her daughter, and failed to do so. The child was kept out of school from May 6, 2002 until the end of the school year as mother did not secure a doctor's appointment for her until Jul, 2002. In re Joanie R., August 20, 2003.

Educational neglect reversed. Child was twice bitten on the school bus, and threatened by the biter's sibling, while at school. The child refused to ride the school bus, and the parents refused to have their child driven to school on a separate van. While negotiating with the Board of Education to resolve the problems, the parents ensured substantial compliance with CGS §10-184, by bringing their son's school work home on Mondays, and returning it to school on Fridays. In re Flora and Hyde H., March 25, 2003.

Physical neglect reversed. Unstable housing situation creates an at risk situation, however, there is not sufficient evidence to demonstrate that child's poor school attendance is due to housing or his illness. Hearing Officer notes that Department cannot change allegation to educational neglect at the point of the hearing. In re Sharon Y., March 7, 2003.

Educational neglect reversed when father attempts to get child to go to school, and is working with others to ensure his son's participation. In re Brian K., June 12, 2003.

Educational neglect upheld when twelve year old child misses ninety six days of school one year, and forty six days the following year. In re Socorro R., May 14, 2003.

Jessica was finally enrolled in kindergarten in October of 2001. Appellant's repeated poor decisions denied the child stability. However, at age five, she was not required to attend school and the failure to fill out the registration option form is not neglect. Physical neglect upheld. Educational neglect reversed. In re Charlotte S., November 12, 2002.

Fifteen year old was not attending school regularly despite some effort by extended family to address school issues. Fifteen year old was required to repeat school year. Both children returned to parents in September 2001. Both parents had obligation to ensure child's school attendance as they retained legal responsibility for his care. Physical neglect reversed. Educational neglect upheld. In re Shelli C. and Perry DeG., July 22, 2002.

Evidence did not demonstrate that child had four or more unexcused absences in a one month period. Mother's perceived lack of cooperation with the school is insufficient to demonstrate neglect as mother believed, based on her prior experience in a different school, that the information requested was not required to assess her child for special education services. C.G.S. Section 10-76ff also requires schools to obtain information from a variety of sources and not to rely on any single procedure as the sole criteria for determining whether a child qualifies for special education. Educational neglect reversed. In re Penny and Peter S., July 12, 2002.

Fourteen year old child was no longer totally within the control of his mother. The mother worked and she could only assure that he did in fact leave for school in the morning. School was at a loss over what to do and filed truancy petitions. Physical neglect reversed. In re Blanche H., April 24, 2002.

Despite Appellant's attempts to get his son to school, child's attendance problem was allowed to go on for too long. Even though the divorcing parents had divided household responsibilities, it did not excuse father from being held accountable to get his child to school. Educational neglect upheld. In re Michael S., October 10, 2000.

The Department failed to follow through with information provided about the location of the children. neglect due to school absences may not be proven by a document that is created six months after the substantiation is entered. The Department must allege educational neglect and not just physical neglect. Physical neglect and educational neglect reversed. In re Carmen G., October 6, 2000.

EGREGIOUS CONDUCT

Physical neglect without adverse impact upheld where Appellant mother attempts to crash her car into her husband's car in the same vicinity as her child. Mother's actions display a serious disregard for her child's well being. In re Virginia F., May 13, 2008.

Physical neglect and emotional abuse upheld where Appellant father uses excessive physical force to remove child from a conflict, and engages in cruel and unconscionable acts toward the child as part of a pattern of controlling and abusive behavior. In re Neil J., May 28, 2008.

Emotional abuse upheld where Appellant father/coach goes into a rage on the way home at his eleven year old son for going the wrong way during a lacrosse game and at other times caused the child not to want to go to father's house or the school dance that he was chaperoning.
In re Michael J., November 18, 2008.

Placing a young child in a dark, cramped space that can only be accessed with a key from the outside (car trunk) is an egregious and callous act that carries a significant risk of emotional and physical harm, even if there is no evidence of adverse impact. In re Tina M., February 5, 2007.

Mother placed infant on top a car to prevent Mr. J. from leaving. Later, mother was shaking the baby while arguing with a police officer. This was a serious disregard for the infant's well being and substantiation upheld. In re Crystal J., August 9, 2006.

Appellant told social worker that she wanted the child dead and if the child was not removed immediately she would kill her. More likely than not , the child heard these remarks. This is an egregious situation that negated the necessity of proving an adverse impact. Emotional neglect upheld. In re Delores C., May 2, 2006.

Appellant was intoxicated and drove erratically while her children were in the car. The Appellant was so intoxicated that she could not sign the bill at a restaurant and was almost incoherent. She failed to maintain adequate supervision of her children. Although there was no adverse impact,

there was a single incident that demonstrated a serious disregard for the children's welfare. Physical neglect upheld. In re Kathryn B., May 2, 2006.

Child was in her mother's arms and another child was standing in the kitchen while the Appellant had a knife and acted out in anger and stabbed the countertop. Appellant then attempted to grab the child from the mother's arms. Although there was no actual impact to the children, this was a single incident that demonstrated serious disregard for the children's safety. Physical neglect upheld. In re Kristopher P., March 3, 2006.

Appellant's conduct determined to be egregious when she locked her eleven year-old daughter out of the house and went to work for the night. Child had a recent history of sexual abuse, and hospitalized for suicidal ideation. No adverse impact needed – Appellant's conduct egregious. In re Denise M., September 23, 2004

Appellant intentionally left her four year old sleeping in the car while she ran errands for twenty minutes at TJ Maxx. Although there was no impact to the child, it posed a significant inherent risk, and demonstrated a serious disregard for the child's well being. Physical neglect upheld. In re Marichu O., July 12, 2004.

An isolated incident is sufficient to constitute neglect if the conduct displays a total disregard for the child's welfare. In re Victoria S., April 2, 2001.

Appellant's girlfriend threw a frying pan full of food across room. Appellant reacted by taking phone off receiver and striking girlfriend on the neck. Appellant's fourteen year old child was present during incident but in another part of the house. Child indicated she was fearful of returning to her father's home and would attempt suicide if forced to return. Child disclosed father had thrown her against a wall in the past and verbally abused her. Child was evaluated and deemed not a risk to self unless returned to father's home. Although child was in another part of the home at the time of the incident, incident was very severe and child was still exposed to domestic violence in the home. Physical neglect upheld. In re Stephen S., October 30, 2000.

EIGHTEEN YEAR OLD

The Department does not have the authority to substantiate persons as perpetrators of abuse or neglect if the alleged victims are not children. The four unnamed students were adults at the time they were interviewed and no information was provided about their dates of birth at the time of the alleged incidents. Emotional abuse reversed. In re Jose C., May 25, 2005.

EMANCIPATION

Emotional abuse reversed as discussion of emancipation, if such discussion did occur, does not rise to level of emotional abuse. In re Walter S., July 18, 2007.

EMOTIONAL ABUSE

Emotional abuse reversed when youth recanted all allegations of verbal abuse by her guardians. Youth acknowledged she wanted to leave the Appellants' home to return to her mother's care. Appellant's were supportive of youth and met her emotional and physical needs.
In re Robert and Sallyann R., December 14, 2011.

Emotional abuse reversed when child has significant emotional issues when placed in guardian's home. While child reacts negatively to structure in the Appellant's home, it can not be determined that the Appellant is the cause of the child's emotional distress, and in fact, the Appellant has taken all reasonable steps to seek treatment for the youth. In re Dawn N., November 3, 2011.

Emotional abuse upheld when Appellant mother fails to communicate with her daughter, and instead, calls the police every time she is upset with her daughter. Mother prevented child from completing college admission essays and job applications. Hearing Officer determines mother not only ignored the child (neglect) but also sabotaged child, which amounts to abuse. In re: Linda F., August 2, 2011.

Emotional abuse/maltreatment upheld where the Appellant repeatedly called his son "scum" and threatened the child with serious bodily injury. Child lived in fear and said he couldn't take his father anymore. After he left the Appellant's custody, child did not want to see the Appellant and entered a therapy program to deal with his anger over the Appellant's treatment of him.
In re Michael B., Jr., December 21, 2010. appeal dismissed March 30, 2011.

Emotional abuse/maltreatment and emotional neglect upheld where the Appellant threatened to kill and maim his sons if they did not bring home a grade of 97 or above from school. The Appellant's older son was so terrified of the Appellant that the boy was shaking when he disclosed being up until 3:30 a.m., worried about his younger brother's safety because the younger brother was not an A plus student. In re Samy B.,November 2, 2010.

Emotional abuse/maltreatment reversed where there is no evidence to support a finding that the Appellant engaged in cruel or unconscionable acts which had an adverse impact on the emotional development of his daughter. In re Michael M., June 24, 2010.

Emotional abuse upheld when father demeans child on a constant basis, swearing and calling the child degrading names. In Thelma and Kenneth K., June 2, 2010.

Emotional abuse upheld when children report ongoing verbal abuse by Appellant and inappropriate physical discipline. Children report being smacked in the face on a daily basis, called names, being made to eat vomit and being fearful with the Appellant in the home.
In re Tina D., August 10, 2010.

Emotional abuse/maltreatment reversed where there are not facts to support by a fair preponderance of evidence that the Appellant yells and degrades his son because he soils himself. The child has received therapy for many years and the problem persists. The testimony of two therapists working with the Appellant and child shows that the Appellant is emotionally supportive of his son. In re Frank A., April 15, 2010.

Emotional abuse upheld when father threatens child's mother (his ex-wife) and the child is afraid for mother's life. Appellant also threatens to keep child past the scheduled visitation and not return her to her mother. Child has physical reaction to threats and calls her mother to pick her up when Appellant will not be present in the home. In re Paul R., March 11, 2010. On appeal, by agreement, substantiation upheld and registry reversed. June 2011.

Emotional abuse reversed where teacher yelled at student in class. Such conduct is not cruel or unconscionable conduct. In re Doreatha M., January 7, 2009.

Emotional abuse upheld where Appellant father gave seventeen year old daughter with pervasive developmental disorder a shower because she does not clean herself. Appellant had daughter's brother record the incident and the child expressed that she did not feel safe at her parent's home because of the incident. In re David W., January 29, 2009.

Emotional maltreatment-abuse reversed where Appellant, high school math teacher, makes a dunce cap for a student and takes out duct tape for his mouth after student is repeatedly told to stop singing in class but does not. Appellant alleged this was done as a joke and not to hurt student. Student, when interviewed, talked about the incident and did not verbalize or exhibit any indication of adverse impact. While student may have been embarrassed, impact did not rise to level of emotional abuse. In re Marissa P., January 20, 2009.

Emotional abuse upheld where Appellant stepfather's constant yelling at and negative treatment of child led to an increase in the child's oppositional behavior. In re Clinton C., February 6, 2009.

Emotional abuse reversed where evidence does not support a finding that father's behavior rose to level of cruel and unconscionable. In re David M, February 3, 2009.

Emotional abuse/maltreatment reversed where Appellant stepmother's decision to have father visit with teenage daughter out of her house was reasonable and not rejection given ongoing abuse investigation. Department did not prove that family members degraded child. In re Theresa V., February 6, 2009.

Emotional abuse reversed where the Appellant's abusive language and aggressive actions were not directed at child, but at the Department investigator. In re Yuri W., Sr., February 3, 2009. and November 16, 2009 appeal dismissed December 2010.

Emotional abuse upheld where the Appellant called child names and told her that he hated her.
In re Tony B., March 30, 2009.

Emotional abuse reversed where Appellant tries to talk the child out of calling the police and tells another child to lie to DCF about the incident when the mother was assaulted by her boyfriend because such conduct does not meet operational definition of emotional abuse. In re Dorothy N., March 10, 2009.

Emotional abuse upheld where mother continued to subject teenage daughter to degrading and threatening statements despite being aware this behavior contributed to youth's mental health

issues and youth continued to exhibit cutting behavior in response to mother's actions. In re Elizabeth M., April 27, 2009.

Emotional abuse and neglect reversed when the child victim is not credible, and there is no independent evidence of cruel or intimidating statements by the father and stepmother toward the child. In re John and Yadira R., May 12, 2009.

Emotional abuse reversed where there was no evidence that child suffered adverse emotional impact from presenting incident. Other cases cited indicating that emotional abuse requires more than a temporary upset, especially when upset is directly related to appropriate discipline.
Also noted that strict discipline does not rise to the level of emotional abuse, especially in instances where children are placed with relatives who are not adequately prepared to parent children who have suffered past emotional trauma. In re Cheryl B., November 13, 2009.

Emotional abuse/maltreatment upheld where the Appellant regularly called his son degrading names which negatively impacted the child's emotional development causing him to be clingy to his mother and constantly seeking assurances of love from her. In re Seth S., December 4, 2009.

Emotional abuse reversed where resident and residential staff engaged in verbal sparring, as such conduct is not sufficient to support a finding of emotional abuse without specific examples of statements that were likely to affect the child's emotional well being. In re Kevin S.,December 22, 2009.

Emotional abuse reversed as yelling and swearing at children as a form of discipline is not cruel and unconscionable behavior. The Appellant did not yell all the time and there was insufficient evidence to indicate the Appellant adversely impacted the children emotionally. In re Leonard M., October 31, 2007.

Emotional abuse reversed. It is not cruel and/or unconscionable for foster mother to prevent misbehaving foster child to call her "Nana Ma," a term of endearment reserved for a grandchild. Nor is it cruel to instruct the child to unpack her suitcase after she changed her mind about running away. Emotional neglect was not alleged. In re Ruth Y., October 25, 2007.

Physical abuse and emotional abuse upheld when Appellant, a school social worker working with emotionally troubled students, hit a child causing bruising, and verbally assaulted others, disrupting at least one student's sleeping patterns. In re Nelson V., October 12, 2007.

Emotional abuse reversed when it was determined that the Appellant did not throw all of the child's toys and playthings out as form of discipline. Many items were thrown out, but due to child's soiling behaviors which ruined most of the items. In re Jason C., August 17, 2007.

Emotional abuse reversed when harsh words, such as calling a child "fat" or wishing a child were another gender, are not sufficient to rise to the level of abusive conduct. In this case, the hearing officer also considered the family circumstances and the child's medical issues. (Refer also to Tamara G., December 27, 2006). In re Debra M., August 8, 2007.

Physical abuse and emotional abuse upheld when the Appellant regularly beat his children beyond reasonable discipline and caused them serious injuries as well as threatened them if they disclosed his acts to authorities, to the point where one child vomited when compelled to disclose and another child nearly fainted when confirming the abuse. In re Everald P., July 18, 2007.

Emotional abuse reversed as discussion of emancipation, if such discussion did occur, does not rise to level of emotional abuse. In re Walter S., July 18, 2007.

Emotional abuse upheld when an Appellant screams and yells at her special needs child to such an extent that the Appellant's husband was "scared his wife would hit him" during the tirade. He also stated that his wife "just snapped" and "went nuts". Emotional abuse upheld. In re Tina and David S., July 11, 2007.

Appellant engages in physical altercations and name calling with his daughter. Both Appellant and daughter instigate the fights. Evidence does not support a finding that the home environment seriously interferes with children's positive emotional development or their physical well-being. While it is true that the Appellant is an adult and should not engage is name calling, it does not appear that the environment seriously interfered with the child's positive emotional development of physical well being. Physical neglect and emotional abuse are reversed. In re Don V., July 6, 2007.

The use of physical discipline that does not result in injury will not support a finding of emotional abuse when there is no evidence that the conduct seriously interfered with the child's positive emotional development. The family is now receiving appropriate services aimed at the particular needs of the family and child. The Appellants' conduct at the time of a crisis is not sufficient to support the conclusion that they emotionally abused their child. In re Donna and Milton H., June 13, 2007.

The Department must establish that the use of physical discipline is cruel or unconscionable in order to sustain a finding of emotional abuse. In re Donna and Milton H., June 13, 2007.

A child's perception that he is treated differently than his sibling will not support an emotional abuse finding when the child's serious behaviors actually warrant disparate responses from his parents. In re Lisa and Kevin F., February 28, 2007.

The Department's operational definitions of emotional abuse require evidence of cruel or unconscionable conduct. Inappropriate behavior that does not adversely impact the child is not sufficient to meet this standard. In re Carrie C., February 5, 2007.

A pre-adoptive mother's conversations with her children that they may not be adopted if they insist on an open adoption are neglectful, however, do not rise to the level of cruel and unusual punishment, and are not evidence of emotional abuse. In re Amy C., November 2, 2006.

Parent telling seventeen year old intellectually limited child that she wants her dead and will help to make that happen is emotionally abusive. Adverse emotional impact shown by strained relationship with mother, crying during the DCF interview, and telling the school about the verbal exchange. In re Wendy B., September 21, 2006.

Although tying an eleven year old child to poles in the basement as punishment is cruel and unconscionable, Department failed to establish a direct, observable and substantial impairment of the child's well being and function as a result of the act. Nor was it found that the facts of the case are so egregious that the impact does not need to be found. Emotional abuse reversed. In re Douglas D., July 28, 2006.

Mother's partner uses spanking and Tabasco sauce on his and Appellant's children, until Appellant forbade the use of this physical discipline and later moved out of the home. She then engaged child in therapy. Failing to secure mental health treatment, had it been established would support a finding of emotional neglect, rather than emotional abuse. While an argument might be made that the failure resulted in the child becoming isolated and feeling degraded, the Department failed to make that argument. Emotional abuse reversed. In re Kelly A. , June 23, 2006.

If the actual physical discipline is not cruel or unusual, the fact that the possibility of future physical discipline causes fear in a child should not be considered emotionally abusive. The fact that the father may have threatened to beat the child until he is unconscious was inappropriate and said out of severe frustration. But the fearfulness to the child was connected to the fear of future discipline and not the fear that he would literally be beat until unconscious. Act of driving by the child at his bus stop two days later, although ill advised, was not emotionally abusive. Emotional abuse reversed. In re John W., February 17, 2006.

Appellant's actions in the classroom were not so cruel or unconscionable as to be deemed emotionally abusive, even if individual students did react adversely to the Appellant's actions or statements. Although the actions may have been unorthodox, that is a matter to address with the Appellant through either training or discipline. Appellant's actions in redirecting student at the computer by moving her hands; action of showing the child's work to the class and placing a misbehaving child near the teacher's desk and sometimes on the floor is not cruel or unconscionable within the operational definitions. Emotional abuse reversed. In re Betsy P., February 16, 2006.

Father held an ornamental sword in the air and threatened to cut his 6 year old child in half if the child did not pick up his toys. Child was fearful and his therapist indicated that he was very evidently disturbed by the incident. Emotional abuse upheld as his actions were abusive and demonstrated a serious disregard for the child's well-being. In re Shawn F., September 9, 2005.

Name calling by father is not appropriate, but does not rise to level of emotional abuse without other factors that demonstrate a serious adverse impact to the children's well-being. Emotional abuse reversed. In re Stephen D., November 30, 2004.

During DCF investigation, father screamed and yelled at daughter telling her he will beat her if she did not tell the truth. DCF worker witnessed child as crying hysterically and shaking, and she was truly fearful. Emotional abuse and emotional neglect upheld. In re Kyle G., November 29, 2004.

Three very troubled siblings placed with Appellants for six months. Physical discipline, heavy-handedness and degrading and derogatory language most likely used. However, the children had significant issues prior to placement with the Appellant foster parents, and there was insufficient

evidence to determine that Appellants' conduct caused maladaptive functioning. Emotional abuse reversed. In re Shirley and Clarence W., October 12, 2004.

Teacher hit student several times on face and with a ruler. Other students said they have been hit too. No marks or bruises. Although Appellant's actions were inappropriate, her actions do not rise to level of emotional abuse. Discipline not done in malicious way nor intended to hurt students. Methods may have violated employment rules but his methods of discipline not unconscionable, cruel or unusual to meet definition of emotional abuse. Emotional abuse reversed. In re Babatunde P., August 31, 2004.

Emotional abuse upheld when mother's boyfriend drives erratically with child in the car, holds her head under water and abuses child's mother in front of child. The child was terrified of the boyfriend. In re Ismar L., May 27, 2004.

Evidence that one child is disciplined more than his siblings is not evidence of emotional abuse when there is also evidence that the child is a greater behavior problem than his siblings. In re Stephen V., May 25, 2004.

Emotional abuse is not established when a father grabs a child by the back of his neck and forces him toward the door to go to school. Child's refusal to go to school was unacceptable. Father's reaction was harsh, but not cruel. In re Jeffrey B., April 2, 2004.

abuse upheld as cruel punishment when foster mother wakes child up in the night to hit her with a belt. Emotional neglect of children also upheld when they all express fear of foster/mother, and an atmosphere of terror. In re Amy B., February 24, 2003.

In order to prove emotional abuse, the Department must prove that the caretaker's actions be cruel and unconscionable, and cause an observable and substantial impairment to the child's well being. In this case, demonstrative teacher made the children uncomfortable. However, his hands-on style was not cruel or unconscionable. Emotional abuse reversed. In re Daniel C., January 29, 2003.

EMOTIONAL NEGLECT

Emotional neglect reversed when children express generalized dislike or fear of Appellant, who is big and loud, but cannot cite any behavior that rises to the level of emotional neglect.
In re Shane D., May 14, 2012

Emotional neglect reversed when evidence does not support a finding that Appellant was control ling or coercive with his children. Children reported no incidents where Appellant's behavior was neglectful, information for the substantiation came from the children's mother only.
In re Paul S., April 13, 2012

Emotional neglect upheld when parents take away son's Christmas presents because he went into his sister's room on Christmas morning without permission. Child stayed in his room by himself all day on Christmas. After child reported these concerns to his therapist, he apologized for his "confessions" when he learned his parents were in trouble. It appeared from the record that the

child believed that he was responsible for the family's trouble, when in fact it was the parents' conduct that caused the problem. In re: William and Olga R., February 7, 2012.

Emotional neglect reversed when the Appellant's actions do not demonstrate a serious disregard for his daughter's emotional well being. The Appellant's daughter suffered from a serious medical condition and the Appellant continued to provide discipline and correct her behavior. The daughter preferred to live with her mother who did not provide as much structure. This does not rise to the level of emotional neglect. In re Jim P., February 9, 2012

Emotional neglect reversed when it is determined that parents are involved in a prolonged and contentious custody action. The mental health professionals involved in the case had previously indicated concern that mother would sabotage the Appellant's unsupervised visitation with the child. Testimony was presented at the hearing that neither the mother nor the child were credible witnesses due to mother's actions which had the effect of alienating the child from the Appellant. The Appellant's actions were not erratic or impaired and did not rise to the level of emotional neglect. In re Bonnie T., January 24, 2012

Emotional neglect reversed when Appellant acknowledges child has specialized needs that can not be met in the home. Child is verbally and physically aggressive to other household members and requires out-of-home placement. In re Eunice F., January 23, 2012

Emotional neglect reversed as it was determined child self-inflicted injuries in order to leave Appellant's home and not have to follow rules. Appellant's alcohol use was not cause of emotional distress in child and Appellant sought mental health services for child to address her emotional distress. In re Alison L.., December 21, 2011.

Emotional neglect reversed when it was determined the youth was not a reliable reporter regarding emotional mistreatment in the home. Guardians took steps to positively address the youth's mental health needs. In re Robert and Sallyann R., December 14, 2011.

Emotional neglect reversed as adverse emotional impact was not demonstrated. While children were upset and crying during an argument between their mother and stepfather, the altercation did not rise to a neglectful situation. In re Bruce W., November 8, 2011.

Emotional neglect reversed where sobbing of a child is not a *per se* indication of a negative impact to the emotional development of a child. The child's mother was angry at the child because she was repeatedly late in getting ready for school, even after much re-direction. In re Carmel M., November 8, 2011.

Emotional neglect reversed where the Appellant briefly allowed her ex-husband, his pregnant girlfriend and another friend with a child to stay in her small house with her two children. There was no evidence that having so many people in a small house negatively impacted the Appellant's two young daughters. One of the daughters liked having her extended family in her home and none of the girls feared their mother. In re Dina K., November 4, 2011.

Emotional neglect reversed when evidence indicates child is not a reliable reporter and his claims that guardians called him names were not credible. In addition, guardians had child in counseling and numerous other services to address child's behavior and emotional issues.
In re Crystal and Mark W., October 20, 2011.

The Appellant caused his son anxiety when he texted him about sexual matters, including about the boy having sex with his girlfriend. The Appellant, who is divorced from the boy's mother, only sees his son sporadically and when they meet, he interrogates the boy about his mother. This causes the boy further anxiety, exacerbating his PTSD and emotional state to the point that he cannot sleep, resulting in his being absent from school or tardy. Emotional neglect upheld.
In re William W., September 9, 2011.

Emotional neglect reversed when child fails to make any type of disclosure during a multi-day forensic interview that the Appellant inappropriately touched him, and substantiation was based on concerns that "something must have happened" due to mother's reports. In re Joseph T., July 19, 2011.

Emotional neglect reversed as to two children in the Appellant's care when they report they are happy in the home and have no concerns. Emotional neglect upheld as to third child who has additional needs and reports feeling isolated in home. Evidence supports a finding that child had emotional issues and Appellant did not respond appropriately to his needs. In re Zaida B., July 7, 2011.

Emotional neglect upheld when Appellant fails to take steps to protect teen daughter's emotional wellbeing when stepfather engages in verbal attack on the youth. In re Loreen L., June 21, 2011.

Physical neglect and emotional neglect upheld where the Appellant fought with child's father, in child's presence, about the child staying with him over an extended weekend and for the remainder of the summer. Despite father saying he could not care for the boy, the Appellant ordered the boy out of her car, father ordered the crying boy back into the car. Appellant ordered the boy to get out of the car, and as he was crying, drove off, leaving child with the father who did not want to care for him. Child later disclosed being sad to see his mother drive off without him. In re Sharonne M., March 18, 2011.

Emotional neglect upheld, even though Appellant mother did not intend to harm her child. Mother's emotional issues resulted in adverse impact to her daughter. Child displayed signs of reactive attachment disorder, but only in her mother's presence. In re Amy H., March 10, 2011.

Emotional neglect upheld where the child was isolated by her parents from the family and she felt isolated and unwanted and believed she did not belong. The parents wanted nothing to do with their troubled daughter. In re Krystine K. and James K., March 1, 2011.

Emotional neglect upheld where the child lived in fear of the Appellant and began to suffer emotional impacts such as anxiety, fear and aggression which he took out by attacking schoolmates and bullying. Child avoided the Appellant after he was removed from the Appellant's care. In re Michael B., Jr. December 21, 2010. appeal dismissed March 30, 2011.

Emotional neglect upheld when foster mother beats her adopted child in front of the victim, and then causes the victim to be untruthful during the ensuing investigation. Hearing officer notes that the victim is under the guardianship of the Department, and the Appellant interfered with that relationship. In re Helen W., December 20, 2010.

Emotional neglect upheld where the child was negatively impacted emotionally by father's exposure of sexual behavior. Child engaged in cutting herself to cope with her anxieties. Normally a very good student, she also declined academically. The child developed an imaginary friend named "Bob" who instructed her to kill and take pills. The child was relieved after she made her disclosures and was happy "it was out." In re Ernesto B.,December 6, 2010.

Emotional neglect was upheld when the Appellant mother told her 14 year old son not to eat or participate in treatment when he was admitted to a psychiatric hospital and the child followed his mother's direction. In re Linda W., November 5, 2010.

Emotional neglect reversed when the record does not support a finding that the Appellant fails to respond to teen-age sons emotional needs. In re Sabrina F., October 19, 2010.

Emotional neglect as to both parents reversed as the record did not support a finding that the subject was treated differently or more severely than her siblings. In re Mohammed and Safina R., October 18, 2010.

Emotional neglect upheld where the Appellant frightened his daughter and son and placed them in fear as a result of exposure to family violence. Both children disclosed being fearful and terrified of the Appellant and expressed the wish to not see him anymore. In re Juan C.,September 21, 2010.

Emotional neglect of Appellant's son reversed where mother and daughter had two physical altercations in two years and numerous verbal arguments. The evidence did not show any adverse emotional impact to the child and it is understandable that a ten year old boy would be afraid when others in the home argue. In re Feliberta M. August 31, 2010.

Emotional neglect upheld as to both children when the girl was worried that the Appellant was going to kill her mother and the boy said he also was very afraid the whole time the Appellant and his mother fought. In re Edward T., August 31, 2010.

Emotional neglect upheld when Appellant acknowledges that the younger children in the home present as sad and depressed and the older children have increased aggression at home and at school as a result of the domestic violence in the home. In re Wellington, F., August 24, 2010.

Emotional neglect upheld where the teenager did not want to return to the Appellant's care and threatened to kill herself if returned to her mother's custody. The child was uncharacteristically upbeat after learning that she was committed to the Department and going into foster care. The child also had educationally problems related to emotional and relational problems with the Appellant. In re Michelle V., August 24, 2010.

Emotional neglect upheld where the Appellant's bizarre and erratic behavior, including pouring water on the child and exclaiming he was God, frightened the child. The Appellant was

hospitalized and stabilized before returning home, but the child did not return home for about a month because she was still frightened by her father's behavior.
In re Abeselom M., August 24, 2010.

Emotional neglect upheld when such animosity between the Appellant and his wife causes the children to be so afraid of their father that they sleep in their mother's room with the door locked.
In re George N., August 20, 2010. remanded and reversed.

Emotional neglect upheld where the Appellant's assault of the child's mother not in the child's presence still arises to neglect where the child saw the serious injuries done to the mother's face and he was force to flee his home and be cared for by others due to Appellant's restraining order.
In re John F., August 11, 2010.

Emotional neglect upheld when the Appellant permits excessive physical discipline to be imposed on her twelve year old child by her boyfriend. As a result, the child did not want to go home after getting in trouble at school. In re Marikate G., August 6, 2010. By agreement, substantiation reversed on appeal , February 22, 2011.

Emotional neglect upheld when the Appellant assaults his wife, she sustains multiple injuries and is on the floor in a fetal position fearing for her life. The Appellant then told their two year old daughter to kick her mother. In re Eric P.,August 4, 2010 appeal dismissed, on appeal to Appellate Court and reconsideration filed, by agreement substantiation upheld and registry reversed.

Emotional neglect reversed when the adverse impact to the child is the result of the mother's instability. Appellant's inability to extract himself from dysfunctional relationship does not rise to the level of neglect of the child. In re Brian D., July 13, 2010.

Emotional neglect upheld when the seven year old's mother has very little tolerance for her daughter's behaviors and was quick to react negatively resulting in the child's therapist referring the girl to a partial hospitalization program to assess how much of the child's behaviors were related to parent/child relationship issues. The child suffered from encopresis and enuresis where medical reasons for the difficulties having been ruled out. In re Alma N.,July 1, 2010.

Emotional neglect upheld when mother is rigid and controlling, and excessively restricts adolescent's freedom. Adverse impact demonstrated by child's inability to perform basic life skills, as well as child's desire to leave the home. In re Norma G., June 24, 2010.

Mother's refusal to accept services for her daughter because she believes her daughter will not change is emotional neglect. In re Norma G., June 24, 2010.

Appellant locked herself and her four year old son behind her bedroom door because of her fear of her five year old son. Such conduct is denying the five year old proper emotional care and attention as well as a serious disregard for his welfare. Emotional neglect was upheld.
In re Veronica P.,June 16, 2010.

Emotional neglect upheld where children feared their parents and did not want to go home because of loud fighting and domestic violence at home. Instead, they wanted to stay with maternal grandparents. In re Robert L., Sr. and Karen L., June 4, 2010.

Emotional neglect upheld when foster parents hold foster child responsible for inordinate amount of household chores, including child care for the biological children in the home.
In re Nick and Cindy F.,May 11, 2010.

Emotional neglect reversed where there is no evidence in the record to support a finding that the Appellant permitted her child with severe out of control behaviors, to live under conditions injurious to her health and well-being. In re Coreen H., May 6, 2010.

Emotional neglect upheld where son refused to have anything to do with the Appellant and became upset when she appears at his baseball games uninvited. The child described the Appellant as "crazy" and "scary." In re Cathy G., April 30, 2010.

Emotional neglect reversed as this substantiation was based on the sexual abuse allegations which were reversed. In re Matthew K., April 20, 2010

Emotional neglect upheld when father repeatedly ridicules and demeans his child. Father also exposes children to coercive and controlling behaviors that result in an adverse impact to the children. In re Ronald C., March 11, 2010 on appeal by agreement substantiation upheld and registry reversed..

Emotional neglect upheld when child's out of control behaviors escalate and Appellant continues to use inappropriate discipline and statements with the child. The Appellant's actions are part of the reason for the child's emotional issues. In re Victoria R., March 23, 2010.

Emotional neglect upheld when Appellant fails to respond to child's emotional needs and refused to allow her to contact her mother during her visit with him. In re Paul R., March 11, 2010. On appeal, by agreement substantiation upheld and registry reversed. June 2011.

Emotional neglect upheld when four boys did not want to live with their father anymore because he is angry and critical all the time and the thirteen year old had to intervene in the physical altercation between the Appellant and his fifteen year old son because the boy did not do a good job moving stones. In re Adam M., January 20, 2010.

Physical neglect and emotional neglect upheld where the Appellant brutally assaulted his children's mother in their presence and they ran out of the home fearing for their mother's safety and in order to get help. The assault took place throughout many rooms in the apartment, including in a small hall way where the children were standing close by. The Appellant formed the intent to cause mother serious injuries and knew the implications to his children; his actions had a serious disregard for his children's welfare; his actions-especially domestic violence-were chronic in nature; and domestic violence was a major fact in the Central Registry recommendation. In re Adonis S., January 14, 2010.

Emotional neglect upheld when Appellant stepfather sexually abused child and he tried to convince child she was asleep and dreaming. In re Philip M., January 12, 2010.

Emotional neglect reversed where substantiation is based on child's report of ongoing physical discipline and it is determined that report is not credible. In re Lana B.,January 9, 2009.

Emotional neglect reversed where teacher yells at student, gives him a detention and tries to take his gloves away because actions were intended to correct the deficiencies in his behavior.
In re Doreatha M.,January 7, 2009.

Emotional neglect reversed where incidents of physical violence against Appellant mother have stopped but verbal arguments continue. Emotional neglect upheld where Appellant father verbally abuses mother so that child makes up allegations of sexual abuse to protect the mother.
In re Luis L. & Arvia L., January 26, 2009.

Emotional neglect reversed where children did not observe substance abuse and felt safe and secure in the care of the Appellant. No adverse impact on emotional development while in care of the Appellant. In re John M.,January 26, 2009.

Emotional neglect reversed where the Department failed to establish that at the time of the incident the child suffered an emotional impact or Appellant's conduct resulted in child's maladaptive functioning. In re Laytricia W.,January 16, 2009.

Emotional neglect upheld and Appellant placed on Central Registry where she threatened to throw pregnant teenage daughter down a staircase because she said something "smart." Appellant also slapped her granddaughter hard because she accidentally unplugged an alarm clock. Appellant has a history of neglect of children. In re Ernestine (F.) G., January 30, 2009.

Emotional neglect upheld as stepfather refused to modify his treatment of child even after being advised that his actions had a negative emotional impact on the boy. In re Clinton C., February 6, 2009.

Emotional neglect upheld where the evidence supports a finding that father was not attentive to the emotional needs of his children as they described a tense atmosphere in the home and an inability to get father to provide emotional support and attention. In re David M.,February 3, 2009.

Emotional neglect reversed where evidence did not support child's claim that father verbally berated her for a period of years. In re Larry V.,February 25, 2009.

Emotional neglect upheld where family remains living with grandparents while grandfather drinks a lot and becomes grouchy so that the children are afraid of him and he talks about suicide with the granddaughter who ends up with suicidal ideations. In re Heather M,, February 20, 2009.

Emotional neglect upheld where child witnesses domestic violence incident between Appellant and her mother. In re Tony B., March 30, 2009.

Emotional neglect upheld where Appellant becomes intoxicated and argues to the point that her boyfriend and the children tell her to leave and she leaves for two days without telling anyone where she is or that she is alright. In re Sandra K., March 6, 2009.

Emotional neglect reversed where Appellant did not participate in family component of child's extended day program after hospitalization nor enrolled the child in the IICAPS program because Appellant was receiving professional advice and attending to the emotional needs of her emotionally disturbed son in other ways. In re Donna B., March 31, 2009.

Emotional neglect reversed where Appellant threatened but never followed through having her troubled teenaged granddaughter, in her care, placed in foster care if she did not obey rules and do chores. Appellant maintained close and nurturing relationship with granddaughter into adulthood. In re Lois R., March 4, 2009.

Emotional neglect upheld where Appellant constantly fought with children during contentious divorce with mother, calling her and the children names such as slut and faggot, causing them stress and not wanting to be around or live with Appellant. One child moved in with maternal grandparents and was fearful that the Appellant was going to kill him. In re William W., March 18, 2009.

Emotional neglect upheld where mother fails to participate appropriately in child's mental health treatment and threatens to discontinue treatment that has been effective. In re Elizabeth M., April 27, 2009.

Emotional neglect upheld where Appellant did not provide emotional support to granddaughter by talking about the improprieties of the molestation the Appellant observed or telling the child's parents so they could address the issue that the child carried with her for three years. In re Gail F., May 12, 2009.

Emotional neglect reversed where the evidence did not support a finding that the Appellant did not provide emotional support and care for son. In re Annette H.,July 8, 2009.

Emotional neglect upheld where adolescent with specialized needs was sad about Appellant-mother's frequent absences from the home and desired some of the attention she had given him in the past. Child was upset knowing that he and his siblings were leaving the Appellant's home and going to live in group homes. As his mother, it was the Appellant's obligation to provide emotional care and attention about that new living arrangement. The Appellant should have the spent time with child, nurturing and reassuring him. In re Judith V.,July 21, 2009.

Emotional neglect upheld where Appellant is divorced, and during visits with his teenage daughters he tells them their mother will die young, he threatens to kill himself in front of them, he yells at them and is very controlling. The girls are fearful that he will hurt their mother or himself. Children are adversely impacted by their father's behavior. In re Christopher C.,July 27, 2009.

Emotional neglect reversed where preadolescent child feels uncomfortable when parents check child's underwear because child does not always practice good hygiene, and is immature for his

age. While it can be said that the Appellant exercised poor judgment on occasion with respect to the child's hygiene, his conduct does not rise to the level of emotional neglect of the child.
In re Ronald V., August 11, 2009.

Emotional neglect upheld where mental health issues of mother resulted in her calling her daughter degrading names to the point the child is afraid of going home because of the yelling and name calling. Emotional neglect reversed where Appellant mother is so sleepy from using alcohol with medication that the grandmother in the home had to wake the mother up in the morning.
In re Lorrie A.,October 23, 2009.

Emotional neglect against Appellant parents reversed where they are able to establish a long history of mental health treatment for their daughter, who is aggressive and combative.
In re Karen and George F., October 6, 2009.

Emotional neglect upheld where mother removes child from therapy after therapist makes referral to the Department. Even though mother attempts to re-enroll child once information in the referral is clarified, child cannot resume sessions with the same therapist and the therapeutic relationship is disrupted adversely affecting child. In re Jami W., December 23, 2009.

Emotional neglect upheld where Appellant failed to provide emotional support to daughter who alleged that the Appellant's husband sexually touched the girl's friend at a sleep over. Appellant does not have to believe sexual abuse happened, but engaging in such conduct as calling child a liar, telling her that she hates her, and refusing to have contact for over a month is a denial of child's affective needs. In re Kara P., December 8, 2009.

Emotional neglect upheld where the Appellant hit the children's mother in their presence and beat the family dog to where it cried out in agony. Appellant's son mimicked the behavior by hitting, pushing and pulling his baby sister. Son also liked to hit the dog but did not understand why. Both children tried to intervene when the Appellant beat the dog because they were scared he was going to kill their dog, evidence of the impact the behavior had on the children.
In re Seth S., December 4, 2009.

Emotional neglect due to exposure to domestic violence reversed where the evidence supports a finding that the children slept through the incident. In re Yolanda C.,January 9, 2008.

Emotional neglect due to Appellant father's controlling and manipulative behavior toward mother has no adverse impact on the children. In re Frank B., February 19, 2008 appeal dismissed.

Emotional neglect upheld where Appellant creates chaotic conditions in the home, and the Department is able to establish a serious disregard for the appellant's children. In re Frank B. February 19, 2008. Appeal dismissed April 14, 2009.

Emotional neglect and emotional abuse both upheld where Appellant threatened and/or physically placed children outside in a dark yard, alone, with roaming coyotes as a form of behavior control and punishment, terrorizing the children.
In reTrevor B., February 1, 2008.

Emotional neglect upheld where administrator of a residential facility with clinical background, takes teenage resident into his office and photographs her in a bathing suit for "modeling" purposes. Hearing Officer finds that Appellant's actions are a serious disregard for the child's emotional well-being, given the administrator's knowledge of the child's history (which includes trauma and sexual abuse.) In re S., March 20, 2008.

Emotional neglect upheld where Appellant mother is aware that divorce and conflict in the home has already upset her daughter, yet she continues to engage in conflicts with her husband, resulting in her arrest. In re Carla C., March 18, 2008.

Asking a twelve year old to assist with care of four younger siblings, when a parent is also home, is not evidence of emotional neglect. In re Beatrice and Michael M., April 21, 2008.

Emotional neglect upheld where parents fail to provide for their child's mental health needs. Although parents may disagree with their child's diagnosis, they must still seek assistance when their efforts do not meet the child's specialized needs. In re Suzanne C. and Robert P., April 23, 2008.

Emotional neglect upheld where Appellant threatens child to prevent her from disclosing sexual abuse by the Appellant. In re Christopher C., April 7, 2008.

Emotional neglect upheld where the Department establishes that Appellant father repeatedly threatens mother and child when he is drinking, and the child is afraid of the father when he drinks. In re Frank R., April 17, 2008.

Emotional neglect substantiation will be upheld where the Appellant's name calling and angry responses. Hearing Officer relied on evidence that the Appellant created an intimidating atmosphere, accusing the children of stealing, when they removed food from the pantry. In re Adam B., May 13, 2008.

Emotional neglect upheld due to long history of domestic violence, and children's statements that they are "sick of" the constant fighting. Hearing Officer also relies on educator's statements that one child engages in disruptive and inappropriate behavior in the classroom. In re Brigitta R., May 28, 2008.

Emotional neglect upheld, even though the children did not witness the incident, where the children are aware of the fight, their mother's injuries, and are frightened. In re Scott C., May 13, 2008.

Emotional neglect upheld where Appellant was verbally abusive to a child in her care and failed to support the child emotionally through reports of sexual abuse and a later pregnancy. In re Christine W., May 6, 2008.

Emotional neglect upheld where Appellant aunt shaves her niece's eyebrows, because the Appellant thinks the child looks "like a slut." Hearing Officer finds that the Appellant's values and expectations are too harsh, and have resulted in adverse emotional impact to the child. In re Clarissa M., June 5, 2008. Reversed on appeal to Superior Court by agreement. December 2008.

Emotional neglect upheld where Appellant allowed his two sons to have ongoing, unsupervised contact with the Appellants' grandchildren, and the grandchildren are repeatedly sexually assaulted. Hearing Officer notes that sexual assault does not just result in physical harm, but also emotional damage as well. In re Ernest and Ethel B., June 13, 2008.

Emotional neglect upheld where Appellant mother points a knife at her daughter. The daughter ran from the mother, afraid that she would be stabbed.
In re Elzaida D., June 25, 2008.

Emotional neglect upheld where Appellant mother "loses it" and trashes a room in front of her child. The child was frightened by his mother's behavior, and Hearing Officer finds serious disregard for the child's well being. In re Susanne P., June 23, 2008.

Emotional neglect was upheld due to the Appellant's exposing the children to continuous domestic violence, frightening the children and negatively impacting their emotional well-being. In re Sandra L., nee F., June 12, 2008.

A teacher's use of physical discipline is not sufficient to sustain an emotional neglect substantiation when there is no evidence of adverse emotional impact.
In re Martha D., June 9, 2008.

Emotional neglect upheld against Appellant father/stepfather, who is verbally abusive, throws things, and intimidates his blended family. Emotional neglect reversed as to Appellant mother, as her behavior, while inappropriate, did not rise to the level of neglectful conduct. In re Stacey and Richard V., June 6, 2008.

Emotional neglect due to serious disregard upheld where Appellant mother, who is frustrated with her daughter's behaviors, places a phone cord around her own neck. Hearing Officer finds that mother intended to scare/upset her child into proper behavior. In re Elika C.,July 25, 2008.

Emotional neglect upheld against Appellant mother, where her expectations of her child are unrealistic, and have resulted in adverse emotional impact. Child is depressed and withdrawn. He has been responsible for the primary care of his younger siblings and numerous household chores for several years. In addition, his mother punishes him severely when he fails to do the chores to her satisfaction. In re Marjorie B.,July 15, 2008.

Emotional neglect upheld where Appellant father repeatedly tells daughter he has nothing to live for and thinks about going out and "blowing his brains out." Hearing Officer notes that daughter is having suicidal thoughts as a result, and this is evidence of adverse impact. In re Reginald W., July 1, 2008.

Emotional neglect upheld as to Appellant father and stepmother where their fighting is shown to cause increased anxiety to father's daughter, who is already anxious about her visitation with her father. In re John and Michelle W., August 18, 2008.

Emotional neglect upheld where Appellant mother calls her daughter a liar, after she asserts that the Appellant's ex-husband sexually molested her. The Appellant created an atmosphere that caused the girl to fear for her physical safety. In re Melanie M., September 26, 2008.

Fourteen year old did not know if she was going to be punished or thrown out of the home for talking to the police, resulting in comments by Appellant mother and stepfather that she was not wanted in the home and emotional neglect is upheld. In re Debora & Timothy C., September 17, 2008.

Pouring water over a child's head for his repeated improper disposing of vitamins is not emotional neglect. The Department also has not shown emotional neglect from putting the child in the shower with his clothes on and spraying him with water after he was being destructive to the bedroom. It is emotional neglect to put a six year old in a small closet without light for a significant period of time. It is also emotional neglect to drive the six year old to the hospital telling him he needs to be put in a mental hospital but not actually stopping at the hospital. In re Sandra & Richard C., September 9, 2008.

Emotional neglect upheld where Appellant constantly yelled and hit her children, making them fearful and creating a chaotic home life, to the point where the children displayed out of control behaviors at home and at school. In re Todd L., October 2, 2008 Appeal dismissed as untimely April 2009.

Emotional neglect reversed, even though Appellant teacher makes an inappropriate comment to a student about her outfit being sexy. Hearing Officer finds no evidence of adverse emotional impact. In re Benjamin C., October 2, 2008.

Emotional neglect upheld where Appellant father makes inappropriate comments to his daughter about her mother, and involves the child in custody issues. Father also has inappropriate physical boundaries, including having the child straddle him while she sits on his lap, and sharing a bed together. In re Timothy P., November 14, 2008.

Emotional neglect reversed where there is no confirmation that Appellant father threatened mother with a knife while arguing in the kitchen. Neither father nor mother recalled child being in the kitchen during the argument and another child who was present reported father did not threaten mother with the knife. Child later recanted his disclosure, stating he copied the story from another student at school. In re Tai D.,November 5, 2008.

Emotional neglect upheld as child present during physical altercation between estranged parents. Appellant initiated altercation. Child, who is autistic, showed visible signs of distress during the incident by holding his ears and rocking back and forth. Central Registry was upheld as Appellant was charged with risk of injury as result of the incident and charges were still pending at time of hearing. In re Vance Z.,November 21, 2008.

Emotional neglect reversed where in the heat of the moment, the Appellant mother tells her ten year old son that people are going to take him away when he is tearing up his bedroom and it was not demonstrated that mother hit the child in the head with a belt buckle. In re Gwendolyn E., December 31, 2008.

It is the denial of proper care and attention when there is a heated verbal argument in the front seat of the car between the Appellant and his girlfriend. Girlfriend was having significant mental health problems and would not agree to be admitted to the hospital. Oldest child told Appellant to stop arguing and both children were frightened and sad. In re Jeffrey N., December 28, 2007.

A child's refusal to see his father and the breakdown in the relationship between the two may be used as evidence that a parent's inappropriate conduct has adversely impacted the child's emotional well being, and supports a finding of emotional neglect. In re Edward C., December 11, 2007.

Emotional neglect upheld when child could clearly describe the physical violence he observed in the home and expressed a sincere fear of returning to the Appellant's home.
In re Shabbir K., November 27, 2007.

Emotional neglect upheld when child was fearful the Appellant was going to seriously injure mother. In re Laurence C., November 20, 2007.

Emotional neglect upheld when children live in a hostile residence for many years and the nine year old was afraid one of her parents was going to get hurt. The fifteen year old could not wait to be old enough to move out. In re Tamiko C., October 25, 2007.

Appellant pushed his girlfriend's head while she had the baby in her arms. She reacted by screaming at the Appellant. The child started crying and was scared. Physical neglect reversed as child was not in physical danger. Emotional neglect upheld. In re Marvin B., October 25, 2007.

Father makes unwanted sexual advances towards mother. Mother tells father to stop, he does not. Father continues to touch mother in sexual way despite her objections. This occurs repeatedly in front of ten year old daughter. Daughter does not want to visit father, her grades start to fail. Father has raped mother in past but not daughter not aware of the rape. Emotional neglect upheld, Registry recommendation upheld. In re Derrick S., October 10, 2007.

Physical and emotional neglect upheld when Appellant permitted children to live in a filthy home and exposed them to on-going domestic violence. Petitions were filed on behalf of children and they were adjudicated neglected; therefore, the allegations were automatically upheld. In re Milton and Juanita F., October 9, 2007.

Emotional neglect reversed when the Appellant attempts suicide on two separate occasions, but not in front of her daughter. In the first attempt, the Appellant arrived home from the hospital before the child and in the second attempt, the Appellant called a neighbor to watch her daughter. Emotional neglect reversed. In re Brenda W., September 27, 2007.

Physical and emotional neglect upheld when mother and step-father permit child to be exposed to on-going violence between them and child's biological father who also resided in the same home. Biological father also suspected of sexually abusing child and mother and step-father did not limit contact between them. Allegations upheld as Department's decision was made in 2004 and Appellants did not follow proper procedure to appeal; Appellants had received notice of

investigation results and had initiated appeal procedures, but did not follow through with attending scheduled hearings. In re Joyce and Anthony D., September 19, 2007.

Physical neglect and emotional neglect both reversed when the Department could not prove that a teacher sharing a lavatory with a student amounted to inadequate supervision or had an adverse emotional impact. In re Norman O., August 17, 2007.

Emotional neglect upheld when it was determined that the child was physically disciplined with a belt for soiling behavior which was caused by emotional stress and turmoil in child's life. In re Jason C., August 17, 2007.

Emotional neglect upheld when children witness a physical altercation between parents so severe that they feel they need to contact grandparents and police. Appellant charged with Disorderly Conduct but charges were later nolled. In re Jeffrey S., August 10, 2007.

Physical and emotional neglect upheld when mother is unable to provide safe living environment due to unmet mental health needs and chronic exposure to domestic violence. In re Jennifer W., July 23, 2007.

Emotional neglect reversed when child denied verbal abuse by father and no evidence to support finding was presented. In re Walter S., July 18, 2007.

Appellant made threatening statements to his wife in the presence of their children. The children did not construe this incident as violent and the family has no known history of domestic violence. The child directly involved did not demonstrate a fear of his father or concern for mother's safety. Emotional neglect reversed. In re Michael C., July 11, 2007.

Emotional neglect upheld when an Appellant screams at her adopted child to such an extent that the child takes off all of her clothes, leaves the home and walks down the street. Child then accepted a ride from a stranger. Appellant was aware that child had special needs. Emotional neglect upheld. In re Tina and David S., July 11, 2007.

Appellant's wife screamed and yelled at their special needs child to such an extent that the Appellant was "scared his wife would hit him". He also stated that his wife "just snapped" and "went nuts" during the tirade. The Appellant failed to intervene on his child's behalf, allowing his wife to terrorize the child. The child left the home without any clothing, accepted a ride from a perfect stranger, and was at risk of serious harm. Emotional neglect and physical neglect upheld.
In re Tina and David S., July 11, 2007.

Emotional neglect upheld when Appellant hit the children's mother in their presence to the extent that one of the children ran next door to call the police. In re Steven M., July 5, 2007.

Emotional neglect upheld when the Appellant insisted that the Emergency Room doctor perform an invasive physical exam of the four year old boy for sexual abuse after the doctor did not find any physical evidence of sexual abuse. Appellant so adamant that hospital calls the police and DCF. Children are not allowed to leave with the parents. Appellant also instructs the boy to kick the police when they try and remove the child. In re Anthony & Kimberly L., July 2, 2007.

Emotional neglect upheld against father and stepmother when stepmother reports she does have an "attitude" when dealing with child and father is aware of discrepancy in treatment toward daughter and does not address it. In re Sigfredo H. and Dineilly N., June 25, 2007.

Emotional neglect upheld when children are exposed to years of verbal arguing between parents contemplating divorce and who use children as confidants regarding marital problems. In re Stuart and Tamara P., June 25, 2007.

A child's spontaneous and consistent statements that she was frightened when she heard her mother crying and her father threatening to kill her mother will uphold a finding of emotional neglect. In re Terrence H., June 13, 2007.

Appellant told his son that he wanted to eliminate the mother. Such conversation with a thirteen year old boy is inappropriate. It resulted in the boy not wanting to visit with his father and having nightmares. Registry upheld due to severe impact that was brought about by two years of inappropriate conduct. In re Mark G., June 13, 2007.

Without a finding of adverse impact to the child's emotional well-being, the foster mother's failure to seek medical attention for child's symptoms of strep infection does not support a finding of emotional neglect. In re Deborah K. June 1, 2007.

Appellant (mother's boyfriend) disciplined mother's son by taking belongings away from him and making him sleep on the bathroom floor once. This does not rise to level of unsafe environment, Physical neglect reversed. However, these disciplinary measures were excessive and had an adverse emotional impact on the child. Child was fearful of boyfriend and did not want to live in the home. Emotional neglect upheld. Registry recommendation reversed. Boyfriend does not pose a risk to children. In re Robert G., May 30, 2007.

Physical and emotional neglect upheld when Appellant was driving while intoxicated with child in the car. Appellant hit a pole and car caught on fire, resulting in hospital treatment. Child went to separate hospital and feared his mother was dead. In re William F. & Kelly R., March 19, 2007.

Emotional neglect and physical neglect upheld when mother engaged in physical altercation (throwing objects) while children were present in the room. Mother was unaware of the children's location and the children hid under the kitchen table to protect themselves. In re Kimberly T., March 2, 2007.

The Appellant has custody of the children aged thirteen, ten and five for three to four days per week. It is emotional neglect to not let children communicate with their mother during the time the Appellant had custody of the children. The Appellant also forcibly kept the mother from entering his residence to give the five year old a hug. The oldest child refused to call the police at the Appellant's request and the youngest was very upset. In re Sean D., January 30, 2007.

A finding that a child has been adversely impacted by a caretaker's conduct requires something more than temporary upset or distress. In re David Z., December 21, 2006.

Appellant held sword to the face of the mother and this was witnessed by the child. Emotional neglect upheld. Physical neglect reversed as there was no adverse physical impact nor was it demonstrated that the child was in danger. In re Brandon A., November 17, 2006.

Allegations of emotional neglect upheld when pre-adoptive mother engages in several conversations with her foster children about their pending adoption, and the conversations leave the children feeling extremely upset and conflicted about contact with their birth mother. In re Amy C., November 2, 2006.

Emotional neglect is appropriate when Appellant participates in the domestic violence, and repeatedly allows abusive spouse back into the home. In re Diane S., October 3, 2006.

Father backhanded his daughter, who was suspended from school and grounded at home, after he gave her permission to go next door and she tried to sell oregano as marijuana and then "got in his face" while denying it. Emotional neglect reversed. In re George D., October 3, 2006.

When Appellant engaged in verbal argument with daughter, threatened her with physical force, threw her packed belongings out on lawn, told her she was done with her and referred to child's father in a derogatory manner, it had an adverse emotional impact. Child was screaming and crying during physical altercation between parents. Dept demonstrated by fair preponderance child was emotionally neglected by Appellant. Emotional neglect upheld. In re Christina C., July 21, 2006.

Appellant left church feeling ill. Daughter's request for new shoes denied and child shoved mother to the ground. Step father then shoved child to ground and helped wife up. Child in car gave dirty look, step father hit child resulting in bloody nose. Step father was inappropriate in his response but, mother was physically ill and unable to intervene, and daughter was partially to blame, daughter was afraid to go home if mother was not there. Emotional neglect reversed. In re Leslie V., May 18, 2006.

Appellant told ISW that she wanted the child dead and if the child was not removed immediately she would kill her. More likely than not, the child heard these remarks. This is an egregious situation that negated the necessity of proving an adverse impact. Emotional neglect upheld. In re Delores C., May 2, 2006.

Verbal arguments between spouses are not by themselves neglectful conduct. The Appellant tried to avoid further argument by locking himself and the children in the bedroom. The wife tried to enter the bedroom to continue the argument, not because she was concerned about the children's safety. Emotional neglect reversed. In re Frank C., May 2, 2006.

Fact that the foster home consistently applied rules during family activities does not support a finding of emotional neglect. A conscious decision to allow a particular foster child interaction with the foster parent that the child feels most comfortable with is not emotional neglect. Emotional neglect reversed. In re Derek M., March 17, 2006.

Father's behavior was frightening and intimidating to his children, resulting in various levels of fear and anxiety in the children. Emotional neglect upheld. In re Noel M., March 9, 2006 appeal dismissed August 2007.

Child witnessed ongoing verbal altercations between her parents. Father admitted to using regrettable language and throwing things. Child said that she was freaked out by her parents' arguments and felt is was necessary to intervene to protect her mother. Although he may be a good father, his behavior towards his wife has resulted in significant levels of anxiety in his daughter. Emotional neglect upheld. In re Raymond C., March 8, 2006.

It cannot be determined that the child's depression was caused by her parents, although in part, the family situation may have exacerbated her depression. The parents responded appropriately by encouraging the child to engage in therapy. Emotional neglect reversed. In re Dorene and John P., March 3, 2006.

The children's exposure to their parents' constant arguing over finances resulted in dropping in the grades in school, stomach aches and fearfulness. Emotional neglect upheld. In re Marie K., February 10, 2006.

Appellant is relative foster parent. While in the foster home the child became more shy, withdrawn, her enuresis increased, and self-esteem shrank. It is difficult to attribute the child's behaviors to the Appellant's actions. While the Appellant's behaviors were not exemplary, they did not rise to the level of emotional neglect. Emotional neglect reversed. In re Nichelle A., October 31, 2005.

Appellant escalated verbal argument to the point of threatening to hit his children if they did not straighten out and then Appellant threw a stool at the mirror in the dining room. The children were trembling, crying and not knowing what was going to happen next. This was a single traumatic incident where the Appellant seriously disregarded his children's welfare. Emotional neglect upheld. In re Kevin W-S., June 28, 2005.

The removal of all items from the child's bedroom, including his mattress, is extreme. So is the placement of a motion detector outside his bedroom and monitoring his bathroom usage. Due to the extreme level of disturbance of the child and lack of evidence that this conduct is contributing to his maladaptive functioning, the mother cannot be found to have neglected her son. Emotional neglect reversed. In re Christine K., June 23, 2005.

Child reports that she has seen her parents hit each other and yell at each other frequently. Child has developed a coping mechanism of covering her eyes because she is scared when her parents fight. This fear and behavior is evidence of an adverse impact on the child and emotional neglect upheld. In re Nicholas S., June 1, 2005.

Psychiatrist's findings indicate that the child suffered significant emotional trauma as a result of the enormous conflict he experiences with the father. This evidence is sufficient to uphold emotional neglect. In re Mark K., April 28, 2005 on appeal, by stipulated agreement, substantiation affirmed and registry reversed.

Emotional neglect upheld when mother's insistence that special needs child be residentially placed causes demonstrated impact to child's self esteem, and mother failed to provide him with therapy, despite repeated recommendations. In Carole V., November 10, 2004.

During DCF investigation, father screamed and yelled at daughter telling her he will beat her if she did not tell the truth. DCF worker witnessed child crying hysterically and shaking. Emotional abuse and emotional neglect upheld. In re Kyle G., November 29, 2004.

Appellant father and mother engaged in physical altercation. Father had mother by the throat. Daughter present and was afraid, sad and had difficulty sleeping after the incident. She was also accidentally hit in the eye during the altercation. Emotional neglect upheld. Physical abuse reversed when insufficient to find that the Appellant injured the child. In re Edward K., September 17, 2004.

Appellant made repeated unsubstantiated referrals regarding sexual abuse of their children by father. All three girls were interviewed by police, DCF and their Guardian *ad litems*. They were examined by pediatricians and emergency room staff. Not once during these interviews or examinations did the girls disclose abuse by their father. Father does admit to enjoying unconventional sexual activity but mother's concern has gone beyond legitimate and she has made her daughters fearful of their father. Due to repeated exposure to investigations, examinations and re-enactments, emotional neglect of girls by mother upheld. In re Bekki S., July 30, 2004.

A child's statements that she is fearful of her step-father is not evidence of emotional neglect, when her actions indicate that she is not fearful, and there is some evidence that mother may be manipulating the child's fears. In re Neal C., June 29, 2004.

Evidence that demonstrates maladaptive functioning is not necessarily evidence of foster parent abuse or neglect, when there is evidence that child is very disturbed by his mother's broken promises of imminent reunification. In re Edward S., June 17, 2004.

Evidence of children's feelings of rejection and psychological abuse from children's therapist is sufficient to sustain an emotional neglect substantiation. In re Susan S., May 3, 2004.

While there is evidence that two of three siblings are seriously adversely impacted by their parents' separation, the Department may not necessarily presume that third sibling is similarly situated, and so emotional neglect is upheld as to two children, but not the third. In re Susan S., May 3, 2004.

Evidence that a child is fearful of his father does not necessarily support a finding of neglect, when it is not established that the fear was a result of his father's conduct, rather than influence from the child's mother. In re Gordon H., April 12, 2004.

Emotional neglect upheld as to mother when child is so fearful of fighting between mother and mother's boyfriend that she calls 911. Record also contains evidence that the child has physical complaints with no medical basis and low self esteem. In re Robin H., March 30, 2004.

The Department must show a connection between mother's arguments with boyfriend and child's low self esteem, if the Department wants to argue that the low self esteem is evidence of impact from volatile relationship. In re Mark R., March 22, 2004.

Mother's abuse allegations against former spouse are not evidence of neglect when she makes the allegations in good faith. Department failed to prove that the unfounded allegations adversely impacted the child. In re Kelly A .,March 2, 2004

Emotional neglect upheld when child witnesses his sister being bullied by step-father, and is so upset that he refuses to go to school the next day, because he is afraid that he might start crying in school. In re Reinhold H., January 20, 2004.

Child's use of false sexual abuse claims to get mother's abusive boyfriend out of the home is sufficient to support Emotional neglect claims against mother. In re Jennifer S., January 16, 2004.

A child's inability to function, hospitalization, feelings of hopelessness and sporadic suicidal ideation are sufficient to sustain a finding of adverse impact to a child from caretaker's emotional neglect. In re Sheila D., January 16, 2004.

Physical neglect, conditions injurious upheld when twelve year old alleges mother's husband is fondling her five years after Appellant's older daughter made similar allegations against Appellant's husband. Emotional neglect upheld when mother does not believe younger daughter, and makes the child feel guilty about the family's breakup. In re Kim B., December 10, 2003.

Emotional neglect reversed. Father did not handle things as well as he could have as he removed his child from one therapeutic setting, and placed him in another due to his concerns regarding the child's medication and the abilities of the child's therapist. Hearing officer found that the Department was not able to prove whether or not the child's behaviors were a result of either parent inconsistently medicating or taking him to treatment, and did not allege medical neglect. In re David G., November 5, 2003.

Emotional neglect reversed when the Department fails to prove that father, who was very angry at his son for failing to complete homework, choked the son. Hearing officer finds that there is evidence that suggests that son might have credibility issues, and has been determined by a neutral source to exaggerate for his own advantage. There was no adverse impact to the children from father being angry, loud, and putting his hands on one of the children. In re Gerald D., October 14, 2003.

Emotional neglect reversed when mother makes a referral of sexual abuse against father that is determined to be untrue. The Department did not prove that the mother caused the child to fabricate the statements. In re Denise B., September 2, 2003.

Two teenage daughters refuse to return to their mother's care due to her unpredictable and erratic behavior. The girls were very upset, and negatively impacted by the constant turmoil in their home. Emotional neglect upheld. In re Marie E.-L., July 10, 2003.

Foster mother makes repeated negative comments to a child in her care, causing reduced self-esteem and a sad affect. Appellant allowing her mother to make disparaging comments at or about the child is considered as evidence, since she is the person responsible for the child's care. Emotional neglect upheld. In re Shirley S., July 8, 2003.

Emotional neglect of children upheld when they all express fear of foster/mother, and an atmosphere of terror. In re Amy B., February 24, 2003.

Appellants use fear of imaginary creatures in the basement to scare the children into behaving. The creatures had names and did not like bad children. The children were not allowed to go into the basement. Child was placed in time out at the top of the stairs leading to the basement and this frightened him. Appellants denied this. The children were consistent in their descriptions and had no motive to lie. Emotional neglect as to all three children upheld. In re Cassandra and Terry W., October 31, 2002.

Parents' negative comments about Heather's sexual activity and choice of partners may be politically incorrect, but are not a denial of proper care and attention. Emotional neglect reversed. In re Maureen and William R., October 25, 2002.

Child reported that Appellant's boyfriend, scares her by claiming that there is a Chucky Doll in the basement that will hurt her. He has turned off the lights on her, causing her to be scared and she had chills. Child had a breakdown at school; spoke about wanting to kill herself and about the Chucky Doll. Mother knows and does not stop him. Child has seen him drink on a daily basis and he pushes her mother. Child has intervened. Mother claims that her boyfriend is joking and that child is lying about being afraid. Mother has been advised by her therapist to keep boyfriend away from child. Emotional neglect upheld. In re Sharlene R., October 8, 2002.

Child complained that his father harasses, degrades, and verbally abuses him. Appellant denies this behavior. Appellant's girlfriend, daughter, and ex-wife are unable to corroborate child's statements. DCF failed to establish a nexus between the behavior complained of and the child's condition. Emotional neglect reversed. In re Robert M., October 7, 2002.

Grandmother grabbed the arm of one grandchild during a restroom visit while on vacation. Mother witnessed the child crying for her grandmother to let go of her. Emotional neglect reversed.
In re Maryann B., May 8, 2002.

Grandmother engaged not only in a verbal argument with the mother, she spat at, pushed and invited her daughter to physically fight with her. Children witnessed the altercation and one child was afraid of her grandmother. Grandmother encouraged children to lie to DCF about the incident. Emotional neglect upheld. In re Maryann B., May 8, 2002.

Mother leaves suicide note for thirteen year old, blaming the thirteen year old for all of her problems and stating that she caused her mother's death. This action was egregious and Emotional neglect upheld. In re Domonique B., April 16, 2002.

Mother and the child returned to the family home after purchasing a new puppy. The father became enraged and repeatedly threatened to kill the puppy if it was not returned. The father then

hit a baseball bat against the wall, damaging the wall. The child was fearful of her father. This was erratic and impaired behavior. Physical neglect and emotional neglect upheld. In re Richard W., March 7, 2002.

Mother instructed her two children to lie and make physical abuse and sexual abuse allegations against their father and stepmother. During the interview with DCF, the boys appeared nervous and uncomfortable. One of the boys appeared close to needing an emergency psychiatric intervention. The boys did not want to be questioned by the police or CPS workers. Emotional neglect upheld. In re Navreet B., March 25, 2002.

Appellant utilized physical discipline on child during two incidents. Appellant pushed the child in the shoulder and smacked the child in the mouth. Two incidents of physical discipline do not rise to the level of emotional neglect. While the child did exhibit symptoms of maladaptive functioning, the child had only lived with the Appellant for less than 6 months and the child had a history of behavioral and academic problems, with multiple relative placements. There was no evidence that the child's conditions and behaviors worsened during the time he was with the Appellant. Emotional neglect reversed. In re Barbara D., January 4, 2002.

Expert testimony or documentary evidence of maladaptive functioning is not required, but nevertheless the children displayed some acting-out behavior as a result of mother's pattern of associating with men with criminal records and sexual abuse histories. Emotional neglect upheld. In re Dorothy B., July 2, 2001.

Evidence that child was extremely fearful of her father, together with evidence that child had significant anxiety surrounding her past and anticipated experience with her father and that this anxiety had exacerbated child's attention difficulties and augmented her academic problems supported finding of Emotional neglect. In re Maycin G., June 14, 2001.

Evidence from child's therapists that child's maladaptive behavior was the result of long term exposure to the inappropriate behavior of father and the parents' significant marital difficulties over a number of years, together with mother's failure to prevent the child's exposure as aforesaid supported a finding of Emotional neglect as to the mother – notwithstanding the fact that mother had made some efforts to alleviate the effect that the marital difficulties had on her child. In re Leanne M., June 4, 2001; In re Stephen M., June 4, 2001.

To prove emotional neglect the Department must prove that the negative impact was a "lasting impact." In re Richard C., May 23, 2001.

Feeling sad about being disciplined does not amount to maladaptive functioning. In re Richard C., May 23, 2001.

Substantiation of emotional neglect must be supported by evidence that there has been some negative impact on the child. Substantiation of emotional neglect cannot stand absent some finding that the alleged neglect in some manner impacted the child. In re Vivienne H., March 22, 2001.

Mother's exposure of child to her live-in boyfriend, despite knowledge of his significant criminal and substance abuse history, as well as to the details of her on-going custody with the child's father together with evidence that school psychologist felt that mother's actions were causing the child emotional harm supported finding of emotional neglect. In re Melody O., March 13, 2001.

Emotional neglect supported where child's misbehavior in school was attributed by therapist to the father having called the child names on an on-going basis, having threatened to beat the child up and having blamed the child for breaking things in the home and for the problems in the parents' marriage. In re John O., March 12, 2001.

Evidence that maladaptive functioning or other psychological impact was caused by the perpetrator's act is necessary to support a finding of emotional neglect. In re John D., January 29, 2001.

Emotional neglect not supported where there is no evidence of maladaptive functioning or psychological impact as a result of incident. In re Ellen and Paul B., January 22, 2001; In re John D., January 29, 2001.

EMOTIONAL NEGLECT - BYSTANDER

It is emotional neglect to drag one child upstairs and stop him from calling his mother using such intensity that the ten year old sister wets her pants and seven year old brother hides under the chair, both kids crying. In re Andrew L., May 11, 2007.

EMOTIONAL NEGLECT - EXPOSURE TO FAMILY VIOLENCE

Emotional neglect reversed when Appellant did not initiate altercation and was trying to get aggressive party to leave the home. In re Patreeya T., May 24, 2012

Emotional neglect reversed where the Department was unable to demonstrate the negative impact to the emotional development of children who were "content and comfortable" in the marital home despite the fights and arguments between their divorcing parents. In re: Christopher D., May 18, 2012

Emotional neglect reversed when child was asleep during physical altercation. In re Elbert S., May 18, 2012

Emotional neglect reversed when Appellant did not initiate verbal altercation and took steps to de-escalate the situation. Child was asleep during the incident and was unaware of the argument.
Central Registry reversed when the recommendation was based on chronicity and all but one substantiation were reversed and Appellant demonstrated appropriate parenting skills over a number of years. In re Bob R., May 14, 2012

Emotional neglect upheld when all three of the Appellant's children described a home life of fighting and violence between the Appellant and their stepfather. The children sometimes had to run to the car where they stayed for long periods of time to get away from the fighting; or they stayed overnight in hotels as the couple had a "cooling off" period. The children were sometimes late to

school due to early morning altercations between the Appellant and her husband, and they lived in fear, hoping the fights would stop. In re: Theresa T., May 11, 2012

Emotional neglect upheld for all three children in the home as the heard the altercation, were aware of the Appellant hurting their mother, and were frightened of the Appellant. In re Jason M., April 10, 2012

Emotional neglect upheld when Appellant provokes child's mother into an altercation. Appellant calls mother names in front of child and is physically threatening and aggressive. Child is scared for mother's safety and attempts to at least intervene verbally. In re Nelson V., March 6, 2012

Emotional neglect upheld when Appellant yells and swears at wife and ten year old son. Son is impacted to the point he threatens to kill himself if the Appellant does not leave the home. In re Matthew G., January 6, 2012

Emotional neglect upheld when a verbal fight escalated to where physical safety becomes jeopardized. The girl was so concerned for her mother's well being that she called 911. In re Michael & Patricia J., October 12, 2007.

Emotional neglect reversed when child was asleep upstairs while the Appellants fought downstairs in the kitchen. Child did not suffer any adverse impact. In re Michael F. and Susan F., October 11, 2007.

Child was not in the kitchen when the Appellant grabbed his wife by the throat, ripped phone out of the wall and threatened to kill the his wife. Physical neglect reversed and emotional neglect upheld. In re Ari B., October 3, 2007.

Emotional neglect upheld when Appellant requests estranged husband pick child up early as she was not feeling well, and then physically attacks the father as he tried to leave with the child. Young child visibly distraught when his mother's name is mentioned. In re Ana S., September 24, 2007.

Emotional neglect of other children upheld for children who witnessed sibling being starved and also were exposed to domestic violence. In re Brenda P., September 13, 2007.

Emotional neglect by Jeannette M. upheld as to child A because child A ran to another room to drown out screams of child B as he was beaten by Jeannette M. In re Jeannette M. and Donald M., June 18, 2007; on appeal by agreement, substantiation upheld and registry reversed.

Children witness father arrive home intoxicated, fight with wife and become uncontrollable. Appellant started breaking and throwing things. Children were scared and hiding in their rooms. There was a history of domestic violence. Emotional neglect upheld. In re Richard Z., May 14, 2007.

Emotional neglect substantiation reversed as child was only two months old and could not have been impacted emotionally as result of exposure to domestic violence. In re Alexandria S., May 14, 2007.

Emotional neglect upheld as child impacted by ongoing domestic violence and by mother's mental health issues. Child's doctor attributed child's weight loss and headaches to the stress in the home. In re Alexandria S., May 14, 2007.

History of domestic violence in the family. Appellant beat wife and wife hospitalized with broken rib and punctured lung. Appellant placed his four children at risk of physical harm and allowed them to witness repeated acts of violence. Physical and emotional neglect upheld; registry recommendation upheld due to intent, severity, chronicity of domestic violence. In re Ralph S., May 1, 2007.

Emotional neglect reversed when children were sleeping in their bedroom during Appellant's fight with boyfriend in the living room. There was no adverse impact or interference with their positive emotional development. In re Nakia H., February 28, 2007.

Emotional neglect due to domestic violence upheld when Appellant engaged in physical altercation with child's mother in front of child. Parents sustained injuries and five year old child reported being frightened and sad when they were fighting. In re Pedro R., February 22, 2007.

Evidence that a child is aggressive toward the victim of domestic violence is sufficient to establish that the child has been adversely impacted by chronic exposure to domestic violence. In re Frank C., January 3, 2007.

ERRATIC AND IMPAIRED BEHAVIOR

Physical neglect upheld where the Appellant was highly intoxicated, irrational, emotionally unstable and suicidal while she cared for her three month old infant son. She engaged in a verbal altercation which became physical with her husband while the infant sat close by and within a zone of danger of being physically injured. The police arrived to find a buck knife with a six inch blade sticking out of a wall and the Appellant threatened to kill herself with a kitchen knife. In addition, father had a black eye which was visible two days after the incident. In addition to being placed in a zone of danger, the Appellant seriously disregarded the welfare of the infant. In re Amanda M., February 21, 2012

Physical neglect reversed where the Appellant was behaving erratically and impaired and had to be transported to a hospital for observation and an evaluation, leaving her thirteen and a half year old son home with the Appellant's adult roommates. No evidence of impact to the child, who was capable of taking care of himself while the Appellant spent a night in the hospital. In re Sharyn B., January 13, 2012

Physical neglect upheld where the Appellant sped away from the police and nearly collided with other cars as she drove erratically as her two boys sat unrestrained in the back seat.
In re Elizabeth O., May 14, 2010.

Physical abuse upheld where the Appellant stabbed child with a screwdriver, resulting in a puncture wound and scratch mark on his back. Physical neglect upheld where the Appellant engaged in an altercation and caused a non-accidental injury to child. She was uncooperative and

argumentative, refusing to provide a safety plan for the child. The Appellant showed little concern for the upset child and refused to consider options in the best interests of the child.
In re Shelly V., January 8, 2009.

Emotional neglect upheld where mother's erratic behavior caused her children to be depressed, fearful, anxious and aggressive. Appellant refused to abide by the children's therapist's instructions on what discussions to have in the children's presence and refused to acknowledge that her poor behavior had a negative impact on her children emotionally, such as causing one to punch a hole in the wall and all to be fearful of her. In re Gina P.,October 15, 2009.

Physical neglect upheld where mother physically tries to remove adolescent daughter from car, loses control of the situation and youth sustains injuries. In re Jennifer C.,December 10, 2009.

Physical neglect and erratic and impaired behavior upheld where the Appellant has a history of medication noncompliance for mental disorder and engaged in erratic acts in presence of child, including exposure to violence and erratic driving which frightened and worried the child. In re James O., January 25, 2008.

Physical neglect upheld where Appellant mother becomes out of control, screaming and hitting her eight year old daughter, with great risk of physical injury. In re Denise G.,February 20, 2008.

Physical neglect upheld where child is injured as a result of father destroying personal property.
In re Fritz M.,January 22, 2008.

Physical neglect upheld on Appellant mother who allows father to drive her car while he is intoxicated and behaving erratically. The couple's seven month old son was in the car with them, and the father caused an intentional car crash. Hearing Officer finds a serious disregard by the Appellant. In re Sharlene L.,June 9, 2008.

Physical neglect by Appellant mother reversed where Hearing Officer finds that there was no adverse impact to the children. Mother had taken prescribed medication, which made her words somewhat slurred, but a urinalysis proved that she was not under the influence of alcohol.
In re Marjorie B.,July 15, 2008.

Adult granddaughter's actions toward the foster child may have been considered inappropriate or immature, but they do not rise to the level of physical neglect. Although there was testimony that the granddaughter wanted to punch the foster child in the face, there is no evidence that she did so. Physical neglect reversed. In re Freda G., January 4, 2006.

Mother's boyfriend woke three year old up from sleep to tell child that he did not like the way the child did not look him in the eye. Boyfriend took Elmo doll and ripped it in front of the child. Physical neglect and emotional neglect upheld. In re Thomas D., January 4, 2006.

Physical and emotional neglect upheld when mother holds a knife to herself and threatens to kill herself in front of her three children. In re Ileana P., June 17, 2004.

Mother's reflexive action of picking up a knife and holding it out toward teen daughter is not evidence of erratic and impaired behavior, when daughter has documented history of being violent, and mother fears for her safety and safety of younger child in the home. In re Cynthia W., June 17, 2004.

Mother's erratic and impaired behavior may support a finding of physical neglect, even without evidence of adverse impact, if her behavior demonstrates a serious disregard for the children's well-being. In re Phillip and Joanne E., May 28, 2004.

Boyfriend's behavior is physically neglectful when he drives erratically with child in the car, holds her head under water and abuses child's mother in front of child. The child was terrified of the boyfriend. In re Ismar L., May 27, 2004

Physical neglect due to erratic and impaired behavior upheld when mother wakes daughter up at 2:00 a.m. by throwing water on her and "slapping the crap out of her." In re Cindy O., April 26, 2004.

Mother's behavior was not erratic and impaired when she confronted her husband with evidence of an extramarital affair, after he had been drinking, and her children were in bed. Her behavior was erratic and impaired when she left the home and confronted and attacked father's girlfriend. However, the children did not know of this incident. Physical neglect reversed. In re Patricia R., April 15, 2004.

A "hazing ritual" which involves a residential staff member running after children and beating them with a belt, even after they tell her to stop is evidence of erratic and impaired behavior. Physical neglect upheld. In re Vandora B., February 3, 2004.

A pattern of erratic and impaired behavior by mother, which results in mother yelling at child and dragging him into his bedroom when she is intoxicated, supports a finding of conditions injurious and physical neglect upheld. In re Laura O., January 9, 2004.

Although Appellant Ruth slurred her words and was unsteady on her feet, there is no evidence of erratic or impaired behavior. Physical neglect reversed as to both Appellants. In re Ruth S. and Pamela S., December 3, 2002.

Hearing Officer found that Appellant did not act erratically or impaired by either pushing Michael away or trying to hold him by the shoulders. Physical neglect reversed. In re Michael F. Sr., October 7, 2002.

Mother threatened to hurt herself or the child if the child continued to stay with her sister. This behavior by the mother was erratic and did not take the child's best interests into consideration. While the child was residing with her mother she experienced stomach pains. The mother's behavior and the lack of consistent housing had a clear negative impact on the child. Physical neglect and emotional neglect upheld. In re Jessica R., May 7, 2002.

Mother and child returned to the family home after purchasing a new puppy. The father became enraged and repeatedly threatened to kill the puppy if it was not returned. The father then hit a

baseball bat against the wall, damaging the wall. Physical neglect and emotional neglect upheld. In re Richard W., March 7, 2002.

Mother says she will leave with the children. Father says "over my dead body" and indicates that he will shoot the mother if she tried to leave. When the household contains two handguns, two rifles, and two shotguns which the child knows are in the home, this violent threat is emotionally neglectful. Emotional neglect upheld and affirmed on appeal. However, mother and the children remain in the home even when the father leaves the home on two occasions. This suggests that the situation was not as horrible or frightening to equal erratic and impaired behavior. Physical neglect reversed. In re Eric B., February 7, 2002.

Mother ran from the police with her child after forcing child to pray in train station and disrupting Catholic Church service to perform an exorcism. Mother attempted to assault the officer with a crucifix. This is erratic behavior which impacted mother's ability to provide care for the child. Physical neglect upheld. In re Noreen F., October 15, 2001.

FACE

Physical abuse upheld when mother slaps five year old child hard enough that a bruise is still visible three days later. Pediatrician indicates that the marks are due to trauma. Previous decisions have held that slapping a young child in the head or face poses additional risk. In re Tonya T., May 12, 2011.

Physical abuse upheld when Appellant hits five year old on the face, leaving bruises. Appellant hit child because she was crying. Discipline not reasonable as to child's misbehavior or the amount of force used. In re Vanroth C. December 7, 2010.

Child's injuries on inside of lip are consistent with his report of being smacked repeatedly in the face. Physical abuse upheld. In re Vivian T. and Jose G., October 26, 2006.

Physical abuse reversed when two brothers, eight and ten, fight in back seat of car and do not stop after father tells them to stop. Father turned around in front seat and hit older son with open hand and left a scratch under right eye. Discipline not unreasonable, no excessive force, no history of abuse. Reversed under *Lovan C*. In re Jerry C., October 10, 2006.

Mother struck fourteen year old across the face and left minor scratching. This was due to the child calling her a "whore". Not physical abuse under *Lovan C.* In re Maureen P., August 3, 2006.

Appellant and fifteen year old engaged in a physical altercation. Appellant struck the child with a candlestick holder in the face leaving the child with black eyes, bruising, and swelling to her face. This was excessive and not reasonable amount of force. In re Maureen S., August 1, 2006.

Appellant hit daughter on back with belt, pulled her to floor, and sat on her. Child struggled and Appellant slapped the left side of her face. Face was swollen with visible redness 2-3 hours later. Slapping was voluntary not accidental. Swelling was not 'temporary' mark under Rucci. Swelling is deemed a bruise, as it injured underlying tissue as evidenced by puffiness. Punishment was not

reasonable and was excessive for placing laundry on floor and mouthing off. Physical abuse upheld. In re Emmett R., July 13, 2006.

Child reported that the father popped him in the face. Father reported that he and his son often wrestle and this was a credible explanation of how the injury could have occurred. The grandmother also credibly reported that the child was going through a phase of blaming others for things that did not actually happen. Department was unable to demonstrate that child was injured in a non-accidental manner or that the discipline was excessive. In re Dewayne D., March 17, 2006.

Mother slapped her fifteen year old child across the face leaving a small bruise. The punishment was reasonable and moderate in degree under *Lovan C*. In re Tina M., November 22, 2005.

Foster parent slapped the child across the face. The slap left a reddish, purplish handprint on his cheek with petechial marks. Under *Lovan C.,* given the child's age, size and ability to understand the discipline, it cannot be determined that the discipline was unreasonable or the force was excessive. In re Karen C., November 21, 2005.

Mother slapped her five year old child across the face leaving a mark. The punishment was reasonable. DCF did not present evidence that would permit the consideration of the amount of force used. DCF also failed to describe the mark. In re Kathy S., October 11, 2005.

Mother slapped her child on the mouth causing the child to have a split lip. SW observed the lip to be swollen and the top lip was cut. The child wore braces and this contributed to the injury. Under *Lovan C.*, this was not physical abuse as child was acting out and swore at the mother. Mother did not use excessive force and the discipline was not unreasonable. The child was thirteen and able to understand the discipline. In re Francisca M., August 17, 2005.

Twelve year old was asked to perform household chores and responded disrespectfully and got in mother's face. Mother hit the child in the face resulting in a small bruise on his left cheekbone. Physical abuse reversed. In re Jacqueline M., June 6, 2005.

Evidence supports the finding that the marks on the child's face were caused when the mother brushed his teeth. The mother admitted to holding the child's face in order to brush his teeth. The marks were found to be the result of an accidental injury. Physical abuse reversed. In re Dawnmarie H., April 14, 2005.

Physical abuse reversed as scratch marks on child's face likely caused by forced administration of Benadryl and an injury caused to the child's nose and face area was accidental. In re Louise M., March 7, 2005.

Seven year old has a temper tantrum and after unsuccessfully trying to soothe him, Appellant mom slaps him on the face leaving a red handprint. This was an isolated incident and the Appellant was remorseful. Physical abuse reversed. In re Sarah K., February 10, 2005.

Seven-year-old disobeyed directions not to watch TV and Appellant decided to impose physical discipline. Appellant intended to strike seven year old on the arm but he moved and she hit him in

the glasses, leaving a mark on his face. This was a one time, minor incident. Appellant's actions were reasonable and physical abuse reversed. In re Rhonda B., February 8, 2005.

Grandmother popped grandson in the mouth after he called her stupid. Child's lips were chapped and hit caused lip to bleed. Grandmother resorted to physical discipline after repeated direction to the child to stop misbehaving. Grandmother poses no threat and did not intend to harm him. Physical abuse reversed. In re Carmela W., February 8, 2005.

Thirteen-year-old interrupted mother on more than occasion while mother was talking on the phone. Mother sent him to his room and child kept leaving the room. Mother intended to hit him on the back of his head and child turned and was hit on the face. Injury was minor, not part of a pattern of inappropriate physical discipline and reasonable in light of the child's misbehaviors. Physical abuse reversed. In re Selette J., January 31, 2005.

Old allegation by child that aunt hit her and left mark under her eye. At hearing, both Appellant and victim deny the allegations. Record is insufficient to support allegation. In re Adrienne M., October 18, 2004.

Physical discipline that results in redness or temporary injury (in this case a mark on the child's face) does not meet the definition of physical abuse pursuant to Rucci v. DCF, 2003 Ct. Sup. 13148. In re Donald W., March 31, 2004.

Father hits 16-year old son several times after father observes extensive damage to his home caused by the child. The child sustains a cut lip and swelling around his left eye. Physical abuse upheld. In re Robert M., April 24, 2002.

FAILURE TO OBTAIN TREATMENT

Physical neglect reversed when it was discovered during the investigation that the youth had started to re-engage in self-injurious behavior, but the Appellant had been unaware of this fact; therefore failure to re-engage youth in treatment was not neglect. In re Maureen O., November 28, 2007.

FAILURE TO MEET CHILD'S PHYSICAL NEEDS

Physical neglect upheld where the Appellant did not respond to child's hunger cries and as a result, the child banged her head on the floor, knocking out her two front teeth. In re Shelly R.,February 4, 2009.

Physical neglect upheld where Appellant is unable to maintain a clean, safe home for her children or maintain an adequate food supply and does not provide adequate supervision. In re Mary P., August 25, 2009.

Physical neglect reversed where Appellant made numerous efforts to obtain services for child with special needs. In re Susan P., October 30, 2009.

FAILURE TO PROTECT

Physical neglect upheld when Appellant is aware of sexually abusive behavior by her current husband towards her children and does not take steps to protect all of the children from abuse. In addition, once the abuse is disclosed, Appellant coaches children to recant and tells them she is disappointed that they disclosed. In re Timira S., May 31, 2011.

Appellant refused to believe child's disclosure that her father was sexually abusing her. Even after the father failed a polygraph test, the Appellant still did not believe the child and did not protect her from being placed in the care of her father. She maintained the girl was lying despite the evidence. In re Roxanne C.,April 28,2011.

Physical neglect reversed when the evidence does not support a finding that mother was aware that her stepson had touched her son inappropriately several years before and then allowed the boys to share a bedroom when the stepson had to move into her home. In re Catherine G., January 19, 2010.

Physical neglect reversed where the Appellant did not know that her thirteen year old daughter was sexually abused by older brother since she was four years old. In re Anita H., February 6, 2009.

Physical neglect and Central Registry determination reversed where Appellant appropriately contacted police and service providers when older child disrupted at home between child's hospitalizations. Appellant's failure to ask husband to leave the home was not physical neglect by Appellant where husband curtailed his drinking and spent more time with their son improving the home environment. In re Carol C., February 9, 2009.

Physical neglect upheld where daughter with history of sexual abuse disclosed being sexually abused by the Appellant's girlfriend's teenage son, but the Appellant did not believe daughter and continued to allow teenage boy access to daughter, potentially exposing her to continued sexual abuse. In re Yuri W., Sr.,February 3, 2009 and November 16, 2009; appeal dismissed December 2010.

Physical neglect upheld where grandmother prevented child from calling the police after her father had assaulted her and her brother resulting in father's returning and grabbing both children by the throat. In re Lora C., March 3, 2009.

Physical neglect reversed where the evidence established that the Appellant did not know that her daughter was allegedly sexually assaulted by her son. Also, there was no credible evidence to establish that the Appellant told the daughter to not tell her father about the alleged assault. In re Reona D.-D.,March 5, 2009.

Physical neglect reversed where Appellant father permitted wife to continue to live in the house with the children following altercation with older child no longer in home, when it is not shown that she physically attacked any of the children before. In re Bruno P., April 7, 2009.

Physical neglect upheld where the Appellant failed to protect children from physical abuse by mother when he handed her a dog leash or belt to continue severe physical abuse of the children.

The Appellant did not intervene to protect the children from receiving severe injuries. In re Darryl I.,April 7, 2009.

Physical and emotional neglect reversed where evidence did not support finding that Appellant-parents knew about the sexual activity happening among the children when they left them alone. Finding some of the children in ambiguous sexual situations years before learning about sexual abuse was not sufficient notice. In re Jennifer & Niles W.,July 21, 2009.

Physical neglect upheld where Appellant, while working as a child care worker in a residential facility, fails to intervene when another staff member assaults a resident, fails to report the incident in a timely manner and leaves the child alone with the staff member for a significant period of time following the assault. In re Lu'Kisha A.,October 21, 2009.

Physical neglect upheld, even though injury to child was accidental. Appellant mother was arguing with her mother while trying to bring child up steep steps and should have used greater care to protect her child, who was seriously injured as a result of mother's conduct. In re Abigail O., April 17, 2008.

Physical neglect reversed where record supported a finding that the Appellant was not aware of sexual contact occurring between adults in the home and minors. Appellant was not home when the contact was alleged to occur. Appellant was not niece's legal guardian and it was not physical neglect for Appellant to want the child removed from her home following a disclosure of sexual abuse as child had demonstrated acting out behavior at home and at school. In re Christine W., May 6, 2008.

Physical neglect upheld where Appellant sends her boyfriend's ten year old daughter to confront her father who is intoxicated and brandishing a gun. Hearing Officer finds serious disregard for the child's well-being. In re Sharon C.,May 16, 2008.

Physical and emotional neglect reversed where Appellant allows maternal grandfather who has previously sexually abused Appellant's seven year old daughter, to have brief, supervised contact with the child. Appellant supervised their contact, and there was no adverse impact to the child from the brief stay. In re Susan & Fabio F.,October 1, 2008.

Grandmother's spouse inappropriately touches ten year old granddaughter living with him and grandmother. Child tells grandmother and grandmother warns spouse once, it happens again, and then Appellant threatens police and conduct stops. Grandmother's responsibility was to protect her granddaughter from sexual abuse. Her response was insufficient and physical neglect upheld. In re Katherine R., Oct 4, 2007.

Mother and two daughters live in same house as grandparents. Grandparents watch children while mother works. Grandfather sexually abuses one granddaughter. Daughters told their mother they did not like their grandfather, he bothered them and hit them. Younger daughter stated she told mother about grandfather touching older sister. Mother took no action. Mother had sufficient knowledge from daughters that required her to act and find out more information. Mother never followed-up with daughters to find out what was happening. Mother failed to protect daughter. Physical neglect upheld. In re Tien L., October 16, 2006.

Mother was sexually molested by her brother as a child. Mother's sister also alleged that brother sexually molested her as a child. Mother allowed her daughter to spend the night with Maternal Grandmother. However, her brother also lived with grandmother. Brother sexually molested the daughter. Substantiation of mother is upheld. In re Maria G.,July 17, 2006.

It is not neglect when a parent relies on the successful completion of a treatment program in permitting an abusive spouse back in the home. It was not shown Appellant denied proper care and attention. Emotional neglect reversed. In re Marie M., May 17, 2006.

Child was touched sexually by her mother's boyfriend. Child was also sexually abused several years prior by her father. The child claims she told her mother of the sexual abuse and also claims that the boyfriend told the mother that while they were playing his finger slipped inside of her. The issue is whether mother knew of the allegations. If mother knew of the allegations, she has an affirmative duty to protect the child from the abuser. The child was found credible. Mother took no measures to either ensure the child's safety or to further determine the truth of the matter. The child was impacted psychologically. In re Elizabeth G., December 30, 2005.

Legal guardian was aware of two previous incidents where his dog bit the child. Legal guardian was also previously bitten by the dog. The child has numerous diagnoses including mental retardation. Legal guardian had a duty to ensure the child's safety and he failed to do so.
In re Peter K., November 22, 2005.

Child alleged she was sexually abused by her step-father. Mother admitted that she had difficulty believing the child. Mother did have the step-father move out and obtained counseling for the child. Sexual abuse was not affirmed. The substantiation of mother for emotionally abusing her child was reversed. In re Danielle S., November 21, 2005.

Mother's boyfriend admitted to sexually abusing her daughter. Mother made him leave the home. Mother allowed her daughter to live with friends while she worked through her feelings. Mother took her son to see the boyfriend at a hotel because the child missed him. Mother did not leave the child alone with the man. Mother also arranged for counseling services for both children. Physical neglect reversed. In re Rose F., November 17, 2005.

Mother had a significant history of mental health and alcohol issues. Father had custody and mother right to visitation. Father allowed mother an unsupervised visit after he spoke with her AA sponsors and possibly mother's therapist. Mother picked up child from and the day care said she appeared intoxicated. Mother took the child home. State Police said mother did not appear intoxicated and father immediately picked up the child from the mother. Physical neglect and emotional neglect reversed. In re Joseph B., August 15, 2005.

After sifting through conflicting testimony, Hearing Officer concludes that it is more likely than not that foster parents did not know that perpetrator had molested girls and therefore did not neglect the girls by allowing them access to the perpetrator. Physical neglect reversed. In re Lisa and Chris C., June 20, 2005.

Stepfather was seriously beating child and mother was aware and did nothing to intervene. Physical neglect upheld. In re Teresa D., May 25, 2005.

Father was aware that his daughter had been injured while in the mother's care and was unable to come up with a plan to protect his child. Father left his child in conditions injurious to her well being and the child was injured. Physical neglect upheld. In re Joel B., April 13, 2005.

Parents knew of child's sexual abuse history, and attempted to monitor him closely, and prevent unsupervised contact with other children. Although some of their decisions may have not been the best, the hearing officer found that their level of supervision did not amount to neglect. In re Woodrow and Deborah V., December 30, 2004.

Physical neglect upheld when mother knows and continues to allow youngest son to have unsupervised contact with much older brothers, who expose him to pornography, substance use and inappropriate behavior. In re Dorothy L., December 2, 2004.

Mother lives with two children and a foster child. She was involved with man who masturbated in front of one of the children. Mother stopped allowing him to visit. Father of the two children visited children and on one occasion took foster child for ride and made sexual remarks. Department substantiated mother for physical neglect. Physical neglect reversed when foster parent fails to notify Department of an incident. This was a regulatory issue not neglect. Department also failed to prove impact to two children who were allowed supervised contact with a known offender.
In re Sophia W., November 29, 2004.

Grandmother who is guardian of her grandson continues to reside with great aunt who is verbally and physically abuse to boy. Physical neglect upheld against grandmother for failure to protect.
In re Margaret F., August 3, 2004.

Physical and moral neglect reversed when mother allows 15 year-old daughter to continue to have supervised contact with 22 year old boyfriend, when mother is not aware that the relationship has become sexual. In re Gail M., June 25, 2004.

Physical neglect reversed when mother allows daughter to have continued contact with person she suspects may have molested daughter. Mother initially reported concerns to police and DCF all of whom closed their cases, and medical exams were negative. In re Melissa J.-P. , May 26, 2004.

Physical neglect reversed when mother allows her boyfriend to have limited contact with her daughters, despite allegations of sexual abuse, because mother supervised the contact, and the contact was for the limited purpose of providing medically necessary equipment. In re Joann B., May 10, 2004.

Physical neglect upheld when mother continues to allow daughter to have overnight unsupervised contact with mother's boyfriend after child told mother of sexual contact between the two. In re Barbara C., March 30, 2004.

When child is the aggressor in a physical confrontation with mother's boyfriend, and has a history of aggressive and confrontational behaviors with male adults, mother's continued involvement in a

relationship with her boyfriend does not rise to the level of conditions injurious, and physical neglect reversed. In re Isee G., January 9, 2004.

Physical neglect, conditions injurious upheld when twelve year old alleges mother's husband is fondling her five years after Appellant's older daughter made similar allegations against Appellant's husband. Emotional neglect upheld when mother does not believe younger daughter, and makes the child feel guilty about the family's breakup. In re Kim B., December 10, 2003.

Sexual abuse and emotional neglect against grandfather reversed when child's credibility is extremely damaged by prior allegations and inaccurate facts in her statements. Physical and emotional neglect against grandmother reversed as there is no finding of abuse, and therefore, no finding that grandmother failed to protect. Also, while there is evidence that grandmother did not believe the child, there is no evidence that the grandmother did not support the victim or that the victim was aware of her caretaker's beliefs. In re Maurice and Mary Ann S., December 19, 2003.

Adult son of Appellant engaged in rough horseplay with the foster children and called the children names. The children complained to the Appellants, who did nothing to stop their son. Physical neglect upheld. In re Thomas and Donna M., August 1, 2002.

Child accuses brother of sexual abuse. Father allows child to live with him following the disclosure. Father later refuses to allow the child to remain with him, indicating that she is not abiding by house rules and disruptive to other members of the household. The mother alleges that the father tries to get the child and her sister to change their stories. DCF does not ask the father or the girls about this and just accepts the mother's allegations. Physical neglect reversed. In re Eduardo H., May 20, 2002.

Stepfather fondled the breasts of his stepdaughter. The mother responded appropriately by believing the child. She entered a Service Agreement with DCF to not allow unsupervised contact between her husband and her daughter. The mother allowed limited supervised contact between her husband and her daughter. Physical neglect reversed. In re Ruth Ann G., May 8, 2002.

Appellant was aware of inappropriate contact between her son and her daughters. Despite this, Appellant failed to take action to prevent on-going abuse and continued to allow her son to baby-sit the girls and assist with bathing. Physical neglect upheld. In re Judith P., January 15, 2002.

Mother was not neglectful in allowing husband to remain in home after he sexually abused 15 year old step daughter. She did not believe allegation but took steps to protect child. Child could not stay at home if father was there. Whenever mother left home, child had to go with her. Physical neglect reversed. In re Lisa N., August 28, 2001.

Foster mother did not fail to provide adequate supervision in allowing foster sisters to sleep in same room even though one sister had history of abusing the other. DCF failed to give adequate direction to foster mother or histories. DCF allowed child to go back to foster home even after she disclosed her sister touching her. Physical neglect reversed. In re Mittie P., August 14, 2001.

Father allowed children to return and live in a partially condemned home. Children reported that a registered sex offender either lives in the home, or spends a substantial amount of time there including sleeping over. Physical neglect upheld. In re Daniel K., September 22, 2000.

Foster child received a black eye from foster father's adult son. Foster child threatens to return with gang members. Original substantiation was neglect of this one foster child. Record did not support a finding that the child required or wanted medical attention, which was denied. Focus of the Department's case at hearing was that foster father left the 3 other foster children, ages 14 to 18, with neighbor without informing her of incident or threat. Neither the foster father or nor any of the other three foster children believed themselves to be in harm's way. Physical neglect reversed. In re Robert M., September 22, 2000.

When child is the aggressor in a physical confrontation with mother's boyfriend, and has a history of aggressive and confrontational behaviors with male adults, mother's continued involvement in a relationship with her boyfriend does not rise to the level of conditions injurious, and physical neglect reversed. In re Isee G., January 9, 2004.

FAILURE TO THRIVE

Physical neglect upheld when Appellant did not feed child by order of new husband. Child lost substantial weight and had to be admitted to the hospital. In re Brenda P., September 13, 2007.

Emotional neglect of other children upheld for children who witnessed sibling being starved and also were exposed to domestic violence. In re Brenda P., September 13, 2007.

While the physician did not know of a medical reason for the child's lack of weight gain, he did not indicate, nor does the evidence indicate that the lack of weight gain was the result of the Appellant's actions of inaction. Physical neglect reversed. In re Michelle W., January 29, 2007.

Medical personnel agreed that the child was a failure to thrive child due to the parents' care. In addition, the parents displayed erratic and impaired behavior when dealing with the professionals involved in their son's medical care. Physical neglect upheld. In re Tracy and Walter K., April 13, 2005.

FALSE ALLEGATIONS

Sexual abuse reversed where child denies he was ever touched inappropriately in forensic evaluation and allegation comes only from mother. In re Vincent L., June 12, 2009.

Child's allegation that foster parent exposed her concealed weapon, and threatened the child is not credible, and therefore, physical and emotional neglect reversed. If the Department had been able to establish that the foster parent behaved in this manner, the allegations would have been upheld. In re Sherrie E., June 11, 2009; on appeal reversed by agreement.

Sexual abuse reversed where child admits that she made up the allegations, and the child's therapist determines that the child is not credible. In re David S., May 28, 2008.

Appellant made repeated unsubstantiated referrals regarding sexual abuse of their children by father. All three girls were interviewed by police, DCF and their GALs. They were examined by pediatricians and emergency room staff. Not once during these interviews or examinations did the girls disclose abuse by their father. Father does admit to enjoying unconventional sexual activity but mother's concern has gone beyond legitimate and she has made her daughters fearful of their father. Due to repeated exposure to investigations, examinations and re-enactments, emotional neglect of girls by mother upheld. In re Bekki S., July 30, 2004.

FIRE

Appellant intoxicated, fought with wife, went into basement and started a fire. Fire got out of control and damaged the house. Child was in the home at the time of the fire. Appellant arrested and convicted of Reckless Burning. Appellant appealed registry recommendation. Intent present, Appellant demonstrated serious disregard, and history of substance abuse. Registry recommendation upheld. In re Mark J., September 24, 2007.

A neglect finding is appropriate when mother's alcohol abuse results in her children being placed at serious risk of harm due to a fire from mother's smoldering cigarette. In re Patricia M., June 26, 2007.

Mother left five children (ages eleven through three) home alone while she went to the store, one block away and a fire broke out in mother's apartment building. Mother made a judgment call that her eleven year old was capable of watching the children while she was away for a brief period of time. This decision did not demonstrate a serious disregard for the children's well being.
In re Christine M., May 11, 2005.

Physical neglect upheld against grandmother, who is a person entrusted with the children's care, and leaves them with an uncle (her son) who is schizophrenic, and takes medication that makes him sleepy. Grandmother knew that the children required a high level of supervision, but left them with the uncle, who was sleeping while they set a fire in the home. In re Joan A., September 5, 2003.

FIREWORKS

Physical neglect upheld where caregivers fail to ensure that children in home do not have access to fireworks. Foster child is injured after he finds the fireworks and sets them off. In re Sarah and Allen B., January 11, 2008; on appeal reversed by Department

Foster parents allowed children to live in conditions injurious to their well being when they failed to ensure appropriate safeguards over fireworks in the home, after a foster child loses two fingers while igniting the fireworks. In re Allen and Sarah B., April 26, 2004; on appeal reversed by Department.

FOOD

Physical neglect reversed when evidence does not support a finding that children sustained an adverse physical impact from father's stockpiling food in case of a war or other emergency.

In re Michael S., November 3, 2011.

Physical neglect reversed where the record demonstrated that the child was being properly fed and supervised under the care of the Appellant. The Appellant accessed the recommended service providers and she cooperated with the Department. The child was found well-cared for by the Appellant and no serious concerns were raised by the service providers. Central Registry reversed. In re Dorothea K., August 18, 2011.

Over several years, mother denied children sufficient food. Children not allowed to shower or only allowed to shower once a week. Children also reported Appellant hit the children. Several referrals over several years and concerns addressed with Appellant but Appellant did not change. The Appellant intimidated children and told them not to tell DCF what was happening. Physical neglect upheld as to one child, physical neglect reversed as to one child. Investigator's observation that child looked dirty insufficient evidence for neglect. Registry recommendation upheld. In re Marie G., October 3, 2007.

Physical neglect found when entrance so cluttered that was a fire hazard is not providing adequate safety for the children especially when leaving them home alone. Failure to provide adequate food for the children is a serious disregard for their well-being. In re Tarsha C., August 13, 2007.

FORCE REASONABLE/UNREASONABLE

Under the guidelines of *Lovan C*., physical abuse is reversed when an Appellant hits his child on the arm with a belt, leaving marks that were still present the following day. The child understood why he was being punished and was not afraid of his father the day after the incident. It could not be determined by the injuries or the child's disclosure of the discipline whether the force was unreasonable. Father arrested for Assault 3 and Disorderly Conduct but charges were later nolled. Physical abuse reversed. In re David T., November 15, 2007.

Appellant substantiated for pinching foster child on the shoulder and leaving a large bruise. There were several other allegations in the past of abuse but none were substantiated. However, the prior incidents indicated a pattern of unacceptable use of physical force in the foster home. Excessive use of force, unacceptable type of discipline. Physical abuse upheld; registry recommendation upheld. In re Essie V., October 29, 2007; appeal dismissed November 2008.

Evidence that a child requires numerous stitches after being hit by Appellant, is sufficient to establish that the Appellant used unreasonable force. In re Karen H., September 6, 2007.

A parent may use reasonable force to prevent injury to self or others. Evidence is clear that on the occasion when the child was injured, it was the child who precipitated the physical confrontation. In re Octavio R., May 24, 2007.

Physical abuse reversed when incident between father and teenage son becomes physical after son goes after father who was trying to disconnect computer. Father pushed son away and slapped son. Incident falls within *Lovan C.* guidelines for reasonableness. In re Neal A., May 14, 2007.

FOSTER PARENT

Confronting a teenager with his poor behaviors, and attempting to incite those behaviors so that the police can see what the foster parent is dealing with, does not rise to the level of emotional neglect. In re Billie H., January 31, 2012

Physical abuse reversed against foster parent when she hits child in the face resulting in a very minor injury that is not noticeable the next day. The child was misbehaving and knew the reason for the punishment. The caretaker did not use significant force, and the child was not fearful. In re Benita J., November 2, 2011.

Physical neglect reversed when a foster parent uses physical discipline that is not abusive. In re Benita J., November 2, 2011.

Physical neglect reversed when adoptive mother slaps thirteen year old son in face one time and does not leave a mark or bruise and believed physical discipline was necessary for the misbehavior. In re Barbara B., October 6, 2011.

Emotional neglect upheld when child was advised by foster mother to not report incident of inappropriate touching in the home. The foster mother was concerned about losing her foster care license and put her needs above the need of the child to feel safe in the home. Foster mother created an atmosphere of secrecy. In re Barbara B., October 6, 2011.

Physical neglect upheld when foster mother does not report inappropriate sexual contact between children in her home, creating conditions injurious to the other children's well being. In re Barbara B., October 6, 2011.

Evidence that one foster child repeatedly sexually assaulted another child while both were placed in the Appellant's home, is enough to support a finding that the foster mother physically neglected the children through inadequate supervision. In re: Mary B., August 16, 2011.

Sexual abuse reversed against former foster father when the child is not credible, his allegations are inconsistent, and the evidence overwhelmingly supports the Appellant's denials. In re Peter B., August 29, 2011.

Emotional neglect reversed against foster father who confronts child with his poor behavior, and child's distress increases as a result of the confrontation. In re Billie H., June 16, 2011.

Foster parent should have had known that using a scarf to restrain a toddler in bed had inherent risks. Physical neglect, serious disregard upheld. In re Dian O., March 28, 2011.

Emotional neglect upheld against foster father when it is established that foster mother seriously emotionally abuses foster child, and foster father knew or should have known that the abuse was happening. In re Fitzroy C., April 20, 2010.

Physical neglect due to inadequate supervision reversed when it is established that the foster father left the child alone in his second floor apartment for a brief period, however, his in-laws lived

on the first floor, and the Department was paying them to watch the child while foster father was at work. In re Fitzroy C.,April 20, 2010.

Physical neglect upheld where foster mother tells the Department and the school that she was not going to take six year old child home and leaves the child on the side walk in front of a house next to the school without ensuring that someone from the school or the Department was supervising the child. In re Cynthia B.,February 20, 2009.

Emotional neglect upheld against pre-adoptive mother where the Department is able to establish that she is controlling and angry, and results in the child losing a permanent home.
In re Sherrie E.,June 11, 2009;administrative appeal withdrawn; DCF reversed emotional neglect claim, May 7, 2010.

Physical neglect reversed where there is insufficient evidence of neglectful conduct, and no adverse impact to the children. In re Rosa R., March 26, 2008.

Physical neglect reversed where Appellant foster mother leaves foster child in the care of older biological children when foster mother hospitalized on an emergency basis. Foster mother may have violated licensing regulation, but her conduct was not evidence of serious disregard for foster child, nor was the child adversely impacted. In re Olive T., April 16, 2008.

Physical neglect upheld where Appellant foster mother leaves ten and eleven year old girls unattended in a casino. In re Louise A.,April 16, 2008.

Central Registry recommendation due to old allegation of physical abuse reversed where Appellant is able to demonstrate rehabilitative conduct, and the Department has since allowed her to adopt a child. In re Lillie P.,September 17, 2008.

Physical neglect upheld where Appellant foster father reduces the dose of the foster children's Attention Deficit Hyperactivity Disorder medication without authorization from the Department or the prescribing physician. In re Sandra and Richard C., September 9, 2008.

Physical neglect against foster parent who leave two foster children in the care of her thirteen year old biological child is reversed. A violation of foster care regulation is not per se neglect. In this case, there was no evidence that the thirteen year old was not competent to care for the children for a brief period. In re Stephen and Janet S., December 4, 2008.

Appellant demonstrated poor judgment but not serious disregard when she left her foster care child in a gated tennis court unattended. Although there was a body of water close by and others could access the tennis court, child suffered no physical harm during the Appellant's absence. Appellant could see the child as she walked the perimeter of the tennis court and child was accompanied by a large dog as a protective measure. Physical neglect reversed. In re Charlotte B., August 10, 2007.

Foster children disclose various forms of inappropriate discipline including sleeping in the garage and standing for long periods of time on a deck at night. However, it was not established that the children's disclosures were consistent or made without each other's influence. Children suffered no

adverse physical impact and discipline was not determined to be a serious disregard for the children's welfare. The hearing officer also considered the children's ages and perceptions of the discipline. Physical neglect reversed. In re Dian F., July 26, 2007.

It was not established that the scratches on the child's face were the result of physical discipline. The use of physical discipline by a foster parent is not *per se* neglect. The use of foster care regulations by DCF to protect the child was appropriate and in this case sufficient. Physical neglect reversed. In re Phyllis W., July 5, 2007.

Physical neglect and emotional neglect reversed when foster mother locked child suffering from ADHD, PTSD and RAD, in his bedroom while she showered in an effort to protect him. Child had history of engaging in unsafe activity when foster mother was unable to monitor him every moment. Child nonetheless disclosed affection for foster mother despite being restrained and/or confined. In re Pamela W., March 9, 2007.

Foster parent's conduct that results in precipitous change in placement for a foster child supports a finding of physical neglect. In re Jeffery M., February 23, 2007.

Foster parent has emotionally neglected a child when he gets into foster child's face and screams at her, as this is a serious disregard for the child's well-being. In re Jeffery M., February 23, 2007.

DCF and IPP personnel may have disagreed about how foster parent provided emotional support to foster child during a crisis. But foster parent was able to calm child down and foster parent's decision not to call 911 was not neglectful. In re Debra D., January 19, 2006.

Foster parents had a child carry his soiled clothes to the laundry and had the child sleep in the bathtub all during a vacation. The child had issues soiling himself. It was found that the child liked to sleep in the bathtub and had a sleeping bag and pillows. These actions were not neglectful or abusive. In re Julia and Terrence R., December 19, 2005.

Foster parent sent a nine year old child outside for punishment. The time the child was outside ranges from 45 minutes to 3 hours. The child did come back inside the house and later went back outside naked. Foster mother did not know that he went back outside naked. Sending the child outside for punishment was not neglect as the temperature was 69 to 72 degrees. The second incident where the child went back outside naked, was not at the direction of the foster parent. The foster parent did not put him outside nor did she have any reason to suspect the he would go back outside naked. This was not a foreseeable event. In re Darlene S., November 8, 2005.

Physical discipline by a foster parent is a regulatory violation and not *per se* physical neglect. In re Carmen O., January 18, 2005; In re Shawn P., January 27, 2005.

The Department's operational definitions of abuse and neglect do not hold foster parents to a higher standard of care. In re Edward S., June 17, 2004.

Even though physical discipline is not permitted under foster care regulations, a foster parent's use of physical discipline is not abusive when there are no marks or injuries. In re Glenda H.A., May 19, 2004.

A foster mother's threats to foster children that she will physically discipline them is not emotional abuse when the children are not afraid of her, and have a good relationship with her. In re Glenda H.A., May 19, 2004.

Hearing Officer believes that physical discipline does occur in the foster home, but without injuries sustained by the child, physical abuse not upheld. Foster parents cannot be held to a higher standard – violation of foster care regulations does not rise to the level of abuse or neglect. In re Charles D., March 7, 2002.

Foster parents used physical discipline of a hand on the butt. Although this may violate licensing regulations, this is not physical abuse, as discipline is allowed by statute. Physical abuse reversed. In re Walter K., November 20, 2001.

Foster mother of medically fragile child pinched child on the collarbone when child refused to take a nap, leaving a red mark. Home health aide and child gave consistent statements. Foster mother denied pinching child or being home on that date. Although there was a discrepancy in the date of the injury, it was not fatal to the Department's case given the statements of child and aide. Physical abuse upheld. In re Joan S., December 19, 2000.

Child reported and foster mother admitted she slapped child. Mother reported child had tantrum, slap was her attempt to calm him and was unintentional. She denied she slapped him hard enough to leave marks, and claimed child did it to himself. Social worker and Investigator observed fingerprint marks, which were too large to be the child's. Physical abuse upheld. In re Theresa H., August 22, 2000.

GUNS

Although father had a large amount of ammunition he and his son engaged in target shooting as a sport and the ammunition was required for practice and competitions. Appellant kept the firearms locked and secured in a gun safe: his actions did not demonstrate a serious disregard for the physical well being of his teen age children. In re Michael S., November 3, 2011.

Physical neglect upheld loaded guns are not stored in a lock box in a home with a ten year old child. Loaded handgun was located in dresser drawer. In re Anna and Nicholas G., June 24, 2011.

Physical neglect reversed when children are not in close proximity to Appellant when he threatens his own safety with a nail gun. Appellant allows the children to leave the home with his wife and when the children are no longer on the property accidentally injures his own hand with the nail gun. In re Richard H., March 11, 2011.

Physical neglect upheld where the Appellant lived with her boyfriend, a known drug dealer, and her home was targeted for a home invasion as a result. Afterwards, the Appellant's boyfriend kept a gun and ammunition under the couple's bed, within close proximity and easy reach of the children. Had the children gained access to the gun and ammunition, they could have been subjected to serious bodily injury or death. In re Mary K., February 1,2011.

Physical neglect upheld where thirteen year old boy and his friend were able to access Appellant mother's firearm. While the gun was in a locked box, the box was not secured and the boys were able to easily remove the gun. In re Beth P., March 4, 2009.

Child's allegation that foster parent exposed her concealed weapon, and threatened the child is not credible, and therefore, physical and emotional neglect reversed. In re Sherrie E., June 11, 2009;on appeal reversed by agreement.

Physical neglect upheld where parents of three boys, ages thirteen, eleven and five , leave an unsecured shotgun in the living room after cleaning it. The gun did not have trigger locks on it and ammunition was also in reach of the children in the same room. In re Timothy and Jane S., December 10, 2009.

Physical neglect reversed after Appellant father sells gun to undercover police officer. No evidence that gun was in the home, or that children were aware of presence of guns in the home.
In re Kevin S., January 29, 2008.

Physical neglect upheld where Appellant sends her boyfriend's ten year old daughter to confront her father who is intoxicated and brandishing a gun. Hearing Officer finds serious disregard for the child's well-being. In re Sharon C., May 16, 2008.

It is not physical neglect to carry a licensed handgun on one's person, but neglect will be upheld where the Appellant points the unloaded weapon at a child and says, "bang." Pointing the weapon is a serious disregard due to the risk of an accident. In re Sandra and Richard C., September 9, 2008.

Physical neglect upheld when father allowed children to live in deplorable conditions. Feces and urine on the floor and loaded gun in cabinet within the children's reach. In re Frederick M., May 30, 2007.

A caretaker's knowledge that there are guns in the home that are not stored properly, and that children have access to the guns, is sufficient to support a finding that the caretaker seriously disregarded the children's physical well-being. In re Ian A., March 26, 2007.

Allowing boyfriend to sell drugs out of the home when boyfriend keeps a gun for protection is serious disregard, along with sufficient intent, and a two week pattern of buys by the police to say that the Appellant poses risk to children and place on registry. In re Erin P., March 15, 2007.

Presence in the house of drug activity with the presence of a weapon with small children is not adequate safety and is physical neglect. Appellant was selling drugs out of the house, raid found four pounds of marijuana and one ounce of cocaine and a handgun without a serial number.
In re Willie C., March 6, 2007.

Even though father did not intend to frighten his daughter, his action of pointing a gun at her and asking her if she thought it would hurt if he shot her, was frightening, and supports a decision to substantiate emotional neglect. In re David Z., December 21, 2006.

Mother's failure to ensure that a gun in the home was inaccessible to her children is sufficient to establish a serious disregard for her children's well being and physical neglect upheld. In re Judith H., May 25, 2005.

Drugs and loaded guns found in Appellant's home. Appellant claimed she did not know what was going on in home. Appellant not credible, Appellant either knew or should have known what was going on. Dangerous environment for child, child living under conditions injurious. Although no impact on child, activity in and of itself showed a serious disregard for safety and welfare of child. Physical neglect upheld. In re Sarah C., November 4, 2004.

Appellant and wife were at the hospital for surgery. Thirteen year old son arrived home from school and while looking for game that had been taken away from him he found a case of bullets and a gun in a drawer in parents' bedroom. Boy loaded the gun and fired it in backyard. Gun belonged to mother. Child has Tourette's syndrome, obsessive compulsive disorder and attends special education classes. Department failed to prove that child was inadequately supervised, or allowed to live in conditions injurious to his well being. Physical neglect reversed. In re Ronald W., September 23, 2004.

Father accosted mother while she and the children were in the car. Father swore at mother and called her names in front of the children. When father returned to the home, he had a gun. Only one child present for this incident, but both children are fearful of father. The child who was not present was old enough to be aware and fearful for himself and his family. Father's actions were erratic, impaired and egregious. Emotional neglect and physical neglect upheld. In re Adam R., June 12, 2002.

Children woke up during verbal fighting between parents and father's kicking of wall. Father also got out a gun and sat on the couch, refusing to put gun away. One child afraid to return even two days later. Physical abuse upheld. In re Leonard B., August 16, 2001.

HAIR

Evidence that a child's hair is brittle and falling out will sustain a neglect substantiation when the caretaker has been offered assistance and education to learn how to properly care for the child's hair. In re Luz T., September 8, 2006.

HEAD

Appellant threw the phone at the door, and the child opened the door and was hit in the head with the phone. Throwing a phone is a dangerous act and a substantiation may have been upheld if the phone was being thrown at the child. Department was unable to demonstrate that the child was injured in a non- accidental manner. Physical abuse reversed. In re Iris G., March 30, 2006.

It is more likely than not that the child sustained the bump on his head when the child fell against the closet door trying to avoid the slap from the mother. When a child is injured trying to avoid discipline of the parent, it is not a non accidental injury resulting from a parental administered corporal punishment. In re Patricia R., June 29, 2005.

Special needs child presents with problems that are overwhelming to caretakers. However, physical discipline, which results in a blow to the head with attending injuries, is not appropriate. Child is cognitively limited and did not understand the punishment in relation to her behavior. In re Lara and Tony A., June 6, 2005; appeal dismissed.

Stepmother initially admitted she pushed child. Child was either pushed or put up against a wall incurring cut on the back of head needing stitches. Appellant at hearing argued that she grabbed him with her hands around his arms to get his attention and admitted to shaking him but not pushing child. The injury that required medical attention was inflicted by other than accidental means. Physical abuse upheld. In re Barbara R., August 22, 2000.

HEARSAY

A sore neck was not sufficient injury to sustain a physical abuse substantiation. When emotional neglect is alleged, the Department cannot rely on hearsay information as to the impact on the child, when the children are old enough to provide information and are accessible to the Department for interviews. Physical abuse and emotional neglect reversed. In re David B., September 20, 2001.

HEAT AND HOT WATER

Central Registry upheld as the Appellant, a licensed day care provider, should have known the consequences of not regulating water temperature. In addition, child sustained significant burns to hands requiring medical treatment and hospitalization. In re Arelis E., May 31, 2011.

Physical neglect reversed where the Department proves that there is a difference in temperature between the living area and the child's bedroom but did not demonstrate that there was an adverse impact on the child or so cold to be considered a serious disregard for child's welfare. In re Judith V., July 21, 2009.

Despite the complaints of the children about the lack of readily available heat and hot water in the home, impact not proven. Physical neglect reversed. In re Sonia S., February 20, 2002.

Withholding electricity in children's rooms not enough for neglect, if there was still heat, and children could do homework, etc, in other common parts of the house. Physical neglect reversed. In re John W., November 21, 2001.

HIGH CHAIR

Physical neglect upheld when Appellant, a day care provider, fails to ensure child's safety while removing the tray of highchair child is in. Child was not strapped in, fell from the chair and sustained bruising to face and head. In re Brenda H., May 26, 2011.

HIGH RISK NEWBORN

Emotional neglect reversed when allegation based on report from another state that Appellant's infant tested positive at birth for drugs. Record supports a finding child did not test positive and

Appellant's other children were well cared for and exhibited no signs of neglect. In re Sandra R., April 24, 2012

Physical neglect reversed when baby tests positive for drugs in her system at birth. At the time of the substantiation Department's policy classified the situation as high risk newborn, not physical neglect. In re Donna R., April 2, 2012

Physical neglect was upheld when the newborn's meconium tested positive for amphetamines. In re Tiffany R.,June 23, 2010.

A substantiation of high risk newborn does not make the parent a perpetrator of abuse or neglect. The classification of high risk newborn identifies the child as being "at risk" and not that the parent is a perpetrator. Predictive neglect is not an appropriate allegation for substantiation because statute allows a hearing only for determinations that a person is responsible for abuse or neglect. In re Lori G., February 6, 2002.

HOME ALONE

Physical neglect upheld where the Appellant left her ten year old to care for her twenty-two month old sibling while she drove two hours away to pick up a teenaged son from a concert during the night. Although ten year old had the Appellant's cell phone number, she had never before been left alone to care of her younger sibling and she was inexperienced with caring for such a young child. Appellant admitted she did "not use the best judgment." In re Jennifer V., June 3, 2011.

Physical neglect upheld where the Appellant left a five year old home alone and unsupervised while she worked. Child called 911 because she was afraid to be home alone. In re Sharon J.,June 7, 2011.

Physical neglect upheld when Appellant leaves three children, ages seven, three and one, home alone for two hours at night. Appellant was arrested and convicted of Reckless Endangerment. In re Carol K., December 22, 2010.

Physical neglect upheld when the Appellant left her emotionally and behaviorally troubled seven year old foster child home alone with a one year old foster child. The children were alone for four hours. In re Rose Lee J., November 16, 2010.

Physical neglect was upheld where the Appellant left her seven and nine year old children home alone while she went to a local tavern without telling them. In re Shelli G., October 12, 2010.

Physical neglect was upheld when the Appellant left her six, three and two year old children home alone when she went out shopping. In re Greta W., April 13, 2010.

Physical neglect upheld where the Appellant left three year old son home alone to go to a party. In re Richard M., March 31, 2010.

Physical neglect upheld when three children ages nine, six and three are left home alone. Even thought the Appellant anticipated that the absence would be for a short period of time, the nine

year old did not know what to do if the three or six year old woke up or did not know what to do in case of an emergency. In re Paul G., February 19, 2010;appeal dismissed June 2010.

Physical neglect upheld where Appellant left a six, a three and two year old children home alone for an hour and they were in and out of the house. Six year old was not old enough to care for the others. In re Zuleyma F., January 13, 2009.

Physical neglect upheld where Appellant left fifteen year old foster child with out of control behavioral issues home alone for an entire weekend while the Appellant and her family went out of state. In re Keisha M., March 11, 2009.

Appellants, who recently separated, frequently left two teenage children home alone. Physical neglect reversed concerning daughter who ended up staying with friends. Physical neglect upheld on son who has bipolar, pervasive developmental disorder and attention deficit disorder. Appellants were advised son needed constant supervision. While no adverse impact demonstrated, leaving son alone was serious disregard. In re Margaret S. and Kevin B., March 21, 2009.

Physical neglect reversed where foster children are not left alone for extended periods of time and older child is capable of providing care for younger child and there is no evidence that children are left alone with the door unlocked. In re Nadariah G., July 17, 2009.

Physical neglect upheld where the Appellant left her nine year old daughter alone to care for a disabled baby and the child was so scared she ran to a neighbor's house in her pajamas. Appellant had left children alone on prior occasions to go shopping. In re Wendy C., November 6, 2009.

Physical neglect upheld where the Appellant seriously disregarded her children's safety by leaving her eight year old daughter alone, without adult supervision, to care for her four year old sister at least once a week. The children were afraid to be left alone and their safety was not ensured.
In re Valerie F.,December 1, 2009.

Physical neglect upheld where Appellant mother leaves eight year old child home alone for three hours while mother attends office party. Although the child did not suffer adverse physical impact, the Appellant demonstrated a serious disregard for her child's well-being. In re Rohemia B., April 11, 2008.

Physical neglect reversed where Appellant leaves three younger children at home with two teenagers for the day while going to the casino. The two teenagers then take the car out of the garage for about ten minutes and damage the car and garage when putting it back. Although one of the teens had some behavioral issues, there was no reason to suspect that they would not supervise the children adequately. In re Janice M., October 7, 2008.

Physical neglect upheld in 1998 case where Appellant leaves her seven year and ten month old home alone for eight hours during the day. Although the Appellant left emergency numbers and food for the child, the Appellant herself was not available by phone, and did not attempt to contact her child during the day to check on her. Hearing Officer notes that a seven year old child cannot

be expected to always make proper decisions in a crisis, and the Appellant's conduct posed a serious disregard for her child's well being. In re Alison S., October 10, 2008.

Appellant did not seriously disregard the child's well-being when she asked a neighbor to watch her special needs child, unaware that the neighbor would later leave the child alone. Registry recommendation reversed. In re Linda V., August 15, 2007.

Physical neglect found when home entrance was so cluttered that it was a fire hazard. Under those conditions, the Appellant was not providing adequate safety for the children, especially when leaving them home alone. In addition, the Appellant's failure to provide adequate food for the children was a serious disregard for their well-being. In re Tarsha C., August 13, 2007.

Physical neglect upheld when mother leaves five year old and nine month old alone in home for at least twenty minutes. In re Jennifer W., July 23, 2007.

Physical neglect reversed when foster mother left children alone for a brief period of time. When youngest child started to act out, older children contacted foster mother who immediately returned to the home. Older children reported they were not concerned that the younger child would do any harm. In re Cynthia B., February 8, 2007.

Legal guardian left seventeen year old home unsupervised with friends while legal guardian went to the grocery store. The child overdosed on a chemical inhalant and child required resuscitation and was hospitalized. Child had been arrested for smoking marijuana several months earlier. Substantiation was reversed as legal guardian had no reason to believe that the child's drug use was continuing. A trip to grocery store is not an excessive length of time to leave a 17 year old unsupervised absent specific evidence that the child requires a high level of supervision. In re Robin B., August 11, 2006.

Mother left two year old home alone at 3:00 am while she went to pick up her husband who was intoxicated. She was gone for approximately 20 minutes. Physical neglect was upheld. DCF did not recommend placement on the central registry. In re Cheryl M., August 8, 2006.

Mother left her autistic child with a seizure disorder home alone for twenty minutes while she took her other child to school. The child did not know how to call 911 and mother requested voluntary services because the child could not be left home alone. Physical neglect was substantiated as this was a serious disregard for the child's well being. In re Tracy S., July 24, 2006.

Six year old child consistently stated that her father left her home alone on several occasions, the father denied this. In addition, six year old had quite a bit to say about her father's parenting ability that normally would not be expected from a six year old. This raises an issue as to whether the child is reporting what she knows, or what others have told her. Physical neglect reversed.
In re Allan C., February 3, 2006.

Mother left her ten year old and eight year old child home alone all day while she went to work. Leaving these two young children home alone all day without any adult supervision demonstrated a serious disregard for their well-being. Ten year old is too young to be responsible for the eight year old for this time period and eight year old is too young to be unsupervised for this long. Of note,

mother did not discuss with the children any available adults, assistance, or whether they were comfortable with this arrangement. Physical neglect is upheld. In re Laurie L., July 22, 2005.

Mother left five children (ages eleven through three) home alone while she went to the store, one block away and a fire broke out in mother's apartment building. Mother made a judgment call that her eleven year old was capable of watching the children while she was away for a brief period of time. This decision did not demonstrate a serious disregard for the children's well being.
In re Christine M., May 11, 2005.

The only report that the children were left alone was a one time incident during which the mother had gone downstairs to get milk and she had not actually left the home. Physical neglect reversed. In re Gwendolyn E., April 13, 2005.

Foster mother leaves five children, ages twelve-sixteen, alone while she runs an errand, and the girls get into a fight, injuring one of the children. The hearing officer found that the Appellant had no prior indication that the children could not be left unsupervised for a brief time. In re Linda H., December 10, 2004.

Physical neglect will be upheld when parent leaves three year old child home alone to go to the grocery store. The risk to a child is so great that a neglect finding is appropriate, even in the absence of adverse impact. In re Latasha M. , June 30, 2004.

Physical neglect by foster mother is upheld on appeal agreement to reverse physical neglect. In re Laureen B., May 6, 2004.

Father leaving fifteen year old alone is not neglect. Although father was aware of child's substance abuse problems, father also knew that boy was being drug tested by his probation officer, and did not believe that the boy would use drugs while left alone. In re Brian G. , January 20, 2004.

Physical neglect reversed when mother leaves fifteen year old daughter at home over the weekend with an adult neighbor accessible to her for an emergency. There were no prior concerns for the child's ability to care for herself for shorter periods of time. In re Lori L., December 12, 2003.

Physical neglect upheld when mother leaves four year old home unattended to go pick up her older daughter. In re Tiffany H., November 6, 2003.

Physical neglect reversed against day care provider who leaves two boys, ages nine and twelve, home alone for about five minutes. The children were adequately dressed, knew that an adult would be home for them in a couple of minutes, and did not have any special needs that would make them need more supervision. In re Adrienne S., August 14, 2003.

Department proves that father left his seven year old son home alone without any responsible supervision. Physical neglect, inadequate supervision, upheld. In re Mario M., August 6, 2003.

Mother left her son, who was eight years old for one incident, and nine years old for two others, alone unsupervised. Three allegations of physical neglect upheld. In re Joanne K., July 22, 2003.

Physical neglect reversed when parents leave fifteen year old to care for three and one year old during the day, during four day vacation. No evidence that fifteen year old not capable of caring for the children from nine to five, while adult babysitter is at work. In re Richard A. & Irene N., June 12, 2003.

Physical neglect reversed when mother leaves two children in charge of two other children, three nights a week, while she works 11-7:00 a.m. shift as a nurse. Hearing officer distinguishes Taneha E., in that mother puts safeguards in place, and is confident with the maturity level of the two caretakers. Taneha E. knew that one of the care takers was not responsible. In re Gina B., May 30, 2003.

Physical neglect against foster mother upheld when she leaves two teenage foster children, one of whom has mental health issues, and is sexually active, and both of whom smoke marijuana, alone all night, two or three nights a week, to care for two younger children. In re Taneha E., May 23, 2003.

Physical neglect upheld when mother leaves her three month old baby home alone for a period of time between 25 minutes and two hours. In re Jeong H., May 9, 2003.

Department failed to prove neglect when they find five and two year olds in the home while dad was in the garage. Parents maintained that friend was in the home with the children, and the investigator never asked if anyone else was in the home. Physical neglect reversed.
In re Christopher and Jamie C., April 3, 2003.

Physical neglect reversed when mother leaves thirteen year old son at home in charge of two siblings and a cousin, even though the children sneak out of the house and vandalize some cars. The thirteen year old had babysat in the past without problems. In re Melissa R., April 3, 2003.

Physical neglect reversed when thirteen, eleven, and nine year old children arrive home fifteen minutes late, and are unsupervised, even though foster parents are somewhat aware of thirteen year old's poor behaviors. Physical neglect upheld against foster father when he leaves five children alone, ages eleven, nine, nine, six and four. In re Stacey and Louis H., February 14, 2003.

Physical neglect upheld when Appellant leaves four and seven year old children alone for nearly an hour. Appellant's testimony that he was in the backyard raking leaves is not credible, in light of the fact that a neighbor fed the children happy meals while waiting for the Appellant to come home.
In re Edward G., October 1, 2002.

Physical neglect reversed against foster mother who leaves a child, nearly thirteen years old, home alone for less than one hour. In re Thomas and Donna M., August 1, 2002.

Mother did not convey information to husband that she would be leaving and that he should watch the 6 and 9 year old children. Husband then left also. Physical neglect upheld. In re Carole VC., December 18, 2001.

Grandfather left the child to go to the store. Not known until the next day that child had left. No harm occurred, but none is necessary for neglect [if conduct shows disregard for child's welfare]. Physical neglect upheld. In re Rudy M., November 20, 2001.

Although person given access was not directly responsible for the child's care as he lived in a separate household, his knowledge that child was being left home and failure to do anything about it constituted Physical neglect. In re George C., February 22, 2001.

HOUSING ISSUES

Physical neglect upheld where the Appellant, dually diagnosed, has a history of substance abuse, unaddressed behavioral health problems and exposing her children to domestic violence. The Appellant also had difficulty providing stable housing for her four children, permitting them to live under conditions, circumstances and/or associations injurious to their well-being. In re Jacqueline H., October 20, 2011.

Physical neglect reversed when Appellant was in jeopardy of loosing her housing but had not yet actually lost her housing. It was established that Appellant and her son frequently argued, however, there was no evidence of adverse physical impact and emotional neglect was not alleged. In re Margaret E., December 3, 2007.

Physical neglect upheld when Appellant maintains a transient lifestyle, adversely affecting his children. Children have no sense of structure, appropriate behavior and oldest child is a physical danger to younger ones due to untreated aggressive and assaultive behavior. Children also suffered from physical ailments, including chronic lice infestation. In re Lawrence L., October 3, 2007.

Educational neglect upheld as Appellant delayed enrolling children in school and failed to ensure their attendance. In re Lawrence L., October 3, 2007.

Appellant returned to shelter in such an intoxicated state that the shelter called the ambulance. The children were afraid and crying. The result was the family was removed from the shelter. Emotional neglect and Physical neglect upheld. In re Marcie W., May 10, 2007.

Physical neglect reversed when young mother moves between the homes of several relatives and friends during the first year of her child's life. The Department did not provide evidence that any of the homes where the Appellant stayed were unsafe or that the Appellant was not the primary caretaker of the child, ensuring consistency of care. No physical impact was alleged and Appellant's conduct did not rise to level of serious disregard for the child's welfare.
In re Jessica M., April 27, 2007.

At the time of the child's birth, the mother did not have a viable plan for a safe living environment. She was living transiently with friends and relative and did not know where she was going to live next or for how long. She dropped her oldest daughter off announced at a relative's. She failed to provide and maintain a safe living environment for both children and exhibited a serious disregard for their welfare. In re Cheryl R., February 23, 2007.

IMMUNIZATIONS

Educational neglect is upheld when child is not allowed to attend school because she is not current in her immunizations or physical exam. Mother was given from August 2001 until May 2002, to get an appointment for her daughter, and failed to do so. The child was kept out of school from May 6, 2002 until the end of the school year as mother did not secure a doctor's appointment for her until July. In re Joanie R., August 20, 2003.

IMPLEMENTS

Physical abuse upheld where the Appellant beat her three year old child with an implement and left bruises on him because he set fire to a mattress. The child had significant mental health needs and did not understand how the punishment was related to his behavior. In re Tammy P., March 26, 2012

Physical neglect, emotional neglect and physical abuse upheld where the Appellant beat her twelve year old son with an implement that caused bruising and marks on his arms as well as all over his back. The Appellant beat the boy because he took his little sister out in the cold and the girl later became ill. The boy did not intentionally try to make his sister ill. Moreover, the beating was so severe that the marks and bruising were visible four days after the beating. The children disclosed the Appellant physically disciplined them regularly and expressed fear of the Appellant. The 12 year old feared returning home after his disclosure and eventually the two children were removed from the home. An older teenage boy, who stood over 6'4" tall and weighed over 300 pounds, was not afraid of the Appellant and made no disclosures. There was no evidence in the record of emotional or physical impacts to the older and bigger teen and physical and emotional neglect substantiations as to him were reversed. In re Shantell F., February 7, 2012

Physical abuse upheld when Appellant strikes twelve year old daughter with mop handle when she learns the girl had recently engaged in sexual intercourse with a fifteen year old classmate. Child sustained significant bruising and hospital personnel ordered x-rays to ensure the child's bones were not broken. Appellant also threw a phone at the girl, bruising her finger and nose. Appellant's actions were due to anger and frustration and not meant as discipline. Physical neglect upheld as Appellant's actions in hitting child demonstrated a serious disregard for the child's physical well being. The child sustained an adverse physical impact as a result of the excessive force used. In re Maria P., March 24, 2011.

Appellant hit teenaged nephew with a stick on the thigh for lying. No evidence that the Appellant was out of control or in a rage when she administered the punishment. Physical abuse reversed. In re Rosa M., December 21, 2007.

Physical abuse upheld when Appellant used physical discipline over a period of days and hit her children with a curtain rod and extension cord before sending them to a relative for a cooling off period. In re Annette P., November 15, 2007.

INADEQUATE SHELTER

Physical neglect was reversed when the Department was not able to prove that the Appellant had kicked her fourteen year old son out of her home when she denied it and the child had mental health issues and went to stay with his girlfriend. In re Linda W., November 5, 2010.

Physical neglect reversed when adoptive mother has notified several state agencies (including DCF) that she can no longer meet the physical and financial needs of her special needs adoptive children and has been trying to work with the agencies for several years to make alternative arrangements for the children. In re Judith V., May 4, 2010.

Physical neglect upheld when Appellant was substantiated for inability to provide care or shelter for her children in 2002 and she did not appeal the substantiation in a timely manner. Appellant's children were also adjudicated neglected based on same facts. In re Shannon F., August 6, 2007.

A parent's decision to have his family sleep in a car when a hotel is unavailable is not sufficient to sustain a finding of Physical neglect when there is no evidence of adverse impact or serious risk to the children. In re Brendan D., March 14, 2007.

Rules at shelter were flexible as to Appellant and loosely enforced. If she had reason to believe her conduct was permissible, then it cannot be said that she disregarded her daughter's well being by risking their housing. Without any evidence to clarify the allegations or support a finding that the child was put at risk, the bare allegation is insufficient to support a substantiation of neglect. Physical neglect reversed. In re Brandi B., July 5, 2006.

Appellant was the licensed foster mother for six year old girl. Appellant was being evicted from her apartment as she stopped paying rent. She did not notify DCF of this change. She stopped paying rent as the landlord failed to address issues with the heat and quality of the well water. The Investigator was unable to observe the interior of the apartment. Appellant made alternative arrangements for the child while she was in the process of locating new housing. The Ongoing Services Worker did not have any concerns with the adequacy of the home. Physical neglect reversed. In re Linda A., October 25, 2002.

Fifteen year old child resides with multiple relatives. The mother was aware of the child's whereabouts at all times and did not fail to provide physical shelter for him just because she allowed him to reside temporarily with other relatives. Physical neglect reversed. In re Barbara H. D., June 25, 2002.

Mother and her two and ½ year old child slept in her car for one night in May, as they had nowhere to go. Mother parked the car in a fire department parking lot and the child slept in a car seat. The temperature was not an issue. The child was not harmed or injured. Physical neglect reversed.
In re Janine H., April 26, 2002.

A cluttered home that does not have health hazards or other concerns is not inadequate shelter. Sharing a bed with a three month old child is not physical neglect. Argument that occurs outside presence of the child is not physical neglect. Father has long history of mental health issues and is not taking recommended medication, but there is no evidence that this has led to erratic and impaired behaviors that have had any negative impact on the child. Physical neglect reversed.
In re Jason G., March 7, 2002.

INADEQUATELY EXPLAINED INJURY

Physical neglect reversed as caretakers of an active six year old boy cannot be expected to know the source of every bruise the child sustains. In re Barbara N., January 24, 2012

Physical neglect upheld when three year old child sustains a broken clavicle in the sole care of the Appellant, an overnight day care provider. The Appellant is unable to explain how the child sustained the injury and offers several conflicting explanations. In re Sherie G., January 12, 2012

Physical neglect upheld where the child had unexplained bruising over his body, including in the groin and on his penis, and the Appellant could not give a plausible explanation for the injuries. The Appellant was the primary residential caretaker of the child. Dr. Nina Livingston concluded that the bruises were in uncommon areas of the child' body and they were so unusual that she suspected abuse and neglect. In re Jessie S., September 23, 2011.

Physical abuse upheld when medical documentation shows child has numerous injuries in a relatively short period of time and the Appellant's explanations are not reasonable or supported by other witnesses. Physical neglect upheld when Appellant is primary caretaker of child and is not aware of how child continues to sustain numerous bruises although she maintains she is very overprotective and vigilant regarding the child's care. In re Suzanne L., July 6, 2011.

Physical neglect and physical abuse upheld where the Appellant's child suffered an unexplained injury to her arm which a medical team found was inconsistent with the Appellant's report that the child fell. A medical doctor said the arm was intentionally injured by a twisting action. The Appellant was the infant child's sole caretaker. In re Caroland L., December 1, 2010.

Physical neglect upheld when mother's boyfriend is present in the home and is a primary caretaker of infant who present with multiple fractures. Consistent with prior decisions, caretakers upheld for physical neglect when non-verbal children in their care suffer significant inflicted injuries.
In Timothy C., June 8, 2010.

Physical neglect upheld when primary caretakers are not aware of the injuries on the child. Foster parents are responsible for the well being of the child and presence of several inflicted injuries is evidence of allowing the child to live in conditions injurious to her wellbeing. In re Michael and Doreen H., January 29, 2010.

Physical neglect upheld where an eleven month old sustains thirteen broken bones and numerous bruises and Appellant, who was the child's primary caretaker for the three days prior to the injuries, is unable to explain how the injuries were sustained. In re Stacey B., May 12, 2009. Appeal withdrawn September 2009.

Physical neglect upheld where the Appellants could not explain how their child received three fractures on her right arm and pulled hair from her scalp and the child did not suffer from any known medical condition that could have caused the fractures. The child's xrays showed normal bone development. The Appellants seriously disregarded the child's safety because she was

exposed to high impact intentional force which caused the injuries. In re Aarti N. and Nathan H., November 17, 2009.

Physical abuse reversed when a child sustained a broken arm and it can not be determined who caused the injury or was caring for the child when the injury occurred. It was not determined that parents were aware that placing the child with the grandparents would be an unsafe environment for the baby. Appellant indicated that baby had fallen off a bed but the injury was not consistent with the medical reports. Physical abuse reversed. In re Chimere H., September 4, 2007.

An unexplained fracture that occurs while the child is in the Appellants' care is sufficient to support a Physical neglect finding, especially in light of an expert MD opinion that the injury is consistent with abuse, and not consistent with the Appellants' explanation. Although the Department cannot establish who injured the child, it was established that the child was neglected, in that he was abused. In other words, the Appellants were unable to establish a safe living environment for their son and he was injured as a result. In re Selestine and Clinton D., May 1, 2007.

Physical abuse reversed when there is insufficient evidence to conclude how or when the child received the injury to his back. In re John B., November 21, 2003.

Physical neglect, in that the child has been abused, upheld when hearing officer finds that a twenty two month old sustains intentional injuries to his ear, thigh and buttocks area, while in the Appellant foster parents' care. In re Brandy and Robert A., August 29, 2003.

Directed verdict, when father cannot explain how his eleven year-old daughter was bruised on her face. Although child said at one point that her father hit her, it was after she had said that a classmate hurt her, and a teacher continued to question her because the teacher did not believe the story about the classmate. Physical neglect reversed. In re Tim T., July 16, 2003.

An unexplained injury does not in and of itself support a finding of physical neglect – Inadequate supervision. In re Talia and Vashone H., March 26, 2001.

Absent evidence to the contrary, the inability of parent to explain an injury which has been determined to be a non-inflicted injury does not constitute physical neglect – inadequate supervision. In re Janet and Christopher P., January 17, 2001.

INADEQUATE SUPERVISION

Physical neglect reversed against parents whose twelve year old son burns their baby. Although the parents were on notice that the older child had serious issues, the children were not left alone when the incident occurred. Hearing officer notes that mother had just checked in on the children who were in close proximity to the mother when the boy burned his sibling. In re Gwendolyn and Ralph W., May 22, 2012.

Physical neglect upheld when Appellant's two year old child leaves the home at two o'clock in the morning and Appellant is to impaired to hear child leave the home. In re Bob R., May 14, 2012

Physical neglect reversed where the Department was unable to demonstrate that the Appellant allowed her teenage daughter, who had been sexually inappropriate with children in the past and, as a result, placed in a residential treatment program. There was no evidence in the record to support a finding that a child was ever left alone with the teenage daughter by the Appellant, who allowed the teenager to bathe and care for children in her care. In re: Patricia G., May 11, 2012

Physical neglect reversed when Appellant allowed child to spend the night at a friend's home but would not consent to later request for child to visit other family members with the friend in another town. The Appellant made reasonable attempts to have her child returned to her care as soon as possible. In re Sandra R., April 24, 2012

Physical neglect reversed when Appellant leaves her ten and one year old children with an adult nephew while she goes out for the evening. While the police responded to the home due to a gas odor, the Appellant's nephew was an appropriate caretaker. In re Sandra R., April 24, 2012

Physical neglect upheld when six year old child was left unsupervised after school for extended periods of time. Child was found across the street from the home in a park with no adult supervision. In re Stephen B., April 13, 2012

Physical neglect upheld where the Appellant's six year old daughter arrived home from school and the Appellant was not present to greet and care for the child. The Appellant was out at a bar, drinking, instead of meeting her daughter after school. The child was found upset and crying on the front stairs of the locked house because she had to wait outside, alone, for over an hour, before any adult arrived home to care for her. In re Sunshine B. aka Linda A., April 9, 2012

Physical neglect upheld when Appellant locks three and a half year old out of the home as discipline. Child is frightened and has access to outside stairs which lead to a commercial area. Emotional abuse reversed when evidence does not support a finding that parent's arguing was constant, cruel or involved the children. In re Debra C., April 2, 2012

Physical neglect upheld when young mother leaves eight month old unattended, and again when she leaves her child with her mother who in turn leaves the baby to abuse substances. In re Danelle S., March 22, 2012.

Physical neglect upheld when Appellant, a special education bus driver, allows a child to exit the vehicle without ensuring that a responsible adult is present to assume supervision of the child. In re Carmen L., January 24, 2012

Physical neglect reversed when Appellant makes arrangements with one family member to care for her children while she is hospitalized and once she is admitted other family members argue over who should care for the children. The Appellant took appropriate steps to ensure the well being of her children. In re Eunice F., January 23, 2012

Physical neglect upheld when day care staff leave a two year old child behind at a McDonald's Restaurant during a day care outing. Child was unharmed but act demonstrated a serious disregard for the child's physical well being. Physical neglect also upheld as other children were

transported without proper safety restraints in the vehicle. In re Annie F., January 17, 2012 and In re Lorene M., January 17, 2012

Physical neglect reversed when the evidence supports a finding that child was injured while Appellant, who worked second and third shifts, was sleeping during the day and the children's father was charged with supervision. In re Minnie F., January 17, 2012

Physical neglect upheld where the Appellant left her seven and a half year old daughter in charge to babysit her two younger siblings-ages 2 and 5. The older child was inexperienced and too young to babysit. The Appellant acknowledged as much to the police and the Department. In re Jennifer M., January 13, 2012

Physical neglect reversed Appellants make arrangements for babysitter while they are out of town for vacation. Appellants advise the sitter that the older child and younger child are not to be alone together unattended and that no other children are to be at the house. Appellants are not neglectful when sitter fails to follow instructions and older child abuses younger child. Appellants are not neglectful in allowing older child access to computer and other electronic devices when Appellants take precautions to block inappropriate sites. In re Scott and Simone G., December 14, 2011.

Physical neglect upheld where the Appellant allowed her nineteen year old adopted son with special needs and a history of inappropriate sexual behavior with children, to have unsupervised contact with her nine year old great grandson. The nineteen year old allowed the nine year old great grandson to watch pornography on his laptop computer. The Appellant refuses to supervise her great grandson in the presence of her adopted son. In re Rachel A., November 2, 2011.

Physical neglect upheld when Appellant attempts suicide while sole caretaker of three young children (ages nine, three and eighteen months). Had Appellant been successful children would have been left with no adult supervision. In re Lauren L., October 6, 2011.

Physical neglect upheld where the Appellant was found by the police extremely intoxicated and unable to care for his grandchildren. The Appellant contacted the police because he wanted to leave his young grandchildren alone and without adult supervision. He wanted to go to a bridge game. The police responded to the Appellant's home to discover the children playing with knives and having easy access to three unlocked and unsecured rifles. The Appellant was arrested and pleaded guilty to Reckless Endangerment and Resisting Arrest. In re Donald F., September 20, 2011.

Emotional neglect reversed when the evidence does not support a finding the Appellant was aware of sexual abuse of her daughter by her husband when the abuse was occurring and she took steps to protect the child from her husband once the abuse was disclosed. In re Brenda C., August 19, 2011.

Physical neglect reversed when evidence supports a finding that the Appellant was in close proximity to her children when an unfortunate accident occurred causing an injury to her five month old infant. The report from the investigating police officers determined that there was no intent to harm the child and the injury was the result of an accident. In re Destiny J., August 19, 2011.

Physical neglect reversed where the record demonstrated that the child was being properly fed and supervised under the care of the Appellant. The Appellant accessed the recommended service providers and she cooperated with the Department. The child was found well-cared for by the Appellant and no serious concerns were raised by the service providers. Central Registry reversed. In re Dorothea K., August 18, 2011.

Evidence that one foster child repeatedly sexually assaulted another child while both were placed in the Appellant's home, is enough to support a finding that the foster mother physically neglected the children through inadequate supervision. In re Mary B., August 16, 2011.

Emotional neglect reversed when youth does not have current substance abuse issues and Appellant father does not make him attend substance abuse treatment. Youth had been in treatment many times in the past and was not exhibiting a current need for treatment.
Physical neglect reversed when seventeen year old youth abided by reasonable curfew and Appellant knew where he was when not at home. In re Douglas S., July 29, 2011.

Physical neglect reversed when seventeen year old abides by reasonable curfew. In re Renee D., July 6, 2011.

Physical neglect upheld where the Appellant, an alcoholic, passed out at a restaurant after drinking only vodka at lunch while her daughters looked on, eating their lunch. Police and emergency medical personnel were called to transport the Appellant to the hospital, leaving the children without a caretaker. In re Shenee L.,June 10, 2011.

Physical neglect upheld when Appellant acknowledges daily substance abuse while caring for her children. Appellant was passed out in car with her toddler while the child's father was purchasing illegal drugs. Appellant was unable to provide adequate supervision due to substance use.
Registry upheld as Appellant had a pattern of prior substantiations due to drug use. In re Jacquelynn R., February 23, 2011.

Physical neglect upheld where the Appellant took no measures, such as safety planning or calling the police, to find her ten year old daughter with behavioral problems and who had a propensity for running away. The child repeatedly ran away on a curvy and dangerous street. The Appellant took no measures to ensure the child's safety or look after her. In re Oksana P., February 1, 2011.

Physical neglect upheld when Appellant is unaware his three year old son left the house unsupervised in the early morning. The Appellant was aware that the child had a history of leaving the home and failed to repair a door alarm that had been installed to alert Appellant if child left. In re Todd B., January 24, 2011.

Physical neglect reversed despite the Appellant did not completely abide by a safety plan agreement and checked on her mentally disturbed child while he was experiencing an episodic rage. The child was not physically impacted. In re Jeanine D., December 23, 2010.

Physical neglect and Central Registry reversed where the Appellant placed her three infant children with maternal grandmother while she drank a significant amount of alcohol. The

Appellant, her young family's sole financial resource, drank the alcohol specifically to be admitted into an alcohol detoxification program to speed up approval for social security benefits. The children were with maternal grandmother and were not physically impacted. Their well-being was safeguarded by maternal grandmother. Central Registry recommendation reversed given the reversal of the underlying substantiations. In re Melissa G.,December 6, 2010.

Physical neglect upheld when Appellant allows four year old to play outside unattended and child is missing after being outside half an hour. Appellant does not report the child missing for four more hours. In re Carol K., December 22, 2010.

Physical neglect and physical abuse reversed against caregiver, when it is not clear that she was the person responsible for the child when the injury occurred. In re Eleanor G., September 22, 2010.

Physical neglect upheld against mother who leaves her three daughters home alone with her son, who is a sex offender. In re Eleanor G.,September 22, 2010.

Physical neglect was reversed as the baby was in the care of the Appellant's boyfriend when the Appellant engaged in a home invasion and using of illegal substances. In re Barbara S., September 15, 2010.

Physical neglect upheld when Appellant foster mother does not report absent of teen-aged girl from her home despite specific instructions from Department that youth is to remain in the home for the entire weekend. Youth has history of binge drinking and self injurious behavior when not appropriately supervised. In re Valerie C.,June 22, 2010.

Physical neglect reversed when evidence supports a finding that the Appellant did not deny child access to home, but that the youth refused to stay at Appellant's home and follow her rules. Youth had place to spend the night and was physically safe. In re Isabel O., May 14, 2010.

Physical neglect reversed where the Appellant left her troubled child in the care of her former husband when she went to school. When the Appellant arrived home, she found the child in bed with a boy and promptly chased him away. In re Coreen H., May 6, 2010

Physical neglect due to inadequate supervision reversed when it is established that the foster father left the child alone in his second floor apartment for a brief period, however, his in-laws lived on the first floor, and the Department was paying them to watch the child while foster father was at work. In re Fitzroy C.,April 20, 2010.

Physical neglect was upheld when the Appellant's three year old took the hot iron that the Appellant left unattended and burned the two year old's hand. In re Greta W., April 13, 2010.

Physical neglect upheld when Appellant's two year old son is found outside the family residence with no supervision and mother is asleep inside. In re Kelly and Markus B., March 23, 2010.

Physical neglect reversed when grandmother allows fifteen year old, pregnant granddaughter to reside in her home with the teen's boyfriend. The Department did not demonstrate that the teen

suffered an adverse physical impact or that there was a serious disregard to the girl's physical wellbeing. In re Diane G., March 11, 2010.

Physical neglect upheld where the Appellant did not adequately supervise her baby daughter around her son, who has a history of sexualized behavior. Her failure to supervise resulted in the child being sexually abused by the son. The Appellant's actions also were a serious disregard for the child's welfare. In re Sara Y.,February 19, 2010.

Physical neglect based on inadequate supervision reversed when twelve year old left father's residence without telling her father and walked six blocks to her mother's residence. In re Paul G., February 19, 2010 . Appeal dismissed June 2010

Physical neglect reversed when the Appellant was babysitting his girlfriend's ten year old and four year old twins and the four year olds leave the home. The Appellant was putting one of the ten year old girls on time out and did not know that the children would leave the house, even though he knew that one of the 4four year olds could open the door. In re Sean S., January 26, 2010.

Physical neglect reversed where mother, who becomes ill and is subsequently hospitalized, allows fourteen year old daughter to spend the night with child's adult sister even though the adult sister had an open case with the Department and did not have her own children in her care.
In re Deborah C., January 9, 2009.

Physical neglect reversed where Appellant was not at a homeless shelter when ten year old son arrives there from school and Appellant had called the shelter saying she was at the hospital in the morning and Appellant took a long time to get back to the shelter. In re Shelia C., January 8, 2009.

Physical neglect upheld where father left three children, ages nine, three and one home alone and was unable to return due to a car accident caused by driving while intoxicated. The nine year old child was left in charge of his siblings, but was not an appropriate caretaker due to autism diagnosis. In re Allen R.,February 6, 2009.

Physical neglect upheld where foster mother tells the Department and school staff that she was not going to take her six year old child home and leaves the child on the sidewalk in front of a house next to the school without ensuring that someone from the school or the Department was supervising the child. In re Cynthia B.,February 20, 2009.

Physical neglect reversed where three year old autistic child finds his way out of the house when Appellant was asleep on the couch with her husband. Parents had taken reasonable steps to prevent child from leaving house by putting alarms and locks on the door. In re Kimberly R., March 30, 2009.

Physical neglect upheld for inadequate supervision where Appellant, who lives in third floor apartment, leaves six year old son with landlord who lives on first floor for several hours. Son does not know landlord and is upset. Landlord calls Appellant in early evening and Appellant directs landlord to leave son in his apartment and check on him periodically. Son is scared, leaves apartment and is found wandering streets of Bridgeport. Registry not recommended. In re Otto D., May 29, 2009.

Physical neglect upheld where mother fails to contact the police when her thirteen year old son runs away and is missing for more than twenty-four hours. In re Camille P., May 19, 2009.

Physical neglect reversed where four year old child sustained bruise while playing unsupervised with two year old brother. Allowing two young children to play unsupervised in one room while completing household tasks in another room is not inadequate supervision. In re Lee-Ann C., June 22, 2009.

Physical neglect reversed where Appellant leaves her four children unattended in therapist's office. Oldest child was fifteen and capable of caring for younger children and Appellant immediately contacted her husband to pick the children up and care for them. Emotional neglect upheld where Appellant left children without explanation at therapist's office; children were aware Appellant was emotionally distraught and were worried about her physical well being. In re Michelle B., June 30, 2009.

Physical neglect upheld where five year old suffers injuries which the Appellant cannot explain and the Department had investigated a similar occurrence a couple years earlier; the Appellant was aware of the level of supervision this child needed. In re Denise P., June 12, 2009.

Physical neglect reversed where the Appellant left her foster son and nephew in the care of the foster son's mother while foster mother briefly stepped into her home to get food for guests at a barbecue. The child managed to walk away in a walker and fell, not seriously injuring himself. The child's mother wanted to watch her son and there had never been any prior indications that bio-mother was not capable of briefly supervising child or that she would immediately leave the child alone and unsupervised. In re Erin M., June 10, 2009.

Physical neglect reversed where foster children are not left alone for extended periods of time and older child is capable of providing care for younger child and there is no evidence that children are left alone with the door unlocked. In re Nadariah G., July 17, 2009.

Physical neglect reversed where fourteen year old girl rides city bus to and from her therapy appointments and has done so for six months without incident. In re Isabel B., July 2, 2009.

Physical neglect upheld against foster mother who leaves three children alone in a car. Although Appellant was able to see the car from inside the post office, she left the keys in the ignition, increasing the severity of the risk to the children. In re Naomi R., July 13, 2009.

Physical neglect upheld where Appellant day care provider leaves a seven month old infant without any supervision. Although the Appellant did not mean to leave the child unsupervised, leaving an infant alone for any amount of time is a serious disregard for her physical wellbeing.
In re Joyce A.., September 10, 2009.

Physical neglect upheld where Appellant mother knows that boyfriend has seriously injured the baby a couple of months earlier and leaves the child with him again. Physical neglect reversed where evidence does not indicate that the older two boys were left with him.
In re Rose C., September 29, 2009.

Physical neglect upheld where Appellant left three year old in car alone for fifteen to twenty minutes in grocery store parking lot. In re Satish K., October 23, 2009.

Physical neglect upheld where Appellant left five year old in car alone for twenty minutes in grocery store parking lot. In re Alice W., October 30, 2009.

Physical neglect upheld where Appellant mother leaves child unattended with access to prescription medication, and child ingests the pills. In re Diana S., January 16, 2008.

Physical neglect upheld where Appellant mother leaves a two and four year old in unlocked car for significant amount of time. There is a busy roadway in between mother's location and the location of the parked car. In re Lynnmarie D., January 22, 2008.

Physical neglect reversed where the Department is unable to establish that the children were living with the Appellant during the times when one sibling sexually abused the other sibling. In re Jenny T., February 4, 2008.

Physical neglect reversed where Appellant mother asks another shelter resident to watch her sleeping child while mother is gone for ten to twenty minutes. In re Vie N., February 1, 2008.

Physical neglect upheld where Appellant's home is in deplorable condition and she leaves her young children alone in the home. In re Pamela M., March 17, 2008.

Physical neglect upheld where Appellant mother leaves three year old unattended outside, while mother leaves in car to go shopping. In re Michele C., March 27, 2008.

Physical neglect upheld where Appellant foster mother leaves ten and eleven year old girls unattended in a casino. In re Louise A., April 16, 2008.

Physical neglect will not be upheld where parents believe their children are being cared for by a responsible adult, and the caretaker leaves the children alone. In re Beatrice and Michael M., April 21, 2008.

Fifteen year old is old enough to care for younger sibling where she can reach mother and is not afraid to stay home alone overnight. In re Terry W., April 16, 2008.

Physical neglect reversed after Appellant mother repeatedly leaves children due to substance abuse. Mother's sister and friend both live in the home and the children were always cared for; no evidence of adverse impact. Hearing Officer notes that there may have been emotional neglect, because the children often didn't know where their mother was, and were concerned for her well-being, but the Department did not plead that charge. In re Terry W., April 16, 2008.

Where adolescent sneaks alcohol and becomes ill, there is no neglect unless there is evidence that the parent knew or should have known that the child was likely to engage in this behavior. In re Julie F., May 13, 2008.

Physical neglect upheld where Appellant mother fails to ensure, on two occasions, that someone is home to meet her daughter when she gets off the school bus. In the first instance, the child had to be placed in foster care overnight, and in the second, the child had to wait at the DCF office while the Department located the mother. In re Jacqueline A., May 28, 2008.

Physical neglect reversed where Department is unable to establish that Appellant mother knew or should have known that her two year old had a propensity to injure a four year old sibling. Parents cannot directly supervise their children's activities every minute of the day. In re Felicia M., May 28, 2008.

Physical neglect upheld where Appellants allow their two sons to have ongoing, unsupervised contact with the Appellants' grandchildren, and the grandchildren are repeatedly sexually assaulted. Although the grandparents denied any knowledge that the assaults were occurring, the Hearing Officer finds that there were sufficient signs to put the grandparents on notice that they should have supervised the four children more carefully. In re Ernest and Ethel B., June 13, 2008.

Physical neglect upheld as to residential facility employee who allows two residents to wander off on their own, when they are on "hip pocket status," the highest level of supervision required by the residential program. Even though the children were not adversely impacted by their time on AWOL, the Hearing Officer finds a serious disregard for the children's well-being. In re James L., June 2, 2008.

Physical neglect upheld where Appellant mother allows her children to injure each other during arguments, and is not able to properly supervise them. In re Kerry D.,June 9, 2008.

Physical neglect upheld where Appellant mother who is caring for two young children, falls asleep, and one of the children leaves the home. Prior history of older child falling out of a window while unattended and breaking his arm. Appellant's testimony not credible. In re Brandy C.,September 16, 2008.

Physical neglect upheld where Appellant, drunk, left babies home alone for twenty minutes; at another time, the Appellant was drunk and while supervising her children, failed to see son walk out of the house onto driveway in the rain, thirty feet from the street. In re Denise C., September 16, 2008.

Physical neglect reversed where Appellant leaves three younger children at home with two teenagers for the day while going to the casino. The two teenagers then take the car out of the garage for about ten minutes and damage the car and garage when putting it back. Although one of the teens had some behavioral issues, there was no reason to suspect that they would not supervise the children adequately. In re Janice M., October 7, 2008.

Physical neglect upheld in 1998 case, where Appellant leaves her seven year, ten month old home alone for eight hours during the day. Although the Appellant left emergency numbers and food for the child, the Appellant herself was not available by phone, and did not attempt to contact her child during the day to check on her. Hearing Officer notes that a seven year old child cannot be expected to always make proper decisions in a crisis, and the appellant's conduct posed a serious disregard for her child's well being. In re Alison S., October10, 2008.

Physical neglect reversed where Appellant was sleeping beside child, who awoke, opened door to apartment and walked fifteen feet next door to grandmother's apartment, without incident and where he is a frequent visitor. In re Carolyn S., October 8, 2008.

Physical neglect reversed where Appellant mother is aware that her son has prior history of sexually assaulting younger children and supervises his contact with other children. Child had received services after his first known offense and mother did not have reason to believe that he was at risk to re-offend. In re Kathleen D., December 23, 2008.

Physical neglect reversed even though Appellant mother allows her sons to have unsupervised visits with their father who is a registered sex offender. Mother believed the sex offense involved a girl the father believed to be over eighteen, and father's parole officer never suggested that visitation between father and children should be limited. In re Rashida B.,December 23, 2008.

Physical neglect against Appellant teacher reversed after child leaves school without permission on two occasions. Hearing Officer finds that the Appellant was not directly supervising the child when he left school grounds and that once she learned that he was missing, she did not unreasonably delay notifying proper school personnel. In re Sandra C., December 16, 2008.

Physical neglect against Appellant foster parent who leaves two foster children in the care of her thirteen year old biological child reversed. A violation of foster care regulation is not per se neglect. In this case, there was no evidence that the thirteen year old was not competent to care for the children for a brief period. In re Stephen and Janet S., December 4, 2008.

Physical neglect reversed when Appellant was not aware that the children's paternal grandmother, who was providing day care services, was allowing the young children to play outside unsupervised. Paternal Grandmother actively kept information from the Appellant regarding her ability to provide appropriate care for the children. In re Karen S., December 10, 2007.

Physical neglect upheld when Appellant, in the throes of drug addiction, left her children unsupervised and unfed. However, a second allegation of Physical neglect reversed when the Appellant finally delivered custody of her children to the good care of her great aunt while on a drug binge. In re Wanda D., November 16, 2007.

Emotional neglect reversed when Appellant finally turned over custody of children to great aunt and they did not suffer adverse impact to their positive emotional development. In re Wanda D., November 16, 2007.

Physical neglect upheld when foster mother dropped off child with a history of running away, unsupervised at the local YMCA while she went to work. Upon her return to the YMCA in the afternoon, child ran away and slept the night on the porch of an abandoned house. Although child was not seriously injured, the potential existed because of foster mother's actions. In re Deborah F., October 11, 2007.

Physical neglect upheld when a parent leaves a child unattended in a motor vehicle, in a public place, when the parent is unable to view the child who is in the vehicle. In re Matvey S., September 24, 2007.

A teacher who does not exercise reasonable care in his supervision of children in his classroom may be substantiated for Physical neglect when a child is injured as a result of the lax supervision. In re Jerome B. , September 14, 2007.

Physical neglect and emotional neglect both reversed when the Department could not prove that a teacher sharing a lavatory with a student amounted to inadequate supervision or had an adverse emotional impact. In re Norman O., August 17, 2007.

An Appellant demonstrates poor judgment but not physical neglect when she leaves her special needs child alone in a car when she gets food at McDonalds. Appellant did not seriously disregard her son's well-being since she could see her son the entire time she was out of the car and he was only alone for a few minutes. Physical neglect reversed. In re Linda V., August 15, 2007.

Appellant demonstrated poor judgment but not serious disregard when she left her foster care child in a gated tennis court unattended. Although there was a body of water close by and others could access the tennis court, child suffered no physical harm during the Appellant's absence. Appellant could see the child as she walked the perimeter of the tennis court and child was accompanied by a large dog as a protective measure. Physical neglect reversed. In re Charlotte B., August 10, 2007.

Physical neglect upheld when Appellant was substantiated for inability to provide care or shelter for her children in 2002 and she did not appeal the substantiation in a timely manner. Appellant's children were also adjudicated neglected based on same facts. In re Shannon F., August 6, 2007.

Physical neglect upheld when Appellant tacitly condones a sexual relationship between her thirteen year old daughter and a nineteen year old man. Appellant seriously disregarded daughter's physical well-being by putting her at risk for pregnancy and sexually transmitted diseases. Appellant also allowed daughter to be involved in the criminal justice system as a victim and potential witness. In re Maritza P., July 6, 2007.

Appellant fails to adequately supervise child and ensure her whereabouts. When it becomes clear that more supervision is necessary, however, the Appellant took appropriate steps to protect child. Child suffered no adverse physical consequences from the lack of supervision and the Appellant did not seriously disregard the child's welfare. Physical neglect reversed. In re Fatoumata K., July 6, 2007.

Physical neglect upheld when mother becomes so intoxicated while at home she cannot provide supervision to her nine and seven year old children. In re Monalisa B., May 18, 2007.

A parent's decision to have his family sleep in a car when a hotel is unavailable is not sufficient to sustain a finding of Physical neglect when there is no evidence of adverse impact or serious risk to the children. In re Brendan D., March 14, 2007.

Seven, eight and twelve year old children sled down front yard that ends in street. Adult is watching from front door and window; however, eight year old is hit by car and suffers a broken leg. Physical neglect upheld as this is inadequate supervision. In re Georgette M., October 27, 2006.

Grandmother was cooking on the first floor and sent her grandchild upstairs to the third floor to change his clothes. The mother was on the third floor and then allowed the child to watch TV on the second floor with a visiting nephew known to have child molestation propensities. Physical neglect reversed as to the grandmother. In re Doris S., October 20, 2006.

Father became ill and required immediate, unexpected surgery. Prior to surgery, father had his sixteen year old son contact his mother and his aunt to arrange care for the children while he was hospitalized. Father believed the aunt would care for his youngest child. While the father was unconscious and in intensive care, the children's mother changed the living arrangements without the father's knowledge. Physical neglect reversed. In re Roy W., August 31, 2006.

Thirteen year old boy caught at school and home with pornography. Five year old sister disclosed to mother that the boy requested that she lick his penis and child declined. Twin five year old sister also disclosed she touched his penis. Parents made their bedroom off limits to boy. No evidence that the parents permitted the boy the same access to the girls after learning of the inappropriate propositions and touching. Evidence presented did not support that Appellants failed to adequately supervise the three children. Physical neglect reversed. In re Charles E. & Dorothy E., July 17, 2006.

Evidence presented failed to show that it was more likely than not that Appellants allowed perpetrator of sexual abuse to have access to the home and the girls again after disclosure to mother. Physical neglect reversed. In re Patrick C and Silvia R., July 6, 2006.

Appellant's fourteen year old sitter left the children home with her boyfriend. Appellant's four year old son is found at the police station. Later, after Appellant's husband arrived, Appellant napped and child was found next door. Father purchased locks. Appellant based her decision to use the sitter on her own experience and made arrangements with someone she thought would provide proper supervision. There was no evidence that the four year old had ever left any residence before. Physical neglect reversed. In re Salome D., May 22, 2006.

Appellants' developmentally disabled son accidentally gave foster child a swollen and bruised lip. Department failed to show Appellant provided inadequate supervision. Physical neglect reversed. No Evidence that the Appellants were absent when child threw a toy at foster child and when child inappropriately touched foster children and therefore Physical neglect reversed. Finally, it was not established that Mrs. A was a person responsible to care for her great grandson when child exposed himself and fondled the foster child. Nor was it established that any of the fondling occurred prior to inappropriate touching disclosure. Physical neglect reversed. In re Rachel A. & Samuel A., May 17, 2006.

Child claims that adult in the home stripped in front of him and others and later performed oral sex on him. Other persons in the home denied that adult stripped in front of them. As to the oral sex, no details were provided about the time of day or potential witnesses. Although it would have been

better not to have this particular adult in the home, child's allegations were not proven and the Appellant father did not therefore fail to adequately supervise the child. Physical neglect reversed. In re John A., May 10, 2006.

Infrequent and disparate nature of incidents did not require the family to keep their four year old under constant supervision. Family left child and older sibling in a bedroom while the parents tended to household chores. Appellant checked on the boys in thirty to forty five minutes and when she found her son was missing she contacted the police. Physical neglect reversed. In re Jessica V., March 29, 2006.

Child has a history of sexually abusing others and requires extra attention and supervision and the Appellant and her husband established rules to protect the other children in the home. While five children were in the home, apparently the four year old snuck down stairs and was sexually molested by the child. The department did not interview the other four children in the home and based on the evidence presented, physical neglect reversed. In re Dennis and Helena L., March 29, 2006.

Appellant put his five year old special needs child down for a nap and then went to watch television. The Appellant had a couple of beers and fell asleep on the couch. The child's door had an alarm as well as the dead bolt on the outside, as it was necessary to keep the child in his room at night. The child's psychiatrist approved this method of keeping the child in his room. Child admitted he crawled out the window and ran to a neighbor's home and falsely stated that the father threw him out the window. Father had no prior warning that the child would try and escape through the window. Directed verdict and Physical neglect reversed. In re John G., February 22, 2006.

Legal Guardian left 16 year old with seizure disorder, ADHD, and cognitive limitations in a hotel room by herself over night. Due to the fact that the child functions equivalent to that of a seven year old, the child lacks the judgment to be left alone for long periods of time. This was inadequate supervision and a serious disregard for the child's well-being. In re Peter K., November 22, 2005.

Appellant and mother engaged in a verbal altercation in their upstairs bathroom. The children ages eight, seven and four were downstairs in the kitchen. The Department failed to show that the Appellant failed to provide adequate supervision. There was no evidence that there was a physical need for one of the parents to be in the room with the children. It did not appear that the children were of such an age that they could not have been left alone in the kitchen. In re Gregory C., November 7, 2005.

Appellant-Mother had knowledge that her daughter was sexually abused by her best friend's son. Mother did not contact the police, did not get treatment for her daughter and did not verify whether the perpetrator received any treatment. Mother once again allowed unsupervised contact between the children and the child was sexually abused once again. Mother had adequate warning of the danger to child and did not take adequate measures to ensure her safety. The child was impacted both physically and psychologically. In re Kendra C., October 11, 2005.

Appellant was providing respite care for several children with special needs. There were nine children in her home. Appellant was transporting the children in her van and two of the children began acting out and hitting each other. The Appellant yelled at the children. This was not

inadequate supervision. The fact that she did not prevent the injuries is not neglect. Having nine children in her care could not be found neglectful in nature. In re Angela W., September 21, 2005.

Mother and her paramour left several teenagers home alone while they went to the doctor's office. After they returned home, one child went after another child with a knife. This was not inadequate supervision as there were not any previous physical altercations between the children. Mother did not know nor should she have known that an incident like this could happen. Mother's absence from the home prior to the incident is not neglect. The substantiation is reversed. In re Luanne M., September 6, 2005.

Foster mother locks her door when she leaves the house and also locks the children out of the home. Foster mother sent the child over to her cousin's home although she was aware that they drink and smoke marijuana. Foster mother was also suspicious that the child had smoked marijuana in her cousin's home nine days earlier. Physical neglect was upheld. In re Telisa A., August 10, 2005.

Appellant-Grandmother was a licensed relative foster parent. The children were removed from mother's home. Juvenile Court adjudicated that the children were neglected while in mother's care and ordered supervised visits for mother. Grandmother allowed mother to provide childcare for the two children. While mother was babysitting, she struck one of the children on his leg resulting in a physical injury. The injury was a result of grandmother failing to provide a reliable person to care for the children. Physical neglect was upheld only to the boy who was injured. Leaving the children with mother unsupervised was not egregious. In re Evelyn S., August 9, 2005.

While home with the Appellant, teenager consumed alcohol and had non consensual sex. The evidence does not suggest that the Appellant knew or should have known that teenage boys returned to the home around 1:00 am or that the teenagers were consuming alcohol. Physical neglect reversed. In re Michael I., June 29, 2005.

Employee took residents to a pond and allowed the residents to go off and smoke cigarettes. This does not amount to inadequate supervision and Physical neglect reversed. In re Leonard W., June 1, 2005.

Department claims that because the child was injured a number of times, the child was inadequately supervised. Foster child was pulled by nine year old in the home, resulting in an injury to the foster child's thigh. The second injury consisted of one bruise and several bite marks. The setting or circumstances as to how the foster child sustained a bite mark are unknown. While the injuries are concerning, there is no prior indication that the nine year old son was being abusive or playing too rough with the foster child. Physical neglect reversed. In re Tracy W. and Will W., March 29, 2005.

Appellant father had a duty to make sure that his fifteen year old daughter was supervised for the weekend. He told his ex-wife that he could not take his daughter for the weekend, but he did not ask the child what arrangements had been made or confirm with his ex-wife that arrangements were made. While left alone in her mother's home, the teenager engaged in under age drinking, used illegal substances and had her boyfriend spend the night. Physical neglect upheld. In re George K., February 9, 2005.

Department proved there was sexual contact between two of the Appellant's children and that the parents were made aware of the contact in 1996. No evidence that sexual contact continued after 1996 and parents tried to keep children separate after that time. Physical neglect reversed. In re Sylvia and William S., January 11, 2005.

Parents knew of child's sexual abuse history, and attempted to monitor him closely, and prevent unsupervised contact with other children. Although some of their decisions may have not been the best, the hearing officer found that their level of supervision did not amount to neglect. In re Woodrow and Deborah V., December 30, 2004.

Physical neglect reversed when foster mother makes arrangements with the Department for respite care of children in her own home, but the care provider does not show up after the foster mother leaves. When the foster mother found out there was no care provider, she made arrangements for her brother to have daily contact, including meal preparation, for the two children, ages 14 and 16. In re Gwendalyn D., October 21, 2004.

Sexually abused girl was left alone with a younger child and engaged in sexual behavior. Physical neglect reversed as Appellant took reasonable steps to prevent unsupervised contact between the children. Medical neglect reversed as Appellant sought counseling for sexually abused child when Appellant learned child had more serious history of abuse. In re Kimberly A., October 14, 2004.

Appellant did not fail to provide adequate supervision for her son when she left him with someone who then physically abused him. Appellant had no reason to believe he was an inappropriate caretaker. Physical neglect reversed. In re Marianne T., October 12, 2004.

Physical neglect of five month old baby reversed. Although the baby was at risk living with her mother's boyfriend, who was alleged to have injured the baby's sibling, there was no evidence that the infant was neglected, unsupervised, or allowed to live in conditions injurious to her well being. In re Donna D., September 23, 2004.

Appellants left a twelve, thirteen and fourteen year old alone for 30-40 minutes. Determined not to be Physical neglect despite a history of inappropriate touching between two cousins seven years ago. Physical neglect reversed. In re Albert and Katrina B., September 21, 2004.

Licensed daycare provider may have violated DPH regulations regarding her pets when her dogs scratched a child in her care, but Department did not prove that the Appellant inadequately supervised a child in her care who was injured by a dog. In re Sharon L., September 16, 2004.

Appellant left her legally blind daughter home alone. Inadequate supervision due to daughter's cognitive limitations is upheld. Emotional neglect reversed on daughter because Department did not demonstrate maladaptive functioning. In re Julia B., August 24, 2004.

Foster mother with six children in the home did not neglect them when thirteen year old child is injured by an older sibling in a fight. Although foster mother might have intervened in the quarrel earlier, it is not inadequate supervision if she allows an older child to intervene and attempt to break up the fight. Physical neglect reversed. In re Barbara F., August 24, 2004.

Childcare worker neglects resident when she fails to monitor the boys and the boys pummel the resident. Appellant knew several boys were angry with boy and said they would beat him when worker left the scene. In re Michele C., August 6, 2004.

Child took mother's medication and dumped it in the toilet. Mother had just returned home after spending night in emergency room. Mother returned home and took one of her pills and her daughter grabbed the pill bottle while mother taking pill. Department substantiated mother for inadequate supervision. Physical neglect reversed. In re Maritza N., July 30, 2004.

Appellants allowed their nine year-old daughter to be a latch-key child, but the child did not know how to unlock her door, and wandered around the neighborhood unsupervised. Physical neglect upheld. In re Lance and Mary M., July 16, 2004.

After one child tells mother that step-sibling kissed his "pee-pee" but alleged perpetrator denies allegation, parents increase supervision of all three children. Two weeks later, mother finds two of the children alone and undressed, she moved out of the home, separating the victim children from the offender. Hearing officer found Appellants (parents) acted appropriately. Physical neglect reversed. In re Karen M. and Larry R., July 8, 2004.

Two year old foster child was able to get out of the home and found to be fifty yards away without adult supervision. Foster mother had locks on the door, foster father was home and both were looking for child when he was found. There was no impact, and the conduct was not egregious, Physical neglect reversed. In re Luz P., July 1, 2004.

An unexplained, serious injury (skull fracture) to a child supports a finding of neglect, when the baby is young, and it is unlikely he could have caused the injury to himself. The lack of supervision supports a finding that the parents allowed the child to live in conditions injurious to his well-being. In re Barry and Elizabeth W., June 30, 2004.

Physical neglect reversed when parents utilize elaborate lock system, but child is still able to get out of house and wander off. Hearing officer found that the parents took adequate and reasonable measures to protect child from home. In re Eliezer and Erika T., May 7, 2004.

Mother allows her ten year-old daughter to hold mother's one month-old son on mother's bed, while mother finished brushing another child's hair. The baby was injured accidentally, when the older sister could not soothe him, and tripped while walking to her mother on the other side of the bed. Physical neglect reversed. In re Diane H., December 15, 2003.

Foster parents knew that the child should not be with younger children due to foster child's sexual acting out. Foster parents left the child with children who were three years older than he, and who had no history of sexual acting out. Physical neglect reversed. In re Delton and Belinda S., November 4, 2003.

Father provided inadequate supervision when he sent his five year old daughter out looking for his legally blind wife, and the child became lost. Physical neglect upheld. In re Russell S., September 29, 2003.

Physical neglect upheld against grandmother, who is a person entrusted with the children's care, and leaves them with an uncle (her son) who is schizophrenic, and takes medication that makes him sleepy. Grandmother knew that the children required a high level of supervision, but left them with the uncle, who was sleeping while they set a fire in the home. In re Joan A., September 5, 2003.

Physical neglect upheld when child is left unattended by his father at a beach, and child falls into the water, having to be rescued by a stranger. In re Ralph P., September 4, 2003.

Mother left her son, who was eight years old for one incident, and nine years old for two others, alone unsupervised. Three allegations of Physical neglect upheld. In re Joanne K., July 22, 2003.

Physical neglect reversed. Although mother went out for long periods, the children were supervised by her sister, with whom mother lived. Children were fed, bathed and sleeping in their beds when mother went out. In re Melissa S., February 7, 2003.

Physical neglect substantiation reversed when the Department fails to prove that foster mother inadequately supervised her adoptive and foster sons, when one child inappropriately touches the other. In re Jennifer G., February 6, 2003.

Seventeen year old cognitively limited child was sexually assaulted by her brother. Grandparents did not believe child's earlier complaints, yet they still supervised her. Physical neglect reversed. In re Kenneth and Elvira M., March 31, 2003.

Physical neglect reversed when the evidence demonstrates that father took appropriate action to stop inappropriate sexualized activity between his young children, and his girlfriend's older children. Insufficient evidence to demonstrate father was aware of other incidents, which would have required him to act further to remove the older children from his home. In re Jeffrey F., March 4, 2003.

Physical neglect upheld when mother leaves three year old and three month old on bed together, unsupervised for a period of time, and three year old drops baby, resulting in head trauma. In re Jacqueline S., May 28, 2003.

Parents did not inadequately supervise their nine year old son by being in a different room from him, for occasional, brief periods. The standard for neglect is not mistake-free parenting. Physical neglect reversed. In re Lisa & David P., January 24, 2003.

A parent's admission that she was upset with her daughter, and "lost it" is not evidence that the parent was unable to adequately supervise her child. Physical neglect reversed. In re Amy W., January 7, 2003.

Grandmother has reason to believe that her granddaughter is in an unsafe environment with family friends, but permits her to stay, and granddaughter is raped in the unsafe environment. Physical neglect upheld. In re Barbara T., January 2, 2003.

Adult son of Appellant engaged in rough horseplay with the foster children and called the children names. The children complained to the Appellants, who did nothing to stop their son. Physical neglect upheld. In re Thomas and Donna M., August 1, 2002.

Appellant brought child to the bathroom and instructed her to clean herself and change. The door to the bathroom is a half door and Appellant stayed outside of the door and frequently checked on the child. There were varying accounts of how long the child was crying, with a minimum time of 10 minutes and a maximum time of 45 minutes. Supervision was adequate. The child's crying was a temper tantrum and not maladaptive functioning. Emotional neglect and Physical neglect reversed. In re Kim B., July 31, 2002.

Appellant and the granddaughter argue as the granddaughter wishes to stay out late with much older teens. Although Appellant drank to excess on a couple of occasions within a 16 month period, the children were supervised by their grandmother and were not physically with the Appellant. There was no domestic violence or verbal abuse as a result. Physical neglect reversed. In re Anthony S., Sr., July 31, 2002.

Appellant operated a home daycare. A five year old girl was sexually abused by a twelve year old friend of the Appellant's son. Appellant did not know the friend well, did not know his last name, and did not know where he lived. Physical neglect upheld. In re Margaret Z., July 31, 2002.

Sixteen month old foster child suffers six significant bites by another child in the care of the foster mother. The severity of the bites does not leave any doubt that this child vehemently cried out for help. None was forthcoming until she was bitten six times. That is inadequate supervision and the denial of proper care and attention. Physical neglect upheld. In re Linda G., May 14, 2002.

The foster child was misbehaving and he was sent to eat at the picnic table on the back porch. Placing the child on the other side of the screen door at a picnic table on the back deck while it is light out and not cold does not constitute inadequate supervision or physical neglect. Physical neglect reversed. In re Gail S., May 8, 2002.

Allegations that one child (who had a history of sexually acting out with other children) sexually molested a younger child. Conflicting statements not pursued further by investigator. It cannot be determined that Appellant allowed unsupervised contact between the children. Physical neglect reversed. In re Curtis M., January 22, 2002.

Appellant, legal guardian of 11-year old child, did not take appropriate steps to ensure her safety outside of the home. On at least two occasions the child was out all night without permission. On both occasions, the Appellant failed to make any phone calls to the proper authorities. Physical neglect upheld. In re Gwendolyn B., January 18, 2002.

Appellant was aware of inappropriate contact between her son and her daughters. Despite this, Appellant failed to take action to prevent on-going abuse and continued to allow her son to baby-sit the girls and assist with bathing. Physical neglect upheld. In re Judith P., January 15, 2002.

It wasn't inadequate supervision for a mother to send a misbehaving 9 year old outside, nor that he wandered away and wound up at a neighbor's house, unbeknownst to the mother. It is a safe neighborhood, and the child often plays at that house. Physical neglect reversed. In re Sandra O., December 17, 2001.

Mother, after finding her child and family friend in a compromising position, nevertheless left the home with the child in his care, but asked her 14 year old daughter to keep an eye on them. Physical neglect reversed. In re Bonnie W., December 13, 2001.

Although father has a substance abuse problem, the father contacted the mother to request that she provide care for the child when the father was intoxicated. Physical neglect and Emotional neglect reversed. In re Dale D., October 25, 2001.

Relative caretaker asked husband to feed three month-old niece with reflux and feeding difficulties. Husband left room and allowed his six year-old to give bottle to the infant. Infant vomited and six year old called for parents. Husband noticed infant stiffening; at hospital infant presents with subdural bleeding. Shaken baby syndrome or blunt trauma suggested by different physicians. Physical neglect of an infant may be upheld when the infant receives an injury, which could not, in accordance with the child's developmental abilities, have been self inflicted. Physical neglect upheld due to child's feeding issues and father left her to be fed by a young child. Physical abuse of child by her caretakers is reversed when there is no proof that either caused the injury and there is a potential intervening cause that may have contributed to the injury. Physical neglect of the older child due to holding her responsible for the care of children beyond her abilities is reversed when both parents were home, although out of the room, and available to both children. Physical neglect of infant upheld.. In re Wayne and Shanda P., September 22, 2000.

Daughter with psychiatric history took father's box cutter, slipped undetected from her bedroom window and cut herself at her friend's home. Child was hospitalized for the fifth time in five months. Parents refused to allow her to return home upon discharge. Child again cut herself while hospitalized. Parents were very involved in getting child treatment and had attempted to lock up all knives in the home. Physical neglect due to inadequate supervision reversed. In re Donna and Ronald T., August 29, 2000.

FIGHTING

Physical neglect upheld against foster grandmother, who struggles for control over young baby with the child's father, and incites a melee between family members, which requires police involvement and several arrests. In re Mary F., December 6, 2010.

Physical neglect upheld when Appellant allows youth to be assaulted by another resident. The record supports a finding that the Appellant did not take appropriate steps to stop the fight between the residents. In re Zulema W., December 20, 2010.

Moral neglect upheld when Appellant encourages one child in a group home environment to physically assault another resident. Several residents overheard the Appellant tell the resident she would give him a pair of sneakers if he beat up the other resident. Later that evening the Appellant gave the resident a pair of shoes. In re Zulema W., December 20, 2010.

A caretaker may be substantiated for physical abuse when he allows or encourages another child to cause serious physical harm to the victim. In re Gregory H., September 18, 2006.

INTIMIDATION

Father used the threat of removal to intimidate and prevent his son from saying anything that was not positive about the family. Emotional neglect upheld. In re Frederick M., May 30, 2007.

INVESTIGATION

Emotional neglect and physical neglect reversed after Department substantiated as to unnamed children, despite statutory and regulatory prohibitions against substantiating against unnamed children. In addition, the Department was unable to demonstrate physical or emotional impact due to Appellant's alleged rudeness. Day care workers said they disregarded the Appellant's directive anyway. In re Penny S., September 10, 2010.

Emotional neglect due to domestic violence and threatening behaviors reversed when the record contains no factual particulars, including dates and times of incidents of violence.
In re Brian D., July 13, 2010.

Physical neglect reversed where the evidence was insufficient to prove the Appellant caused the discoloration or bruising to the child he had access to, when other adults had custody of the child the day the discoloration was noticed, and the Appellant and the witnesses credibly testified that the Appellant did not cause the discoloration. The Department failed to meet its burden by not completing its investigation, such as interviewing others who had access to the child and interviewing a teacher who supervised the playground where the incident allegedly took place.
In re Joseph D., May 7, 2010.

Sexual abuse substantiation reversed where investigator did not conduct complete investigation. Reliance solely on a forensic interview is insufficient to support substantiation by a fair preponderance of evidence in a case where there are potential credibility issues with the child victims and the circumstances surrounding their disclosures. Investigator should have further explored details from the child victim's disclosure. In re David M., February 3, 2009.

Physical neglect of child reversed where the documents presented by the Department in support of its case offer no evidence of any neglectful conduct by the Appellant toward the child. In re Troy M., May 21, 2009.

Sexual abuse cannot be upheld at the higher burden of proof (fair preponderance of the evidence) required at an administrative hearing, where the Appellant denies a child's statement, his wife

provides credible testimony that the child was not alone with the Appellant, and the allegations are investigated by a different investigator and not substantiated. In re Mark B., April 24, 2008.

A child's complaint that his stepfather kicks him is not sufficient to sustain a physical neglect substantiation without contextual evidence to show that the Appellant's conduct denied the child proper physical care. There was no evidence regarding the force used, where, when or how the incident occurred or whether child was injured as a result. In re Adam B., May 13, 2008.

Physical abuse reversed where the Department fails to establish how the child received his injuries, and whether or not the Appellant used excessive force. Hearing Officer notes that the investigator conducted a cursory interview of the teen victim, and did not ask the non-offending parent any questions that would establish the cause of the child's injuries. In re John M., July 30, 2008.

Sexual abuse reversed where the nature of the allegation is suspicious and details that could have been verified were not. In re Rashida S., November 18, 2008.

Investigator is unable to talk with Appellant prior to close of her investigation due to request from police. Subsequent information from police indicates allegations cannot be supported and Sexual abuse is reversed. In re Elliot V., November 6, 2006.

Physical neglect reversed when the investigator is unable to establish with any certainty that there has been inappropriate contact between step-siblings during visits, or that the parents had any reason to believe, prior to the investigation, that the children, ages seven -fifteen, required constant adult supervision. In re Angela G., October 26, 2004.

Sexual abuse of special needs child reversed when the Department fails to establish any supporting facts or details to child's vague statements that his father touched his penis, which the Appellant denied. In re Wilson, R., October 14, 2004.

Substantiation of emotional neglect reversed due to lack of detail and specific facts to support the allegations. Another DCF office conducted a simultaneous investigation that did not find neglect or abuse. In re Laura F., September 16, 2004.

Nine year old girl makes disclosure during class discussion about sexual abuse that her uncle touches her inappropriately. Child said uncle touched her vagina while her clothes were on. This was only statement from child. Uncle lives with girl's grandmother. Uncle was not interviewed by police or by Department. Sexual abuse reversed when the investigation fails to elicit any corroborating evidence or information, and the Appellant credibly denies the allegation.
In re Hector C., July 30, 2004.

Child disclosed fondling in a forensic interview. Department had reasonable cause to substantiate. However, her initial disclosure was made to a sixteen year old aunt, who asked child if Appellant had ever touched her. Child said no and aunt told the child that she would "beat the crap out of her" if she wasn't telling the truth. Child then disclosed over the clothes fondling. There were also additional factors that raised questions of the reliability of the report as collaterals not interviewed. Sexual abuse substantiation reversed. In re John P., July 21, 2004.

Parents involved in ugly divorce process. Physical neglect reversed as there needs to be a failure to provide food, clothing, supervision or safety, all of which were provided for the children. Mother claimed father abused daughter and told children father was going to kill them. Appellant's testimony raised doubts about the statement. No adverse impact proven as Department did not talk to the daughter. Son adversely impacted by divorce as he had an adjustment disorder but no neglectful conduct found by parents. Emotional neglect reversed. In re Nancy N., July 2, 2004.

A child's statements that she is fearful of her stepfather is not evidence of emotional neglect, when her actions indicate that she is not fearful, and there is some evidence that mother may be manipulating the child's fears. In re Neal C. June 29, 2004.

An allegation that abuse of a child is also neglect must be supported with some evidence, or the neglect finding will be reversed. In re Dennis G. June 15, 2004.

Evidence that a child's grades deteriorated during the period of abuse helps to support a credible allegation of sexual abuse. In re Joseph M., May 28, 2004.

When a child's statement has relatively few details, and they are not consistent, sexual abuse is reversed. In re Jose G., May 25, 2004.

General and conclusory statements that lack detail are not sufficient to meet a party's burden of proof. Allegations must be supported by some corroborating evidence. In re Stephen ., May 6, 2004.

Physical abuse will be reversed when there is no evidence of injury to the child. In re Geraldine J. March 4, 2004, and In re Hassam G., April 21, 2004.

Physical and emotional neglect reversed when the Department relies solely on the written report, and the hearing officer finds the report lacking factual evidence. Appellant offered another explanation for the events, which the Department was unable to refute. In re Lynn C., December 3, 2003.

Appellant demonstrated that the allegations were made the day after Appellant had the victim's father arrested, in front of the victim, for threatening and harassment. There is an issue with the child's credibility, and his statements are not detailed. The investigator never interviewed the Appellant, although hearing officer notes that policy requires that the Department interview the alleged perpetrator. Sexual abuse reversed. In re Cindi M., July 16, 2003.

Record contains numerous substantive errors, and a denial by the Appellant and victim (now 26 years old) that they ever met with the investigator. Physical abuse reversed. In re Deborah B., July 10, 2003.

Foster parent brings child to Yale Psychiatric Institute due to his violent and threatening behaviors. Foster parent subsequently attends meeting at Yale regarding the treatment plan for the child. The foster parent was not informed by the hospital that she was taking the child out of the hospital against medical advice. During the investigation, no one from DCF interviewed the foster parent

about the allegations that the child was removed against medical advice. The medical records from Yale indicate the medical record was corrected to reflect that the Against Medical Advice discharge was an error. Medical neglect reversed. In re Carol D., April 24, 2002.

Sexual abuse allegation against foster father reversed when there is insufficient evidence to support it. Hearing officer found that investigation was lacking in that investigator failed to interview the alleged perpetrator, and reconcile differences between the allegations and available evidence. Physical neglect reversed against foster mother for not keeping foster father out of the home indefinitely, following the police department's decision to not arrest foster father. In re Keith and Malissa M., April 10, 2003.

Even though child gave a credible account of his threatened beating, the Investigator should have interviewed the alleged perpetrator and two witnesses, who gave different accounts at hearing. Emotional neglect reversed. In re Gloria A., December 12, 2001.

Investigator failed to confirm facts such as whether there were one or two thermostats when determining that the perpetrator neglected children by turning off heat on second floor. In fact there was only one thermostat, so home had heat. Physical neglect reversed. In re John W. November 21, 2001.

Although the relationship was extremely tumultuous, there was very little testimony as to the impact to the child, other than he can be aggressive in school. No connection was proven. Physical neglect reversed. In re Patrick M., November 15, 2001.

The Department failed to corroborate the information from the first person to whom a child disclosed sexual abuse. The child may have been coached afterwards. Sexual abuse reversed. In re George Q., October 29, 2001.

Department's failure to interview police for explanation of contradictory statement of child and failure to follow up on estranged mother's move to Iowa as reason for giving false information instrumental in reversal. Physical abuse reversed. In re Michael M., October 10, 2001.

A sore neck was not sufficient injury to sustain physical abuse substantiation. When emotional neglect is alleged, the Department cannot rely on hearsay information as to the impact on the child, when the children are old enough to provide information and accessible to the Department for interviews. Physical abuse and emotional neglect reversed. In re David B., September 20, 2001.

Fact that mother was substantiated for prior sexual abuse, was not grounds for substantiating current case, in that this case did not have an independent investigation and determination that mother was even with child at time of alleged event. That the child mentioned this act during her interview for the prior event, and that examiner was only following up on facts having to do with the former event both mitigate against any substantiation of this event. Sexual abuse reversed. In re Jean W., July 6, 2001.

Investigator failed to view kitchen and question child as to mechanism of injury, where child states his foster mother pushed his head into the table for not eating. Child gave inconsistent versions of

events to different individuals. Department gave too much weight to statement of child. Physical abuse reversed. In re Sheila S., July 6, 2001.

Appellant took seven year old son to a cookout at private motorcycle club where child received $13.00 in tips for tending a keg. Department suggested child was serving alcohol for pay at a biker bar. Child is in counseling for school problems, including poor peer interaction, aggression and fighting. Any substantiation of abuse or neglect must be based on the facts gleaned from the investigation, and not on the referral itself. Physical neglect reversed. In re Larry D., October 25, 2000.

The Department failed to follow through with contacts/address given for children's location. neglect due to school absences may not be proven by document created six months after the substantiation is entered. The Department must allege educational neglect and not just Physical neglect. There was also no evidence in the record that mother was aware of, condoned or encouraged her daughter's drug use to support a finding of emotional neglect. Physical neglect and Emotional neglect reversed. In re Carmen G., October 6, 2000.

JUVENILE COURT ADJUDICATIONS

Physical and emotional neglect upheld when Appellant permitted children to live in a filthy home and exposed them to on-going domestic violence. Petitions were filed on behalf of children and they were adjudicated neglected; therefore, the allegations were automatically upheld. In re Milton and Juanita F., October 9, 2007.

Physical neglect upheld when mother unable to provide minimum child caring tasks. She was unable to control her young children, eventually demanding their removal from her home. Children were eventually adjudicated neglected. In re Kimberly T., March 2, 2007.

KNIVES

Physical neglect upheld where the Appellant threatened his wife, the child's mother, and the child, with a knife. The child ran away, fearing that he would get cut by the Appellant after the man challenged the boy to a fight while brandishing the knife. The Appellant has a history of substance abuse and, on this day, was highly intoxicated. In re Dwight B., April 20, 2012

Physical neglect upheld when the Appellant failed to monitor an out-of control child's access to anything (in this case a lighter and two knives) that he could use to harm himself or others. Child had a history of cutting himself and using weapons for inappropriate purposes in the past. Physical neglect upheld. In re Debra M., August 8, 2007.

Physical neglect upheld when father was yelling at ten year old daughter while waving knife at her. Actions demonstrated a serious disregard for the child's well being. In re Rakesh V., March 2, 2007.

Appellant threw two knives at her husband, one of which struck him. He called the police. Child was visibly shaken as a result of Appellant throwing the knives. Physical neglect and emotional neglect upheld. In re Christina B., December 31, 2002.

Appellant became very angry with his wife when she refused to eat dinner with him and their children. He quickly escalated out of control, yelling, throwing things about, and eventually holding a knife to his wife's throat. The next morning, the fight began again with Appellant restraining his wife causing her to cry and scream. The girls were home for both incidents and knew what was going on. Both were afraid that Appellant would hurt their mother. Emotional neglect and physical neglect upheld. In re Christopher M., October 21, 2002.

Grandmother of three year old and five year old is physically assaulted by the father of the children. Upon her return home from the hospital, she falls asleep. While she is sleeping, the children have access to kitchen knives and play with the knives unsupervised outside. Access to the knives should have been restricted and steps could have been taken to ensure that the boys could not leave the home unsupervised. Physical neglect upheld. In re Barbara E., February 4, 2002.

LACK OF NEGLECTFUL CONDUCT

Physical neglect reversed when the Department is unable to show impact to the child from mother moving around frequently with her baby, or bringing baby to parties. It appears that the referral may be motivated by retaliation from the father's new girlfriend. In re Leah G., April 14, 2011.

Emotional neglect reversed where there is no evidence to establish children were exposed to family violence. Mother reported to daycare with a black eye not because of domestic violence but because child threw a toy truck at her face, causing a black eye. In re Pierce S. and Christine S., January 30, 2009.

Physical neglect of child reversed where the documents presented by the Department in support of its case offer no evidence of any neglectful conduct by the Appellant toward the child. In re Troy M., May 21, 2009.

Physical neglect reversed where the Appellant's baby's mother appeared uninvited and unannounced to the Appellant's home despite mutual protective orders being in place forbidding contact for both. The Appellant reminded mother to leave because of the orders but mother ignored the Appellant and physically hit him while holding their baby in a car seat. The Appellant ran away from mother and dialed 911. In re Shawn F., June 10, 2009.

Physical neglect reversed against teacher who hits student on the head with a screwdriver. The hit was a tap, meant to get the boy's attention, and therefore, not a serious disregard to the child's safety. In re Frank R., November 16, 2009.

Physical neglect reversed as to adoptive father Donald M. He was not present during the beating of child A's brother, child B, by adoptive mother, Jeannette M. In re Jeanette M. and Donald.M., June 18, 2007.

Stepfather found infant with leg stuck between two slats in her crib. He took the child to the hospital. Three physicians thought that explanation was consistent in terms of mechanism to explain the fracture. Radiologist noted other fracture. A fourth physician reviewed x-rays and noted the explanation of the leg stuck in the crib was plausible. He recommended exploring the

other fracture that appeared 4-5 weeks old. Physical abuse and physical neglect reversed. No proof step-father caused previous fracture and professionals stated his explanation was consistent with the current fracture. In re John M., August 15, 2005.

Appellant punched his wife in shoulder while she was driving on highway. Children in back seat of car. No evidence on how hard father punched mother. Appellant's conduct not appropriate but did not rise to level of denial of proper care and attention. Although the marriage had broken down, and the children were being affected by the family discord, the Appellant's conduct was not neglectful. Emotional neglect and physical neglect reversed. In re Donald P., September 22, 2004.

LAUNDRY

Physical neglect upheld when Appellant refuses to allow teenage stepdaughters to shower at the home, requiring them to shower at school or the community pool. Physical neglect also upheld as Appellant refuses to do girls' laundry or to drive them to the laundry mat. In re Jill F., October 12, 2007.

LICE

Physical neglect upheld when Appellant maintains a transient lifestyle, adversely affecting his children. Children have no sense of structure, appropriate behavior and oldest child is a physical danger to younger ones due to untreated aggressive and assaultive behavior. Children also suffered from physical ailments, including chronic lice infestation. In re Lawrence L., October 3, 2007.

LINK

Investigation was unsubstantiated and case was closed. One month later, a memo was documented that the investigation should be substantiated. The memo was placed in the foster parent's file; but not entered in LINK. This is not substantiation *per se* and could not, therefore, prevent an adoption. In re Michelle W., January 29, 2007.

LOCKING IN ROOM

Physical neglect upheld when parents lock son in his room to prevent him from having unsupervised contact with his adopted sister. Although parents testify that they could hear the boy If he needed them, the evidence shows that the boy was actually getting out of the room, playing football in the house and even cooking, and the parents were unaware of his activity. In re: William and Olga R., February 7, 2012.

Physical and emotional neglect upheld when parents lock fifteen year old in his room as punishment for going into his sister's room. Hearing Officer finds that parents isolated the child and over-reacted to the boy's misbehavior. Child was neglected by parents, even though he was able to get out of his room through his bedroom window, and despite the fact that the sister would let him out at night, unbeknownst to the parents. In re Olga and William R., September 28, 2011.

Physical neglect reversed against detention officer who places youth in a room with another youth who beat him up. Although there is a known pattern in the facility of using youth to enforce the rules upon other youth, there is insufficient evidence in this case to establish that the Appellant intended for the youth to be injured, or that he seriously disregarded the youth's physical well being. In re Roderick M., August 4, 2011.

Physical neglect upheld where the parents refused to remove a lock on their troubled child's bedroom door so that they could control her movements throughout the house. The Department recommended safer alternatives such as an alarm yet the Appellants refused to remove the lock. It locked from the outside of the bedroom. In re Krystine K. and James K., March 1, 2011.

Physical neglect and emotional neglect reversed when foster mother locked child suffering from ADHD, PTSD and RAD, in his bedroom while she showered in an effort to protect him. Child had history of engaging in unsafe activity when foster mother was unable to monitor him every moment. Child nonetheless disclosed affection for foster mother despite being restrained and/or confined. In re Pamela W., March 9, 2007.

LOVAN C.

Physical abuse reversed when there is insufficient evidence to determine the Appellant inflicted the injury to the child. The Appellant acknowledged spanking the child - hitting him three times with a belt on the butt. The child claimed the Appellant hit him seven times in the face with the belt. The worker did not find the child credible regarding being hit in the face and the child changed his report several times. Even if the belt hit the child in the face by accident during the spanking, under Lovan C. it would not rise to the level of physical abuse.
In re Tonia H., February 29, 2012

Physical abuse reversed when Appellant disciplined son with a belt after trying several other methods of discipline unsuccessfully. Child sustained minimal bruising to his leg as a result of the discipline. Physical discipline was appropriate response to child's increasing misbehaviors.
In re Robert R., January 24, 2012

1997 physical abuse case reversed when father's physical discipline of his daughter does not meet the criteria set out by the court in Lovan C. In re Christopher B., January 13, 2012.

Physical abuse reversed when Appellant determines physical discipline is required to maintain control of youth in home. Although youth sustained bruises to her arm, the bruises were minimal. The discipline was a reasonable response to the youth's misbehavior (shoplifting) and the Appellant did not use a belt until the youth hit back. In re Irma S., December 21, 2011.

Physical abuse reversed following remanded hearing. Initial hearing was held prior to *Lovan C.* decision. Child sustained injury during physical discipline with a belt. The injury occurred when child moved and attempted to kick pregnant guardian. Child acknowledged that the injury was unintentional. In re Angela T., November 22, 2011.

Physical abuse reversed against foster parent when she hits child in the face resulting in a very minor injury that is not noticeable the next day. The child was misbehaving and knew the reason for the punishment. The caretaker did not use significant force, and the child was not fearful. In re Benita J., November 2, 2011.

Physical abuse reversed when marks child sustained were minimal and were result of physical discipline. Use of discipline was appropriate given the child's misbehavior and ability to understand punishment. Parent still has right to discipline child even if school has reported that school behavior issues will be addressed by school personnel. In re Jose R., April 20, 2010.

Internal Reviews should not uphold pre-2004 physical abuse allegations that do not meet the criteria set forth by the court in *Lovan C.,* In re Maria I.V., December 21, 2007 and Rosa M., December 21, 2007.

Physical abuse reversed when Appellant backhanded her teenaged daughter who was being disrespectful and physically assaulting the Appellant who was two weeks post surgery. In re Maureen O., November 28, 2007.

Appellant's younger son acting out, Appellant directs older son to hold him down and Appellant hits child. Child's arm is bruised and immobile for several days. Physical abuse upheld, Physical neglect reversed. Registry recommendation reversed, no pattern. Appellant sought counseling after the incident to deal with son. In re Roberto R., November 16, 2007.

Physical abuse upheld when Appellant used physical discipline over a period of days and hit her children with a curtain rod and extension cord before sending them to a relative for a cooling off period. In re Annette P., November 15, 2007.

Under the guidelines of *Lovan C*., physical abuse is reversed when an Appellant hits his child on the arm with a belt, leaving marks that were still present the following day. The child understood why he was being punished and was not afraid of his father the day after the incident. It could not be determined by the injuries or the child's disclosure of the discipline whether the force was unreasonable. Father arrested for Assault 3 and Disorderly Conduct but charges were later *nolled.* Physical abuse reversed. In re David T., November 15, 2007.

Evidence that a child requires numerous stitches after being hit by Appellant, is sufficient to establish that the Appellant used unreasonable force. In re Karen H., September 6, 2007.

Physical abuse reversed when an Appellant kicks her out of control son in the shin to stop his aggressive behavior, which includes hitting her with potatoes. It was poor judgment not physical abuse given the child's age and ability to understand why he was hit. Physical abuse reversed. In re Debra M., August 8, 2007.

In 2004, Appellant is substantiated for physically abusing her daughter. Appellant punched daughter in face on way to school. In 2006, daughter went out at night and did not return home on time. Appellant went to get daughter and on the walk home, Appellant hit daughter, pushed her to the ground and kicked her. Incident does not fall within reasonableness guidelines for *Lovan C.*

Physical abuse upheld. Appellant found to be risk to children based on incidents and severity of abuse. In re Elinette A., June 25, 2007.

Physical abuse upheld when an Appellant provided no credible explanation for how child received severe bruises while under his care. Child was able to provide an explanation consistent with the injuries and identify the Appellant as the abuser. *Lovan C*. does not apply as Appellant was not inflicting discipline. Even if the *Lovan C.* analysis applied, the discipline would have been unreasonable. Registry recommendation upheld based on severity of abuse. However, the hearing officer also considered that a sibling testified that the Appellant was not playing when he once threw her onto a bed, thus revealing the potential of child maltreatment. In re Teddy H., January 17, 2007.

MASTURBATION

Emotional neglect upheld where the child was negatively impacted emotionally by father's exposure of sexual behavior. Child engaged in cutting herself to cope with her anxieties. Normally a very good student, she also declined academically. The child developed an imaginary friend named "Bob" who instructed her to kill and take pills. The child was relieved after she made her disclosures and was happy "it was out." In re Ernesto B., December 6, 2010.

The Department's decision to substantiate sexual abuse upheld when child provides repeated, detailed statements that his mother's boyfriend touched him, and masturbated in front of him, while the child was visiting Appellant's worksite. In re Frank S., February 11, 2003.

MEDICAL NEGLECT

Physical neglect is upheld when young mother, either due to Munchausen's Syndrome by Proxy, Post-partum Depression, or symptoms of her bi-polar disease, is unable to care for her child and makes up symptoms so that her child is hospitalized unnecessarily. In re Donna A., March 22, 2012.

Medical neglect reversed where the Appellant made all necessary appointments for her child, who was diagnosed as a "failure to thrive." Over a seven month period, medical reports demonstrated that the Appellant did see a gastroenterologist, as well as other medical providers. Eventually, the child gained a significant amount of weight, and her pediatrician made no further recommendations, noting the child's tremendous improvement in weight gain. In re Jahmeeka F., January 25, 2012

Medical neglect upheld as the evidence suggests the child would have been in extreme distress at the time of the injury and should have received immediate treatment. In re Sherie G., January 12, 2012

Medical neglect reversed when evidence supports a finding that youth's guardians engaged multiple mental health services for the youth with varying degrees of success. Guardians had the right to terminate services they felt were ineffective, especially services that involved the youth's bio-parents who were disruptive to the therapeutic process. In re Robert and Sallyann R., December 14, 2011.

Medical neglect upheld when Appellant leaves emergency room with five month old infant prior to the child being seen by medical providers because the Appellant was tired of waiting. The infant had severe symptoms and was eventually diagnosed with an ear infection which required treatment with prescription medication. In re Lashunda D., November 22, 2011.

Medical neglect upheld where the Appellant failed to maintain her children's medication regimen to prevent them from having seizures. Due to the Appellant's failure to get her son and daughter to medical appointments and to refill their anti-seizure medications, they would experience multiple unnecessary overnight hospitalizations. In re Iris V., November 9, 2011.

Medical neglect upheld when Appellant and the children's mother share custody of the children and the Appellant fails to inform mother that the children are on an antibiotic when he returns them to her care and fails to provide her with the medication. In re Adrian T., August 11, 2011.

Medical neglect reversed where the Appellant requested help from the Department to pay for an expensive surgery the child needed. The Appellant wanted the child to have surgery on his broken leg but could not afford to pay for it. In re Sharon J., June 7, 2011.

Medical neglect reversed when the evidence supports a finding that home health care services were in the home to meet child's needs and mother responded appropriately in obtaining emergency medical care when needed. Child's pediatrician reported no concerns with Appellant's care of child. In re Lachelle H., April 27, 2011.

Medical neglect was upheld when the Appellant allowed her fifteen year old son to consume alcohol to excess and ingest some of her morphine tablets and she did not obtain necessary medical treatment for him resulting in her death. In re Heather S., December 8, 2010.

Medical neglect reversed when record supports a finding that the Appellant did obtain medical treatment for her daughter's chronic ear infections. In re Carol K.,December 22, 2010.

Medical neglect upheld where the Appellant delayed obtaining medical care for her two year old foster child who was attacked by a dog. She delayed treatment for the boy, who may need plastic surgery and who could have suffered further injury due to there being no evidence that the dog had its rabies vaccination. In re Rose Lee J., November 16, 2010.

Medical neglect was upheld when the mother failed to obtain the mental health prescription written by the hospital upon discharge for her fourteen year old son. In re Linda W., November 5, 2010.

Medical neglect upheld when caregiver fails to seek medical attention for baby with second and third degree burns. In re Eleanor G., September 22, 2010.

Medical neglect reversed where the evidence demonstrated the Appellants provided adequate medical and follow up treatment for her children. In re Domingo M. and Blanca M.,September 10, 2010.

Medical neglect upheld where the Appellant did not adequately ensure that her son regularly took his asthma medications and always follow up on his medical appointments. Child suffered a severe asthma attack which required hospitalization, after visiting his grandmother who had multiple cats. The visit aggravated the child's asthma and the Appellant did not ensure that the child has his medications while visiting grandmother. In re Deborah S.J.E., August 27, 2010.

Medical neglect, emotional neglect and physical neglect reversed when child does not specifically tell staff she feels unsafe, therefore staff does not implement suicide prevention policy and child cuts wrists. In re Karoline S., May 25, 2010; In re Melonie K., May 25, 2010; In re Sade B., May 25, 2010.

Medical neglect reversed where the Appellant missed only two therapy sessions, out of many, and rescheduled one of those appointments which the child attended. In re Coreen H., May 6, 2010.

The Appellant sought services for her overweight son and discontinued medication because of the side effects. The Department has not demonstrated that the Appellant failed to provide necessary medical treatment. In re Nachell D., May 4, 2010.

Medical neglect reversed when Appellant mother, who is noncustodial parent, agrees to services for her daughter, but does not follow through when child returns to her father's care. In re Mariluz N., March 18, 2010.

Medical neglect reversed when Appellant misses well-child visits and is behind on immunization schedule. Appellant had already scheduled make up visit and immunization schedule is a guideline, not required timetable. In re Kelly and Markus B., March 23, 2010.

Medical neglect reversed as there was insufficient evidence to find that Appellant was aware the child had injuries to his eye as a result of the physical intervention. Once mother became aware of the injuries she took the child for a medical assessment. Appellant stepfather was at work when the injuries were detected and not available to ensure medical care. In re Thomas P.,January 6, 2010.

Medical neglect upheld where the Appellant discontinued sex abuse therapy only after two appointments for child with a history of sexual abuse and sexualized behavior. The Appellant declined to continue sex abuse therapy despite the child's therapist wanting the child to continue with therapy. In re Yuri W., Sr., February 3, 2009 and November 16, 2009 appeal dismissed December 2010.

Medical neglect upheld where mother failed to control child's diabetes treatment. Child's poorly controlled blood sugar levels were measured daily at school and were consistently at dangerously high levels. In re W. M. G., March 12, 2009.

Medical neglect reversed where Appellant sought and maintained medical services for her son who was diagnosed with reactive airways disease, and where the Appellant followed the child's pulmonary specialist's care plan. In re Tyrie W., March 5, 2009.

Medical neglect upheld where the Appellant failed to administer and monitor her daughter's epilepsy medication to ensure she fell within a therapeutic range for preventing seizures. When the child began to experience clusters of seizures, the Appellant unreasonably delayed taking the child to the doctor and/or the emergency room because she did not want to spend Christmas Eve in a hospital. In re Terri P., June 10, 2009.

Medical neglect reversed where guardian does not take the child back to the pediatrician for follow up as the doctor recommended because the child's stomach problems resolved when she stopped taking a certain medication. In re Isabel B., July 2, 2009.

Physical/medical neglect reversed where there is no adverse impact on adolescent who returns home after running away and she is intoxicated and barely able to stand up when she returns, but guardian decided it was not necessary to call a doctor or take her to the hospital; Physical/medical neglect reversed where guardian does not follow through with "Family Care" program without evidence that the program would provide a service necessary for physical care. In re Isabel B., July 2, 2009.

Medical neglect reversed where Appellant missed two appointments for a biopsy for the child following a heart transplant. One appointment was missed due to a snowstorm. Appellant had been taking the child every week for three months and the child is seen twice a week by a visiting nurse and also seeing a local pediatrician. Although the appointments were important, missing them did not constitute an unreasonable delay or denial of necessary medical care.
In re Martinique H., August 21, 2009.

Physical neglect reversed where Appellant made numerous efforts to obtain services for child with special needs. In re Susan P., October 30, 2009.

Medical neglect upheld where the Appellants refused to get their daughter mental health treatment despite psychologist's and psychiatrist's recommendations. In re Maria P. and Eloi P., October 30, 2009.

Medical neglect reversed where the Appellant brought the child to therapy and various mental health programs but the child refused to engage in services or speak to the therapist. Appellant continued to be engaged in child's services even after child was removed from her care.
In re Dawn O., October 30, 2009.

Medical neglect upheld where Appellant father fails to secure counseling for his son, who has four year history of cutting and suicidal gestures, and tells child not to take his business outside the family. In re Patrick M., February 4, 2008.

Medical neglect reversed where the Department is unable to establish that child's hearing loss is the result of his mother's conduct. In re Glenda V., March 19, 2008.

Medical neglect reversed where the Appellants attempt to secure services for their child, but are unable to do so due to waiting lists and insurance issues. In re Timothy and Judi S.,March 26, 2008.

Allegations of physical neglect for failure to secure medical treatment reversed where there is no evidence that the children needed medical treatment. In re Jacqueline A., May 28, 2008.

Medical neglect due to untreated injury and infection reversed where Appellant mother brings child for medical attention. Hearing Officer finds that mother could have responded sooner, but because she did ultimately seek treatment, substantiation reversed. In re Felicia M.,May 28, 2008.

Medical neglect upheld where Appellant failed to get a dentist and pediatrician for child with severe dental cavities, mouth and ear infections. Upon transfer of guardianship and custody to maternal grandmother, child was brought to doctors for medical attention, one of whom referred child to a pain specialist due to severity of the pain. In re Carmen C.,September 2, 2008.

Appellant is the director of a day care. Medical neglect reversed where children did not need medical care although potential existed. The Appellant knew how to administer asthma medication despite not being medically certified. Decision does not condone Appellant's failure to follow DPH licensing regulations. In re Talahaht M., October 10, 2007.

Medical neglect reversed when there was no evidence as to what diagnosis required the child to be on medication or what medication was required. Evidence supported finding mother attempted to keep child on medication and that child was not compliant with attending therapy. Insufficient evidence in the record for finding that medication and or therapy was actually required by child. In re Nancy A., July 26, 2007.

Foster mother's decision to allow child to make up missed doses of medication is not evidence of medical neglect when the missed doses are sporadic, and there is no general pattern of neglectful conduct. In re Judy O., June 26, 2007.

Foster mother's failure to seek medical attention for child's symptoms of strep infection support finding of Physical neglect, as the child's condition deteriorated, leaving her with a severe rash and blisters. A reasonable person would have questioned the child's symptoms and sought out medical advice. In re Deborah K., June 1, 2007.

Twelve year old male with mental health issues threatened to kill himself at school. Mobile crisis contacted to do a psychiatric evaluation and partial hospitalization recommended. Mother did not feel services were necessary and she cancelled appointment at child guidance center. In-home services were offered and mother refused. Substantiation of medical neglect upheld as Appellant failed to seek necessary medical services for her son. In re Christy B., March 21, 2007.

Medical neglect reversed. An Appellant's refusal to accept particular recommendations for treatment is not evidence of neglect when she is willing to engage in appropriate alternative treatment. In re Cindy L., December 8, 2006.

Appellant took her daughter out of a partial hospitalization program and failed to follow up on the recommendation for out patient therapy. Child was originally hospitalized due to a suicide attempt. Medical neglect upheld. In re Roberta N., August 3, 2006.

Father had weekend visitation with his child. He decided not to allow the child to return to mother's home. Child had asthma and father did not have any of the medication. Father and Paternal Grandmother held the child out of school for the week when they did not let the child return to mother. Medical neglect upheld. In re Thomas K. and Maria C., July 24, 2006.

Failing to replace eye glasses was not unreasonable delay considering family experienced financial difficulty and problems with insurance. A delay in replacing an item a child has lost several times does not constitute neglect. Cooperation with an investigation is not mandatory and refusal to meet at a temporary residence does not constitute grounds for substantiation of neglect. In re Patrick C and Silvia R., July 6, 2006.

No evidence was presented that a forensic medical exam was necessary for the girls' health after girls' disclosure of inappropriate touching and the girls themselves were unwilling to cooperate with an examination. Appellant arranged for daughters to be seen by her own doctor in a timely manner and not in the manner advised by the Department. This is not grounds for a neglect substantiation. Appellants demonstrated on going efforts to obtain and maintain medical treatment for child's obesity. Physical neglect and medical neglect reversed. In re Patrick C and Silvia R., July 6, 2006.

Child was diagnosed with bi-polar disorder and ADHD and prescribed medication. The prescription had run out and had not been refilled by parents. Child was without meds for at least six months. Father also failed to get the child to counseling appointments and did not cooperate with IICAPS program. Medical neglect upheld. In re Jose R., July 5, 2006.

Child was first tested for Sickle Cell when he was four months old. The test indicated that he was indicative of the disease and treatment was recommended. Parents refused to accept the diagnosis. When the child was two years old, he developed a fever. Three days later the child was unable to walk, had a fever, cough, and decreased intake of solid food. The Appellants withheld medically necessary treatment for their child. Mother, a sickle-cell patient herself, knew or should have known how dangerous the fever and infection could be for her child. Father also should have known based on the educational session he attended. Parents failed to seek treatment for their son until he was unable to walk. Medical neglect upheld. In re Tola and Bolarinwa A., November 30, 2005.

Child was hospitalized for out of control behavior. Mother removed her child from the hospital against medical advice. Mother contended that she was concerned for her child's safety as he was six years old and was placed with an older teenager population. In addition, she was concerned about her son's medication and the cleanliness of the hospital. DCF did not refute mother's concerns. The day mother took the child out of the hospital she took him to the emergency room of another hospital to be examined. Mother did not fail to seek or obtain services that were necessary for her child's mental health care. Medical neglect reversed. In re Carmita S., November 3, 2005.

Child suffered from asthma and had to be taken to the hospital on two occasions. The Appellant would smoke in the basement or on the back porch. The child stated that she always takes her medication on time. The Department must demonstrate that the Appellant has unreasonably delayed, refused or failed to seek, obtain and maintain those services for necessary medical health. In this case, the Appellant took the child to the hospital when necessary and there were no

findings that the child was denied medication. Medical neglect reversed. It was noted that a more appropriate allegation would have been Physical neglect. In re Aldean J., November 3, 2005.

5 month old infant had a lesion and blister on her baby toe. DCF failed to prove that foster parent delayed, refused, or failed to see or obtain medical care. The evidence showed Foster parent was extraordinarily attentive and frequently took the child to pediatrician. Medical neglect reversed. In re Lisa C., August 24, 2005.

Child's therapist felt that it was medically necessary for the child to be enrolled in a PHP but the child's psychiatrist did not agree with this recommendation. The Appellant, as the legal guardian of the child, has a right to weigh the recommendations and make a decision. Medical neglect and Emotional neglect reversed. In re Paul T., June 29, 2005.

Parents did not unreasonably deny or delay medical treatment for their children. Once they were made aware of the gravity of the children's conditions, and provided with assistance in obtaining medical insurance and referrals, the parents responded as they should have. Medical neglect and physical neglect reversed. In re Anne and James C., June 10, 2005.

Parents should have erred on the side of caution and brought their infant son to the hospital for evaluation of his fever. They did however adequately monitor his fever and relieve his fever. The evidence does not suggest that the parents unreasonably delayed or withheld treatment and Medical neglect reversed. In re Monique M., April 22, 2005.

By failing to cooperate with the medical personnel involved in their son's care and failure to realize the seriousness of his failure to thrive condition, the parents were unable to demonstrate that they could obtain and maintain the necessary medical care and treatment the child required. Medical neglect upheld. In re Tracy and Walter K., April 13, 2005.

Foster mother knew or should have known that the child's hand was swollen and she was neglectful in failing to obtain medical attention for the injury. Eventually the child was treated for a broken hand and a cast was applied. Medical neglect upheld. In re Felicia D., March 16, 2005.

Medical neglect reversed when mother fails to follow discharge recommendations, but the Department is unable to establish that she was aware of the recommendations. Physical neglect reversed when mother refuses to take a child home from the hospital, after being told that she will need to provide a high level of supervision, and she believes that she will not be able to meet that need. Hearing Officer notes that no one discussed voluntary service program with mother. In re Charlene C., November 30, 2004.

Emotional neglect upheld when mother's insistence that special needs child be residentially placed causes demonstrated impact to his self esteem, and she fails to provide him with therapy, despite repeat recommendations. Medical neglect upheld when mother repeatedly subjects child to unnecessary evaluations, but fails to follow up on treatment recommendations. In Carole V., November 10, 2004.

Sexually abused girl left alone with a younger child and engages in sexual behavior. Physical neglect reversed as Appellant took reasonable steps to prevent unsupervised contact between the

children. Medical neglect reversed as Appellant sought counseling for sexually abused child when Appellant learned child had more serious history of abuse. In re Kimberly A., October 14, 2004.

Educational neglect reversed when the child has numerous absences due to a medical problem causing incontinence. Medical neglect reversed when the Department is unable to establish that the child missed doses of medication. In re Ida D., September 10, 2004.

Department substantiated medical neglect of Appellant alleging that Appellant failed to obtain necessary mental health care for her teenage daughter. Daughter frequently expresses suicidal ideations. Appellant took daughter to psychiatrist for thirteen visits but daughter missed many therapy sessions with clinicians in psychiatrist's office. Unknown how many missed or why they were missed. Department alleged it was necessary for daughter to attend PHP but not able to prove it was necessary. Medical neglect reversed. In re Lois P., July 28, 2004.

A parent's decision not to follow treatment recommendations is not neglect when the decision is based on thoughtful considerations for a child's best interest. In re Debra G., May 4, 2004.

Child was not receiving needed therapy. However, there had been a fire in mother's home, the children were all placed with relatives, and the alleged victim was living with her father when the therapy was missed. Physical neglect reversed. In re Lori M. , March 18, 2004.

Medical neglect upheld when foster parents fail to refill child's prescriptions. Department does not need to prove adverse impact, as the risk from the failure to provide the medication is so high. In re Adele and Johnnie B., February 20, 2004.

Department was not able to prove whether or not the child's behaviors were a result of either parent inconsistently medicating or taking him to treatment, and did not allege medical neglect. Emotional neglect reversed. In re David G., November 5, 2003.

Medical neglect reversed when mother follows up with recommendations for treatment, but postpones some treatment based on mistaken belief that FWSN petition will address her concerns, and disagreement with therapist's plan to medicate her child. No impact to the child was demonstrated. In re Dayna D., June 12, 2003.

Medical neglect reversed when parents do not get an immediate physical exam for their daughter, who initially, only reports being fondled over her clothes, and tells the doctor that there was no penetration. In re Harold and Connie A., May 24, 2003.

Medical neglect reversed when there is no evidence that child was suicidal or sexually assaulted, or that parents chose not to expose their five year-old child to an internal GYN exam, without additional evidence that the child had been sexually abused. In re Devra P., March 17, 2003.

Medical neglect reversed when Department fails to prove improper dispensing of medicines. Evidence might support inadequate documentation of dispensation of medicines, which is not medical neglect. Physical neglect reversed when the only basis for Physical neglect is the unproven medical neglect. In re Sherrie E., February 19, 2003.

Both boys were seen, at the request of DCF, on 2/6/02 by a nurse, who thought that each might have ringworm. On 2/7/02, Appellant reluctantly agreed to take the boys to the doctor, who diagnosed them with impetigo. Appellant did not fill their prescriptions until the afternoon of 2/8/02. Impetigo is a highly contagious, but easily treated, skin infection. Appellant first observed the marks on both boys in late January, yet did not obtain medical treatment until DCF required her to. Medical neglect upheld. In re Carmen R., December 11, 2002.

Although Appellant was consistent in providing medication, she failed to cooperate with recommended therapy and was inconsistent in following the parenting and disciplinary techniques that were recommended. During the investigation, Appellant surrendered custody of both children to their father as she was overwhelmed. Medical neglect upheld. In re Melissa R., November 14, 2002.

Seven year old attempted suicide. Appellant notified treatment providers involved the next day. However, she did not obtain an assessment as recommended, but did take child to Emergency Room when instructed to do so. Appellant and child's father followed up with therapy. The initial appointment was changed, along with the provider, as there were scheduling conflicts. Appellant did not provide proof of counseling for the time period of 3/12 through 4/24. However, DCF did receive information that counseling had been obtained and did not follow up. Medical neglect reversed. In re Janet F., September 27, 2002.

Appellant's wife had previously been substantiated for sexually abusing the children. Appellant had been advised to prevent contact between mother and the children, as well as to obtain therapy to address the sexual abuse and eating disorders. Both children ended up being hospitalized as the result of eating disorders. Medical neglect upheld. In re Rolando P., September 17, 2002.

Appellant is the mother of 2 year old who suffers from cerebral palsy, post repidic encephalitis, an allergy to milk products, is legally blind, and is fed through a G tube. He has difficulty gaining weight. He was prescribed special formula, but could be fed ProSobee as well. Mother lacks transportation and is not able to obtain the special formula consistently, nor is she able to get child to every medical appointment. The child required a couple of hospitalizations to address weight gain concerns. The Doctor was unable to determine the cause of weight gain problems. Mother did not give him the full prescription antibiotic to address his Pneumonia. Mother was doing the best that she could given her resources and circumstances. Physical neglect reversed. In re Michelle B., August 31, 2002.

Appellant's sixteen year old daughter suffered from serious mental health problems, beginning at a young age. The child became resistant to treatment and medication as she became older. Mother was advised that the child needed to become more responsible for her own treatment given her age. Mother appropriately sought psychiatric intervention when the child became suicidal. Medical neglect reversed. In re Robin H., July 26, 2002.

Child, age 11 months, has asthma requiring daily treatment. Child suffers from frequent upper respiratory ailments, including Pneumonia. Both parents aware that cigarette smoke would exacerbate child's asthma and upper respiratory problems. Mother smokes in the home and allows others to do so as well. Parents have volatile relationship with frequent fights. Both parents

arrested after one incident in which the child was almost struck as well. Medical neglect and Physical neglect upheld. In re Nicole B., July 26, 2002; In re Aaron M., July 26, 2002.

After foster child injured, foster mother does not bring child to physician, but cleans the wounds and applies ointment. By cleaning and applying ointment the foster mother treated the injuries in a manner consistent with the recommended treatment of the hospital. The doctor looked for infection but did not find any nor did she administer any treatment. Medical neglect reversed. In re Linda G., May 14, 2002.

Foster parent brings child to Yale Psychiatric Institute due to his violent and threatening behaviors. Foster parent subsequently attends meeting at Yale regarding the treatment plan for the child. The foster parent was not informed by the hospital that she was taking the child out of the hospital against medical advice. During the investigation, no one from DCF interviews the foster parent about the allegations that the child was removed against medical advice. The medical records from Yale indicate the medical record was corrected to reflect that the Against medical advice discharge was an error. Medical neglect reversed. In re Carol D., April 24, 2002.

Child needs medication to keep his behaviors in control, both at home and at school. Mother did not ensure that the child's medical and mental health needs were met. Medical neglect upheld. In re Roxanne R., April 19, 2002.

Foster child comes into care of foster mother with a rash and a cream to help treat the rash. The rash worsened over the course of the placement and began bleeding. The foster mother sought out advice from others and brought the child to a doctor on a few occasions. Medical neglect reversed. In re Rachel B., March 28, 2002.

The child was discharged from hospital after being admitted with suicidal ideations and depression. The child was diagnosed with major depressive disorder and OCD, prescribed medication and recommended for outpatient therapy. Medication was not refilled and he failed to appear for a psychiatric appointment. Medical neglect upheld. In re Guy and Kathy M., March 25, 2002; appeal dismissed.

Medical attention is not required for a brief seizure when the child is responsive shortly after the seizure ends. Medical neglect reversed. In re Brenda O., March 11, 2002.

Aunt, who by virtue of living with brother was person given access to the child, took child home despite clear position from hospital that child needed psychiatric care after threatening to commit suicide. Medical neglect upheld. In re Annie F., November 28, 2001.

Mother failed to follow through or provide any care for son's mental health treatment, refusing to acknowledge any problem, despite extensive efforts by school and Yale. Medical neglect upheld. In re Claribel R., August 6, 2001.

Medical neglect reversed after foster mother unilaterally stops giving foster child mental health medication. Child had negative side affects from the medicine, and his behavior actually improved with the change. No harmful effect entered into evidence. For behavior to reach the level of

medical neglect, the withheld treatment must be necessary to the child's physical and mental health. There must be a demonstrated negative effect on the child. Medical neglect reversed. In re Velvet S., November 7, 2000.

Parents failed to follow through with the recommended treatment modality from clinical therapist, claiming it made the situation worse. The fact that a family does not agree with and does not follow a therapist's recommendation does not mean they are neglecting their child, especially when the parents are actively seeking assistance for their children and are otherwise very involved. Physical neglect reversed. In re Diane and Mark V., October 18, 2000.

MEDICATION

Physical neglect reversed when Appellant realizes she is having a reaction to medication and contacts relatives for assistance for her children and herself. In re Quettcy G., March 1, 2010.

Emotional neglect reversed when Appellant's inability to care for children is due to reaction to medication, not a drug overdose. In re Quettcy G., March 1, 2010.

MENTAL ILLNESS

Emotional neglect upheld when mother's mental illness prevents her from meeting her daughter's mental health needs. In re Bobbie E., May 8, 2012.

Physical neglect reversed against seventeen year-old who relinquishes her newborn because she is unable to care for the child due to a traumatic childhood, substance use and mental illness. In re Donna A., March 22, 2012.

Physical neglect is upheld when young mother, either due to Munchausen's Syndrome by Proxy, Post-partum Depression, or symptoms of her bi-polar disease, is unable to care for her child and makes up symptoms so that her child is hospitalized unnecessarily. In re Donna A., March 22, 2012.

Central Registry reversed when there is no evidence Appellant made a conscious decision to deny child proper care and attention. Appellant allowed relatives to care for child when he was unable to do so. Child did not suffer any adverse impact as result of Appellant's actions and Appellant did not demonstrate a serious disregard for child's well being when he allowed relatives to care for child. The Appellant continuously addressed his mental health issues and obtained appropriate services. In re Joseph H., March 9, 2012

Physical neglect reversed where the Appellant contacted the Department for assistance with her toddler daughter as her (the Appellant's) mental health deteriorated. The Appellant grew concerned about the safety, welfare and care of her daughter while her period of mentally instability. The child was immediately placed in foster care where she received appropriate shelter, clothing and care. In re Elizabeth D., March 5, 2012

Emotional neglect reversed where the Appellant voiced concerns about her child not liking her. The Appellant made the complaint while she was mentally ill and unstable. The child was

otherwise safe, secure and "happy" as described by an investigating social worker. After mental health treatment the Appellant's mental health greatly improved and the child was able to enjoy visits with the Appellant. Visits were eventually increased and the Department's plan was to reunite the child with the Appellant due to her success with treatment goals. In re Elizabeth D., March 5, 2012

Physical neglect upheld where the Appellant was highly intoxicated, irrational, emotionally unstable and suicidal while she cared for her three month old infant son. She engaged in a verbal altercation which became physical with her husband while the infant sat close by and within a zone of danger of being physically injured. The police arrived to find a buck knife with a six inch blade sticking out of a wall and the Appellant threatened to kill herself with a kitchen knife. In addition, father had a black eye which was visible two days after the incident. In addition to being placed in a zone of danger, the Appellant seriously disregarded the welfare of the infant. In re Amanda M., February 21, 2012

Emotional neglect upheld where the Appellant, in the presence of her son, threatened to burn down the house-with him in it, along with his siblings. The Appellant was behaving erratically and was intoxicated. The son cried hysterically and was worried about the Appellant as she was transported to a hospital due to erratic behavior. The Appellant acknowledged that her actions and statements upset her son. In re Sharyn B., January 13, 2012

Emotional neglect reversed when Appellant provided counseling opportunities to his children following their mother's suicide. Appellant's disbelief of his teenaged daughter's allegation of sexually inappropriate behavior by his fiance's adult son did not demonstrate a serious disregard for her emotional well being as he sought counseling for her and her allegations were not credible. In re Michael S., November 3, 2011.

Evidence that a parent's mental illness results in child being fearful, sleep deprived and sad, is sufficient to support a finding of physical and emotional neglect. However, since mother was in treatment, and has always tried to be a good parent, her name is not placed on the Central Registry. In re Elizabeth M., August 29, 2011.

Physical neglect upheld when guardian does not get treatment for her emotionally unstable niece, and then refuses to provide a home for her. In re Linda Y., April 26, 2011.

Physical and emotional neglect reversed where the Appellant's mental health deterioration did not adversely impact the children emotionally and physically. The Appellant's boyfriend, a police officer, was present and contacted the children's fathers to take custody of the children while the mother sought mental health treatment in a hospital. The children are doing well academically and emotionally. In re Diana C., May 9, 2011.

Emotional neglect upheld, even though Appellant mother did not intend to harm her child. Mother's emotional issues resulted in adverse impact to her daughter. Child displayed signs of reactive attachment disorder, but only in her mother's presence. In re Amy H., March 10, 2011.

Physical neglect reversed despite the Appellant did not completely abide by a safety plan agreement and checked on her mentally disturbed child while he was experiencing an episodic rage. The child was not physically impacted. In re Jeanine D., December 23, 2010.

Physical neglect upheld where Appellant, an alcoholic with mental health disorders, threatened to drive herself and her infant child into a utility pole while driving. In re Jennifer B., October 29, 2010.

Mother's refusal to seek mental health treatment is not emotional neglect when her reason for delaying treatment is to come up with a plan for her children's care while she is hospitalized.
In re Spring A., July 20, 2010.

Physical neglect upheld when Appellant contacts police to report that she is physically unable to care for teen age son. Parent's inability to provide care is result of unaddressed psychological and substance abuse issues. In re Sarah M., May 25, 2010.

Emotional neglect reversed where the facts did not support by a fair preponderance of the evidence that the Appellant's depression caused by her husband abandoning the family, had an adverse emotional impact on her two children. The Appellant's fifteen year old was mature enough to care for the younger child. Furthermore, the Appellant went to work and provided for the emotional and physical needs of both children while she sought mental health care.
In re Debra C., April 22, 2010.

Physical neglect reversed where the two children were unaware that the Appellant called for help and went to a hospital for assessment for suicide. The Appellant was released from the hospital because she was not suicidal. She was home before her unaware children returned home from school. In re Debra C., April 22, 2010.

Emotional and physical neglect upheld where Appellant has mental health issues and constantly yells and screams at children and calls the police and alleges abuse by ex-husband. Children do not want to be around her. Children reported being scared she would hurt them and she has been physical with them in the past. In re Jane B., April 28, 2009.

Physical neglect reversed where Appellant's mental health issues were exacerbated when older child moved out of Appellant's home and in with father, leaving nine year son to be subjected to Appellant's sad and irritable moods. Emotional neglect was not alleged. In re Annette V., April 22, 2009.

Physical neglect reversed where the Appellant, the mother a youth with severe mental health issues, did not follow all provisions of an agreed upon Safety Plan when dealing with the youth while he was in crisis. The Appellant's actions were reasonable and did not pose a danger to the child. In re Kathy T., May 8, 2009.

Physical and medical neglect upheld where Appellant's ongoing psychiatric issues result in her inability to meet child's needs, and the child is adversely impacted as a result. In re Judy W., September 3, 2009.

Emotional neglect upheld where mental health issues of mother resulted in her calling her daughter degrading names to the point the child was afraid to go home because of the yelling and name calling. Emotional neglect reversed where Appellant mother was so sleepy from using alcohol with medication that the grandmother in the home had to wake the mother up in the morning. In re Lorrie A., October 23, 2009.

Physical neglect upheld where Appellant's ongoing psychiatric issues resulted in her inability to meet her baby's needs, and the child is placed at serious risk of harm. In re Tiawana G., October 10, 2009.

Physical neglect/erratic and impaired behavior upheld where the Appellant has a history of medication noncompliance for mental disorder and engaged in erratic acts in presence of child, including exposure to violence as well as erratic driving, frightening and worrying the child.
In re James O., January 25, 2008.

Registry recommendation upheld, even though Appellant has no history with the Department, where there is no evidence that she has rectified the condition (mental health problems) that caused her to decompensate and neglect her children. In re Pamela M., March 17, 2008.

A parent's refusal to take her out of control, dangerous child home is not abusive or neglectful, when it is established that the Appellant has made serious attempts to get her child the help she needs, but the child is non-compliant. In re Terry Ann W., April 22, 2008.

Emotional neglect upheld where parents fail to provide for their child's mental health needs. Although parents may disagree with their child's diagnosis, they must still seek assistance when their efforts do not meet the child's specialized needs. In re Suzanne C. and Robert P., April 23, 2008.

Emotional neglect upheld where Appellant mother is unable to support her daughter, who has significant mental health issues. In re Kerry D.,June 9, 2008.

Physical and emotional neglect upheld, where Appellant mother of child with serious mental health issues twice punches the child, escalating her daughter's behaviors, and then places a phone cord around her own neck in the child's presence. In re Elika C., July 25, 2008.

Emotional neglect upheld and Central Registry accepted where Appellant has serious mental health breakdown, resulting in hospitalization, and is non-compliant with medication after her discharge. Her conduct frightened her child who was fearful for mother's safety and well-being.
In re Ms. V., August 20, 2008.

Physical neglect upheld where Appellant, a prescription non-compliant mother with history of severe depression and anxiety, did not feed, clothe, wash or otherwise take care of child due to psychiatric and mental health deterioration. In re Carmen C., September 2, 2008.

Emotional abuse upheld where Appellant frequently screams and yells at her sons, spends hours with the thirteen year old in mom's bedroom complaining about finances, boyfriends, and life's

woes, and screams at him for not waking her in the morning. Children adversely impacted and in extreme emotional stress when they went to see the school Licensed Clinical Social Worker. In re Amy C., December 12, 2008.

Physical neglect reversed where the evidence does not support a finding Appellant mother failed to obtain psychological evaluation/treatment in a timely manner for child. Evidence supports a finding mother expected child services professionals in a different state to assist in providing referrals and scheduling services and when the family moved prior to the initiation of those services, mother was cooperative with services offered by the Department and did not delay implementation of counseling. In re Kathleen C., December 9, 2008.

Physical and emotional neglect reversed after Appellant mother attempts to bring six year old to his room for misbehavior, and during the struggle, the child falls to the floor and hits his head. There was no evidence of injury, and no evidence that the mother was placing her child at risk of injury. In re Kathryn S., December 12, 2008.

Appellant, mother's boyfriend, has a psychotic episode. He threatens to kill himself in front of the child and has been abusive to mother in the past. Child has witnessed this and is terrified of Appellant. Emotional neglect upheld, registry recommendation upheld. In re Scott V., December 26, 2007.

Appellant suffered from postpartum depression. Appellant has a paranoid episode and takes her children to a hotel and when family members come to see her she starts threatening them and scaring her children. Appellant tells her children people are out to kill them; she hit her children and told them to pray. The children were terrified. Emotional neglect upheld of older children, emotional neglect reversed for infant son as no impact demonstrated. Area Office did not recommend registry. In re Tennille G., November 16, 2007.

Emotional neglect reversed when Appellant contacted the Department for removal of her minor daughter who was the mother of a one-year-old and who refused to maintain prescribed regimen of medication and treatment for mental health issues. The Department got the youth to comply with services and she was never removed from Appellant's home. In re Annette P., November 15, 2007.

Physical neglect upheld when child was found in a dirty and unkempt state while one Appellant was in midst of four day psychotic break. The second Appellant did not seek assistance for the first Appellant or the child during this period. Child was also underdeveloped and unable to walk or talk and the living conditions were in poor condition. In re Milton and Juanita F., October 9, 2007.

Emotional neglect reversed when the Appellant attempts suicide on two separate occasions, but not in front of her daughter. In the first attempt, the Appellant arrived home from the hospital before the child and in the second attempt, the Appellant called a neighbor to watch her daughter. Emotional neglect reversed. In re Brenda W., September 27, 2007.

Physical neglect upheld when Appellant attempts to commit suicide by sitting in a running car in the garage, while her three year old child is in the car with her. Although the Appellant ultimately

changed her mind, and exited the car, the behavior demonstrated a serious disregard for the child's physical well-being. In re Kay G., September 19, 2007.

Emotional neglect upheld when the Appellant stops taking her psychotropic medications, resulting in a psychotic episode where children are present. A serious domestic disturbance ensued in which she assaulted her husband in child's presence. The child had difficulty concentrating in school because he could not get the image of the incident out of his head. In re Latricia Y., September 4, 2007.

Physical neglect upheld when mother unable to provide minimum child caring tasks for then ten month old due to unmet mental health needs. Central Registry upheld due to chronicity and severity of mother's unmet needs. In re Jennifer W., July 23, 2007.

Appellant took her two and three year old outside in November to sit on paper towels on the grass. It was cold as it was November and it started to rain. The Appellant was outside with the children for three to five hours and the children were taken inside by a neighbor. The Appellant failed to maintain proper safety for the children and this amounted to a serious disregard for their welfare. In re Janina B., July 10, 2007.

Emotional neglect upheld when Appellant stopped receiving mental health services from a psychiatrist and deteriorated. Son was very concerned about his mom to the point of not wanting to go to school. In re Kimberly S., March 2, 2007.

Mother acts in erratic and impaired manner while caring for her children due to unaddressed mental health needs. Physical neglect upheld. In re Donna P., November 7, 2006.

Father had current mental health needs and was in treatment and on medication at the time of the referral. Mother had issues of depression and was not in treatment. While the 5 month old infant was in the home with another adult, the mother was feeling depressed and had a steak knife in her hand. Father feared she may be suicidal and grabbed the knife out of her hand. The next night mother left the child with father and walked down the street because she was upset. Neither incident placed the child at risk of physical danger. In addition, neither incident was a serious disregard for the child's well-being. In re Suzanne M., December 19, 2005.

Mother had a mental illness and was on medication but was not involved in counseling. She attempted suicide and left a note for her parents. When her son returned home he found the note and read it and found his mother in her bedroom non responsive with vomit all over her. Mother's suicide attempt knowing that her child could possibly find her is a serious disregard for his welfare. The child was also adversely impacted by the situation. In re Kathleen A., November 4, 2005.

Mother has a chronic mental illness. During the times that her illness is acute, the child was frightened and there were a few incidents of screaming and slaps that did not leave marks. The mother should not be held responsible for the symptoms of her illness when she is reasonably attempting to manage those symptoms. Emotional neglect and physical neglect reversed.
In re Robyn B., April 12, 2005.

While a child may be adversely impacted by his mother's mental health issues, that is not necessarily the result of neglect. In this case, mother was in treatment, and when she became aware that her disorders were preventing her from properly caring for her child, she made alternate arrangements for his care. Emotional neglect reversed. In re Angelique L., April 14, 2004.

Mother's failure to visit her daughter who is placed at Natchaug Hospital is not evidence of emotional neglect without evidence that the visitation was therapeutically necessary. In re Lisa R. April 2, 2004.

Child was not receiving needed therapy. However, there had been a fire in mother's home, the children were all placed with relatives, and the alleged victim was living with her father when the therapy was missed. Physical neglect reversed. In re Lori M. ,March 18, 2004.

Mother's isolated breakdown in front of her children is not evidence of neglect, when she establishes that she was in treatment at the time of the breakdown, and that her medication was changed as a result of this incident. In re Mary Ann C, March 11, 2004.

Mother sought out assistance for her son through mental health providers, the Department, and hospitalization. While her failure to visit her son during his hospitalization may have had an adverse emotional impact, there was not sufficient evidence, and the department did not make that allegation. The child's physical needs were met. Physical neglect reversed. In re Christine C., September 29, 2003.

Appellant suffers from a serious psychiatric disorder and has been engaged in varying levels of treatment for years. She has sought out appropriate levels of treatment to manage her illness. The children also participated in therapy. Emotional neglect reversed. In re Julie D., December 13, 2002.

Mother threatened to commit suicide in front of her children. Mother took steps to follow through on her threat in their presence. One child became angry and challenged mother to commit suicide. The other child tried to talk mother out of it. Mother did not intend to commit suicide and stopped. Physical neglect upheld. In re Maureen B. and Richard B., July 31, 2002.

Mother had serious mental illness and heard voices directing her to harm her children. Mother sought out services and never acted on the instructions of the voices. There was no evidence that the child had a diagnosis such that he needed ongoing counseling or that the counseling, once started, had a positive effect on the child. Emotional neglect reversed. In re Jodie P., June 25, 2002.

Serious mental health issues can not excuse a parent from adequately supervising children. In re Kimberly H., April 3, 2001.

MENTAL RETARDATION/DEVELOPMENTAL DISABILITY

Physical neglect reversed where the record does not support a finding that parents are failing to meet child's basic needs despite mental health limitations. Record supported a finding that while parents did not receive services from Department of Developmental Services, they did receive

services from the Department of Mental Health and Addiction Services and were compliant with program requirements and provided appropriate care for their infant daughter. In re Marion and Kashanti D., April 24, 2009.

MISSING/INADEQUATE RECORD

Emotional neglect was reversed when the substantiation was based solely on sexual abuse allegation that was overturned.
In re John H., April 10, 2012

Department's failure to produce evidence that father had a substance abuse problem resulted in a reversal of physical and emotional neglect allegations. In re Robert B., January 13, 2012.

Emotional neglect and physical neglect reversed after Department substantiated as to unnamed children, despite statutory and regulatory prohibitions against substantiating against unnamed children. In addition, the Department was unable to demonstrate physical or emotional impact due to Appellant's alleged rudeness. Day care workers said they disregarded the Appellant's directive anyway. In re Penny S., September 10, 2010.

Sexual abuse substantiation reversed where investigator did not conduct complete investigation. Reliance solely on a forensic interview is insufficient to support substantiation by a fair preponderance of evidence in a case where there are potential credibility issues with the child victims and the circumstances surrounding their disclosures. Investigator should have further explored details from the child victim's disclosure. In re David M., February 3, 2009.

Physical neglect reversed when only documentation from 1988 is the referral that was made alleging a twelve year old and a six year were left home alone and set fire to a mattress. No documentation was available regarding the investigation activities and findings. A referral alone is not sufficient to uphold a substantiation of abuse or neglect. In re Amina M., August 24, 2010.

Allegations of physical neglect and physical abuse are dismissed upon the Appellant's motion, where the Department's documents are illegible, and there are no witnesses able to provide additional evidence. In re Tangie D., February 29, 2008.

The Department substantiated sexual abuse based solely on the child's statements. The investigation did not crosscheck the surrounding information to verify the reports of the victim and the accused. The investigation did not crosscheck the allegations or address the inconsistencies in the reports. The child had been sexually abused in the past. The child has serious mental health issues. There was no information to corroborate the child's report. The substantiation was reversed. In re Albert T., November 3, 2005.

Children made consistent statements of abuse by their father. However, the statements were made after a motion was filed in a heated divorce case. DCF failed to obtain medical records that would have proven or disproven allegations that child would require reconstructive surgery on her vagina. DCF did not present corroborating evidence and sexual abuse reversed. In re Michael Q., June 14, 2005.

Appellant made repeated unsubstantiated referrals regarding sexual abuse of their children by father. All three girls were interviewed by police, DCF and their GALs. They were examined by pediatricians and emergency room staff. Not once during these interviews or examinations did the girls disclose abuse by their father. Father does admit to enjoying unconventional sexual activity but mother's concern has gone beyond legitimate and she has made her daughters fearful of their father. Due to repeated exposure to investigations, examinations and re-enactments, emotional neglect of girls by mother upheld. In re Bekki S., July 30, 2004.

1979 allegations of neglect reversed when DCF unable to produce the file. In re Lynda C., April 16, 2003.

Sexual abuse allegation against foster father reversed when there is insufficient evidence to support it. Hearing officer found that investigation was lacking in that investigator failed to interview the alleged perpetrator, and reconcile differences between the allegations and available evidence. Physical neglect reversed against foster mother for not keeping foster father out of the home indefinitely, following the police department's decision to not arrest foster father. In re Keith and Malissa M., April 10, 2003.

Ten year-old allegations of physical and emotional neglect reversed when the Department is unable to find the file, or offer any evidence to support its findings of neglect. In re Carol and Warren S., February 6, 2003.

Appellant had a lengthy history with DCF when her child was a minor, with the first investigation opening in 1978 and the final investigation in 1991. However, DCF was unable to provide any specific documents regarding the investigations. As a result, Appellant is unable to defend against the findings. DCF is unable to meet its burden of proof. Physical neglect reversed. Emotional neglect reversed. In re Linda M., November 7, 2002.

MODIFICATION HEARING

Central Registry placement decision upheld following Reconsideration Hearing when Appellant does not demonstrate any changed circumstances dating from the time of the initial hearing to the time of the Reconsideration Hearing. In re Rose C., April 30, 2010.

MORAL NEGLECT

Emotional and moral neglect reversed when Appellant presents credible evidence of a dispute with police and landlord, both of whom report that Appellant is engaging in inappropriate activity in her child's presence. In re Catherine S., June 7, 2011.

Moral neglect upheld against foster mother who shoplifts in the presence of foster child.
In re Debbie M., March 28, 2011.

Moral neglect was upheld when the Appellant allowed her fifteen year old son to consume alcohol to excess and ingest some of her morphine tablets resulting in her death. In re Heather S., December 8, 2010.

Moral neglect was upheld with the Appellant allowed her son's fifteen year old friend to consume alcohol to excess. In re Heather S., December 8, 2010.

Moral neglect upheld when Appellant encourages one child in a group home environment to physically assault another resident. Several residents overheard the Appellant tell the resident she would give him a pair of sneakers if he beat up the other resident. Later that evening the Appellant gave the resident a pair of shoes. In re Zulema W., December 20, 2010.

Moral neglect reversed as the record does not support a finding that the Appellant, a teacher was attempting to coerce a student to engage in illegal or immoral activities. Record supports a finding that the Appellant was encouraging student to engage in substance abuse treatment.
In re Sean M., November 18, 2010.

Moral and emotional neglect upheld where the Appellant assisted her son in pawning jewelry she knew or should have reasonably known was stolen but did not question the youth, who had a criminal history of larceny, just like the Appellant. The Appellant was in drug treatment on prior occasions but failed to maintain her sobriety or get help for her son, who was in and out of juvenile detention, probation and court involvement. In re Helen S., May 11, 2010.

Moral neglect and emotional neglect reversed where there is no evidence that the Appellant also encouraged her daughter to engage in the theft of her classmates' belongings. In re Helen S., May 11, 2010.

Moral neglect reversed where teenager accused Appellant, his mother's paramour, of providing him with beer. Teen drank beers and took his mother's prescription medication. Appellant denied allegations. Appellant called teen's father twice and told him to pick him up due to teen's behavior. Teen not found to be credible. In re Thomas W.,January 20, 2009.

Moral neglect reversed where evidence did not support a finding that father allowed child to drink alcohol and smoke marijuana while living with him. In re Larry V., February 25, 2009.

Moral neglect by teacher upheld, where the Department establishes that teacher was grooming his student for sexual abuse. Since it is illegal for teacher to have sexual contact with a student, Hearing Officer finds that teacher encouraged illegal activity. In re George F., May 12, 2008.

Grooming behaviors may support a finding of moral neglect and placement on the Central Registry. In re Franklin R., October 31, 2007; appeal dismissed.

Appellant, her daughter and daughter's friend were arrested for shoplifting at Kohl's. Appellant denied being in on it but security tape indicated otherwise. Moral neglect upheld, registry recommendation reversed as this was an isolated incident. In re Elaine C., October 15, 2007.

Moral neglect upheld when an Appellant encouraged her child to engage in illegal activity by shoplifting in her presence and failing to make an effort to prevent her daughter from shoplifting. The Appellant also subjected her daughter to possible police involvement and additional scrutiny by the court (child was previously arrested for shoplifting). Appellant and her daughter were

arrested and her daughter was placed on probation. Moral neglect upheld. In re Sally M., September 24, 2007.

Moral neglect reversed when it has not been demonstrated that the Appellant encouraged the children to conceal his whereabouts and thus engage in illegal behavior. In re Tyrone M., July 25, 2007.

Moral neglect reversed when child reported he lied about obtaining marijuana from his father or that his father suggested better ways to use the drug. In re Walter S., July 18, 2007.

While employee's conduct of giving residents cigarettes cannot be condoned, it does not amount to encouraging the residents to engage in illegal activities and moral neglect is reversed. In re Leonard W., June 1, 2005.

Having twelve year old crawl through window to enter apartment after entry to apartment was refused is not moral neglect. In re Craig P., January 14, 2005.

Moral neglect reversed when mother allows 15 year-old daughter to continue to have supervised contact with twenty two year old boyfriend, when mother is not aware that the relationship has become sexual. In re Gail M., June 25, 2004.

NO IDENTIFIED PERPETRATOR

Physical abuse reversed when there is insufficient evidence to determine who injured child and several different caretakers had access to the child during the timeframe when the injuries were inflicted. In re Michael and Doreen H., January 29, 2010.

NON-CUSTODIAL PARENT

Physical neglect reversed where Department does not establish that children's access to their father, as allowed by their foster grandmother, has ~~not~~ adversely impacted them. In re Sarah and Allen B., January 11, 2008.

Father, living in New York, is not responsible for the neglect of his children while in the care of mother. He is no more responsible than the courts in protecting the children. Inability to act or lack of speed in acting due to limited resources is not neglect. Physical neglect reversed. In re Gary S., August 7, 2001.

NURSE

Physical abuse upheld, neglect reversed, after CCMC slaps child in the presence of DCF Social worker. Abuse allegation later reversed by Superior Court, as the child's injury only amounted to temporary redness, and therefore, does not meet the definition of "injury." In re Concettina R., July 17, 2002.

ODOR

School reported child attended school with an odor. Physical neglect reversed when mother proves that her work begins at 5:30 a.m. and father responsible for seeing child off to school. Department presented insufficient evidence that child's condition related to Appellant's conduct or omission. In re Rosemary O., July 2, 2004.

OUTSIDE

Appellant took her two and three year old outside in November to sit on paper towels on the grass. It was cold as it was November and it started to rain. The Appellant was outside with the children for three to five hours and the children were taken inside by a neighbor. The Appellant failed to maintain proper safety for the children and this amounted to a serious disregard for their welfare. In re Janina B., July 10, 2007.

PARENTIFIED CHILD

Emotional neglect reversed where foster mother had no prior knowledge that foster child was placed in parentified role in bio-family and she should not be given child care responsibilities.
In re Nadariah G.,July 17, 2009.

Physical and emotional neglect upheld where Appellant mother's substance abuse and mental health issues result in a parentified child who has to attend to mother's emotional needs. In re Lori C., June 18, 2008.

Appellant 's fourteen year old daughter, had begun to resist her role in the home of providing care to her younger siblings, as well as her housekeeping chores. Appellant and child argued and became physical with each other. Child moved out of the home briefly. Appellant obtained counseling for her as soon as it was reasonably available, given her desire to have a female therapist and the lack of availability of such. Appellant was concerned about child's relationship with her boyfriend. Although she was parentified and the level of chores "is not necessarily an example of optimal parenting", it is not physical neglect. Physical neglect reversed. In re Ann B., September 25, 2002.

PERSON ENTRUSTED

Central Registry upheld as Appellant was a teacher and person entrusted and should have understood implications of his behavior. In re Mario L., November 3, 2010.

High school athletic director who was substantiated for physical neglect for failing to call Hotline after student made report against school trainer is not a person entrusted within meaning of statute. Athletic director had no direct contact with the student. In re John N.,April 7, 2009.

PHONE

Physical abuse reversed when it is determined that an Appellant threw a cordless phone on the ground and it bounced up to hit the child in her face and left a bruise. Corroborating evidence including a sibling's statements regarding the child's behavior and the testimony of the child's current therapist supported a finding that the Appellant accidentally hit the child. Physical abuse reversed. In re Claudia C., November 15, 2007.

PHYSICAL ABUSE

Physical abuse upheld where the Appellant hit her 5 year old son with a belt, leaving bruises on his face, arms and legs. The force used by the Appellant was unreasonable and excessive given that there is no evidence in the record that the child was as out of control as the Appellant claimed. The child did not understand what could have made the Appellant so mad that she used such excessive and unreasonable force. In re: Lisa G. (neé W.), May 21, 2012

Physical abuse reversed when ten year old child has a bruise on his arm from Appellant pulling him away from his four year old sister who the child had been hitting. In re Stephen B., April 13, 2012

Physical abuse upheld when Appellant used excessive force to restrain fifteen year old in home while she was fighting with adult brother. Appellant placed his hands on youth's throat, leaving marks and choking child. In re Stephen B., April 13, 2012

Physical abuse reversed when child sustained a bump on her head when she pulled away from the Appellant, hitting her head on a door. The Appellant was appropriately trying to return child to day care provider. In re Stephen B., April 13, 2012

Physical abuse upheld when child tries to intervene in domestic violence incident and Appellant hits her leg with a bat causing bruising. In re Jason M., April 10, 2012

Physical abuse upheld when Appellant disciplined six year old child with a belt for taking a marker out of her brother's room and a piece of gum from the Appellant. The punishment was excessive for the behavior and excessive marks were left on the child. In re Debra C., April 2, 2012

Physical abuse reversed when Appellant restrains eleven year old child on her bed to keep child from hitting her with a stick. Appellant hit child's hands and feet but did not leave bruises. In re Debra C., April 2, 2012

Physical abuse reversed when the Department does not establish that the Appellant used unreasonable force or that the child sustained injury as a result of physical discipline. In re Danelle S., March 22, 2012.

Physical abuse reversed where the Appellant used reasonable force to discipline her children, one child with behavioral issues and another one who acted out and refused to obey her. The use of physical discipline achieved the goal of getting the second child's attention where he stopped hitting the walls and stayed in his room, as directed, permitting the Appellant to maintain discipline of the child and protecting the welfare of other children present in the home. In re Michelle A., March 2, 2012

Physical abuse reversed when there is insufficient evidence to determine the Appellant inflicted the injury to the child. The Appellant acknowledged spanking the child - hitting him three times with a belt on the butt. The child claimed the Appellant hit him seven times in the face with the belt. The worker did not find the child credible regarding being hit in the face and the child changed his report several times. Even if the belt hit the child in the face by accident during the spanking, under Lovan C. it would not rise to the level of physical abuse.
In re Tonia H., February 29, 2012

Physical neglect, emotional neglect and physical abuse upheld where the Appellant beat her twelve year old son with an implement that caused bruising and marks on his arms as well as all over his back. The Appellant beat the boy because he took his little sister out in the cold and the girl later became ill. The boy did not intentionally try to make his sister ill. Moreover, the beating was so severe that the marks and bruising were visible four days after the beating. The children disclosed the Appellant physically disciplined them regularly and expressed fear of the Appellant. The 12 year old feared returning home after his disclosure and eventually the two children were removed from the home. An older teenage boy, who stood over 6'4" tall and weighed over 300 pounds, was not afraid of the Appellant and made no disclosures. There was no evidence in the record of emotional or physical impacts to the older and bigger teen and physical and emotional neglect substantiations as to him were reversed. In re Shantell F., February 7, 2012

Physical abuse upheld despite Appellant's denials when there is evidence that the children were removed from the home on a 96 hour hold, committed neglected, and spent a year and a half in placement after making the abuse allegations. In re: Rita W., February 7, 2012.

Physical abuse reversed when there is insufficient evidence to determine Appellant caused the injury to the child. The child is not a credible reporter and the injury could have been self-inflicted. The child later recanted her report that the Appellant caused the injury to her therapist.
In re Dorothy C., February 2, 2012

Physical abuse reversed as there was no evidence to suggest the Appellant intentionally inflicted the injury. In re Sherie G., January 12, 2012

Physical abuse reversed when youth engages in a physical altercation with the Appellant and sustains scratches as a result of the Appellant trying to restrain her. In re Felicia P., November 8, 2011.

Physical abuse reversed when child does not sustain injuries or mark as result of slap from Appellant. In re Emma R., October 14, 2011.

Physical abuse reversed when the injury reported to have been caused by the physical abuse is not consistent with the reported incident. In addition, the other children in the home report they did not see or hear the incident as reported by the youth. In re Luevennie M., August 19, 2011.

Physical abuse upheld when youth sustained non-accidental injuries (cuts on the inside of her mouth) as a result of excessive physical discipline. The Appellant continued the altercation and continued to hit the youth beyond what was required to maintain control or discipline of the youth.

Physical neglect upheld as Appellant failed to maintain a safe living environment for the youth and caused injuries during an incident which rose to the level of physical abuse. In re Norma D.,July 13, 2011.

Physical abuse upheld when Appellant hits five year old on the face, leaving bruises. Appellant hit child because she was crying. Discipline not reasonable as to child's misbehavior or the amount of force used. In re Vanroth C. December 7, 2010.

Physical abuse upheld when Appellant physically disciplines child with extension cord and broom, causing cuts and bruises to several parts of child's body. Discipline was excessive and amount of force used unreasonable. Appellant was arrested as a result of incident and convicted of Assault 3. In re Carol K., December 22, 2010.

Physical abuse upheld where the Appellant hit her teenaged son in the face and about the head with the heel of her shoe out of frustration with his poor behavior. The Appellant caused puncture wounds to the child's face and head. The child also complained of pain in his arm. The Appellant was not trying to discipline or promote the welfare of the child. The Appellant used unreasonable force and seriously disregarded the welfare of the child. In re Avril B., November 30, 2010.

Physical abuse upheld when father hits child with hanger leaving bruises and follows child into bathroom where she falls and strikes head on sink. Punishment was excessive in light of child's alleged misbehavior: making noise while sibling napping. In re Mohammed and Safina R., October 18, 2010.

Physical abuse upheld where the Appellant assaulted his daughter, causing her lip to bleed, because he perceived her as disrespecting him. He also picked her locked bedroom door with a pocket knife and brandished a pistol threatening to shoot her laptop computer and her half brother. In re Juan C., September 21, 2010.

Physical abuse upheld when Appellant physically disciplines a six year old with a belt for taking inappropriate items to school. Appellant left multiple bruises on the child, bruises were excessive given the child's age and the nature of the misbehavior. In re Amina M., August 24, 2010.

Physical abuse reversed when defiant teenager receives minimal bruising on her arms when Appellant attempts to physically take cell phone away from her after the teen refuses to comply with verbal directions and is in violation of existing punishment. In re Amina M., August 24, 2010.

Physical abuse reversed where son initiated an altercation with the Appellant and Appellant pushed the child aside by grabbing his coat, causing bruises on the boy's neck and chest. The bruises were not visible at the time of the Department's investigation. The Department failed to meet its burden by not conducting a *Lovan C*. analysis. In re Thomas C., August 13, 2010.

Physical abuse reversed when children allege severe and unusual mistreatment by the Appellant but there is no evidence of injuries or any type of maltreatment. It is noted that service providers were in the home on a regular basis and did not observe any evidence of mistreatment.
In re Artismess T., July 7, 2010.

Physical abuse reversed when there is insufficient evidence to find that the Appellant inflicted the injuries on the child. In Timothy C., June 8, 2010.

Physical abuse reversed when evidence does not support a finding that child's injuries were caused by the Appellant. Child had other injuries on body that were diagnosed as an allergic reaction and it was not clear what caused the other injuries. Appellant was not the only caretaker of the child during the time period when the injuries could have occurred and child consistently denied that the Appellant ever hurt him. In re Dave M., June 8, 2010.

Physical abuse upheld where the Appellant threatened to kill her niece, who she had custody of for five years, for using shower gel. The Appellant physically attacked the child, causing her serious injuries because the child would not admit to using the shower gel. In re Patricia D., May 11, 2010.

Physical abuse reversed when Department not able to prove that the Appellant inflicted the injury over her two year old daughter's eye. In re Elimarie A., April 13, 2010.

Physical abuse reversed where the Appellant pushed his teenaged daughter after she was acting out of control, lying about a boyfriend, and disrespectful towards the Appellant. As a result of falling onto her bed, child suffered a small bruise to her back that disappeared soon afterwards. It was the first time the Appellant used physical discipline on the child and he accidentally pushed her away after they grabbed each other. The child was not afraid of the Appellant and stated she was not afraid of the Appellant. In re Rondell P. Sr., February 19, 2010.

Sexual abuse, physical abuse and physical neglect upheld where the Appellant engaged in sexual acts with his daughter and girlfriend's daughter over a period of years. The Appellant lived with the children and was in a supervisory position over them. The girls disclosed he repeatedly engaged in oral sex and other sex acts with them. He also took nude pictures of the girls, some of which were discovered by the police upon execution of a search warrant of his residence. Physical abuse upheld because the Appellant attempted to penetrate one of the young girls vaginally, causing her to cry out in pain. He also forced her to perform oral sex on him, ejaculating in her mouth, causing her to gag and spit it out. In re Frank H.,January 29, 2010.

Physical abuse reversed under *Lovan C.* when father uses a belt to discipline his son for his misbehavior in school. Hearing Officer finds that father attempted other forms of discipline before invoking physical discipline. He did not act out of anger and did not use excessive force. The child was not fearful of his parents, and was able to verbalize why he was punished. In re Jimmy C., January 7, 2010.

Physical abuse reversed where child has multiple explanations for observable bruises on his forehead and Appellant credibly testifies that medical condition at time of alleged incident would have prevented her from physically disciplining the child. In re Lana B.,January 9, 2009.

Physical abuse reversed where there is no proof that Appellant inflicted observed injuries. Child says he was scratched by teacher on top of his hand, but nurse found three small dots on little finger. In re Doreatha M.,January 7, 2009.

Physical abuse upheld where Appellant slapped daughter across her face leaving a bruise because she did her homework incorrectly and where she hit child with hanger and belt at least ten times for not doing well in school. In re Lisa C., January 8, 2009.

Physical abuse upheld where the Appellant stabbed child with a screwdriver, resulting in a puncture wound and scratch mark on his back. In re Shelly V., January 8, 2009.

Physical abuse reversed where the Department failed to establish that the Appellant inflicted physical injuries on the child, or that the child sustained any physical injuries. In re Laytricia W.,January 16, 2009.

Physical abuse upheld where child disclosed Appellant hit him repeatedly because he (child) groomed his eyebrows, causing bruising on the child's face and torso. The Appellant admitted hitting child and court adjudicated child neglected. In re Ivan S., Sr.,January 27, 2009.

Physical abuse reversed where the daughter is out of control and the Appellant grabs her. Five days later the girl has a bruise about the size of a quarter under her left eye that she said was a result of the fight with her mother, but which was not consistent with the description of what happened during the earlier altercation. In re Anita H., February 6, 2009.

Physical abuse-nonaccidental injuries upheld where Appellant slapped nine month old infant son because he was crying, using unreasonable force, and his handprint was still visible ten days after the incident. In re Yuri W., Sr.,February 3, 2009 . and November 16, 2009 appeal dismissed December 2010.

Physical abuse reversed where the record contained no evidence of the Appellant's hitting child or of child having any marks or bruises. In re Kyle L., March 20, 2009.

Physical abuse reversed where child gave varying explanations for how injuries occurred and investigator was unable to conclude if injuries were consistent with child's report that mother caused them. In re Shelly C., March 31, 2009.

Physical abuse reversed where Appellant attempts to strike her teenage son on the shoulder to stop him from fighting with his brother but catches his face instead, leaving three marks on his cheek which were visible the next day. Bruising alone is not evidence of excessive force.
In re Elizabeth P., April 7, 2009.

Physical abuse reversed where *Lovan C.* analysis (which was not completed by area office) supports a finding that parent utilized physical discipline and actions did not rise to level of abuse. In addition, injuries reported to be inflicted as a result of the abuse were not consistent with the physical discipline that was reported. In re Geraldine L., April 27, 2009.

Physical abuse reversed where *Lovan C.* analysis (which was not completed by area office) supports a finding that parent utilized physical discipline and actions did not rise to level of abuse. In addition, injuries reported to be inflicted as a result of the abuse were not consistent with the physical discipline that was reported. In re Karl E., April 24, 2009.

Physical abuse reversed where the Appellant slapped his teenaged daughter once across the face to gain control during an argument which she escalated into calling him insulting names in Spanish. She also was belligerent and disrespectful. The Department based its substantiation solely on the mark on the teenager's face and failed to conduct a *Lovan C.* analysis. In re Roberto M., May 11, 2009.

Physical abuse upheld where Appellant adoptive parent uses a belt to beat her son on two consecutive days, leaving significant injuries on the child. Physical abuse of two younger children reversed due to no evidence of injury or cruel punishment. In re Honda S., May 15, 2009.

Physical abuse by residential staff during a restraint reversed when the evidence does not establish a non-accidental injury. In re Troy M., May 21, 2009.

Physical abuse reversed where father pushes child away after she spits in his face and she hits side of cheek on kitchen shelf. Father had been disciplining child and *Lovan C*. analysis was required despite Department's position that since father reacted to child it was not discipline.
In re Gary S., June 10, 2009.

Physical abuse against foster mother reversed where child is engaging in destructive behaviors, and foster mother grabs child's arm leaving a small bruise. This is a permissible restraint of the child for her own protection, and does not rise to the level of abuse. In re Falaria B., June 4, 2009.

Physical abuse upheld where Appellant slapped and kicked his twelve year old son and twisted his arm on three separate occasions causing significant injuries. Unreasonable force used. In re Joshua W., July 8, 2009.

Physical abuse upheld against father who throws a bible at his daughter, leaving marks on her face. He also grabbed her by the head, resulting in some hair loss. In re Oswald M.,July 13, 2009.

Physical abuse reversed where child suffered significant head trauma while in Appellant's care for day care. Appellant's explanation of injuries is not medically consistent with injuries sustained; however, as there is no evidence Appellant intentionally caused injuries to child, just that child sustained injuries while in Appellant's care, abuse cannot be found. In re Imelda M., August 8, 2009.

Physical abuse reversed where no injuries are left on child and punishment (bending child's fingers back) is not found to be cruel. In re Mary P., August 25, 2009.

Physical abuse reversed in accordance with Rucci v. Dept. of Children and Families, where a red mark that does not result in any discoloration of the skin the following day does not meet the common description of a bruise. In re Aisha C., August 26, 2009.

Physical abuse upheld where Appellant is a professional employee of a child protection agency who struck a child nine year old boy committed to the Department. The Appellant's response to child's misbehavior was both unprofessional and inappropriate. He hit a child in his care hard enough to leave a bruise. The discipline was unreasonable, and excessive in nature. In re Brian A.,August 6, 2009.

Physical abuse upheld where Appellant sexually abused daughter by digitally penetrating the child. In re Nina M., October 15, 2009.

Physical abuse upheld where Appellant uses belt to discipline child on three separate occasions within a two year time period and leaves significant bruising each time, including bruises to the face, arms and legs. Neglect petitions were filed following second incident and child was adjudicated neglected. Appellant was arrested following the third incident. In re Lu'Kisha A., October 21, 2009.

Physical abuse reversed where Appellant parents are able to establish that their teenage daughter has had emotional problems including aggression for many years, and her father's inappropriate response does not rise to the level of physical abuse. In re Karen and George F., October 6, 2009.

Physical abuse reversed where it is not clear when specific bruises were first noted on child. While Appellant acknowledged being the only caretaker when injuries to child's eye were first noted, there was sufficient evidence to support a finding that those injuries could have been inflicted accidentally. There was insufficient evidence to determine when other injuries were inflicted. While the medical professionals indicated those injuries were more than likely inflicted by intentional force, other caretakers and children had access to the child and it could not be determined that the Appellant was responsible for inflicting the bruises. In re Richard D., November 6, 2009.

Physical abuse upheld where mother bites adolescent daughter during struggle inside the car. Mother escalated the situation to a physical altercation and biting a child is not reasonable discipline. In re Jennifer C., December 10, 2009.

Physical abuse upheld where mother wakes sleeping child up at 11:00 p.m. to discuss misbehavior that occurred at school, becomes upset with child's attitude and hits her with belt, leaving marks that were still visible four days later. In re Jami W.,December 23, 2009.

Physical abuse reversed where Appellant foster mother's report that she hit the child accidentally is credible, and the injury is minor. In re Sarah and Allen B., January 11, 2008.

Physical abuse-maltreatment reversed where there was no showing by a fair preponderance of evidence that the Appellant physically injured child given there were no visible bruises or evidence the Appellant mistreated/maltreated the child. In re Jonathan H.,January 11, 2008.

Physical abuse/non-accidental Injuries upheld where child was visibly bruised and battered with a heel of a shoe because she did not clean living room. Amount of force used was unreasonable. In re Yolanda C.,January 9, 2008.

Physical abuse reversed where amount of force is reasonable, child is old enough to understand the reasons for the discipline, and the injury is minor. In re Matthew M.,February 20, 2008.

Physical abuse reversed where the only injury on the child following physical discipline is a red mark (Rucci v. DCF, 2003 Conn. Super. Lexis 3194, (2003) In re Denise G., February 20, 2008.

An injury inflicted during physical discipline is not physical abuse where there is no evidence of unreasonable force, the child is old enough to understand the motive behind the discipline and is not fearful of her parent. In re Alicia S., February 14, 2008.

Physical abuse reversed where there is no evidence of any injury. In re Darlene K., March 12, 2008.

Physical abuse upheld where the amount of force used is unreasonable, the child sustains several serious injuries, and the beating is excessive. In re Darlene K., March 12, 2008.

Physical abuse reversed where child making the disclosure is not credible, and there is no evidence that the injuries presented are the results of the Appellant's striking the child. In re Cheryl M.P.,March 20, 2008.

1998 physical abuse finding reversed under *Lovan C.* analysis, after Hearing Officer finds that the injury is minor, and is the result of Appellant mother's discipline of her child. Hearing Officer notes that mother did not use excessive force. Hearing Officer finds pattern of physical discipline is risk, but that abuse did not occur in this instance. In re Deborah A., March 18, 2008.

Physical abuse allegation against teacher reversed where the student initiates a physical confrontation by punching the teacher, and the student is injured accidentally during the scuffle. In re Sharisma S.,April 11, 2008.

Allegations of physical abuse without evidence of current injury are reversed where the child is not a credible reporter. In re Linda T., May 29, 2008.

Physical abuse reversed as it was determined the Appellant physically disciplined children in her care and after a *Lovan C.* analysis, incidents did not meet requirements for physical abuse. In re Christine W., May 6, 2008.

Physical abuse reversed where the motive for discipline is appropriate, the child understands the reason for the discipline, and the punishment administered is not unreasonable. In re Ian O., May 28, 2008.

1998 allegations of physical abuse reversed under *Lovan C.,* where the child has minor injuries, understands the reasons for the physical discipline, and the punishment is not excessive or unreasonable. In re Tara B., May 13, 2008.

Physical abuse upheld where Appellant mother repeatedly beats child with a cord, and allows her sister to beat the child when the mother becomes tired from the beating. Hearing Officer finds that force used was unreasonable, and the child was seriously injured. In re Sandra L., nee F., June 12, 2008.

Physical abuse reversed where the Department fails to establish how the child received his injuries, and whether or not the Appellant used excessive force. Hearing Officer notes that teen

was clearly injured during fracas with Appellant, but finds insufficient evidence to support abuse claims under *Lovan C.* analysis. In re John M., July 30, 2008.

Physical abuse reversed where residential facility staff breaks child's arm during a restraint. Hearing Officer finds that the injury was accidental, and that the staff was not angry or emotionally excited at the time the injury occurred. In re Kevin B., July 24, 2008.

Physical abuse upheld where Appellant repeatedly slaps his daughter's face, causing significant bruising. Hearing Officer finds that force was excessive and the punishment unreasonable. In re Paul G., August 15, 2008.

Physical abuse reversed where alternative explanation for child's injury was consistent with the injury, was provided prior to allegations that day care teacher struck child and reports by other staff that teacher caused the injury were not credible or consistent with injury. In re Sandra J., September 24, 2008.

Physical abuse upheld where Appellant mother becomes out of control, and takes her daughter down to the floor, pulling her hair, and leaving red marks on the child that are visible two days later. In re Debora and Timothy C., September 17, 2008.

Physical abuse reversed where Appellant mother strikes child in a reaction to his attempt to strike her. Hearing Officer finds that physical discipline was not typical in the family, and that the Appellant's conduct was not unreasonable. In re Denise and Peter L., October 20, 2008.

Physical abuse upheld where Appellant father physically disciplines a three year old for a toilet training accident leaving bruises on child's legs. Punishment was excessive for the misbehavior and child's age. Central Registry reversed as father did not intend to cause injuries and injuries left were not severe and did not require any type of medical attention. In re Rossie P., November 25, 2008.

Physical abuse reversed where Appellant stepparent uses reasonable physical discipline to maintain order and restrain child, especially when child has a history of leaving the home for extended periods of time and cannot be located by parents. In addition, there was insufficient evidence that bruises on child were caused by stepmother. In re Jenny T.,December 16, 2008.

Physical abuse reversed where the Appellant father uses reasonable force to discipline his child while the child threatens the father with a stick and a spade. Hearing Officer does not accept Department's argument that child's mental health diagnosis made him unable to understand the purpose of the discipline (which is part of the *Lovan C.* analysis.) In re Johan W., December 23, 2008.

Physical abuse reversed where the child who made the allegation is not a reliable reporter.
In re Jose A., December 2, 2008.

Physical abuse against stepfather reversed even though he admitted to slapping step-daughter in the face three times in one evening. The following morning, the child had no marks or injuries. abuse reversed under Rucci standard. In re Marion H. December 1, 2008.

Pre-2004 physical abuse substantiations should be reviewed in accordance with the guidelines set out in *Lovan C.* In re Maria I.V., December 21, 2007 and Rosa M., December 21, 2007.

Physical abuse reversed when Appellant backhanded her teenaged daughter who was being disrespectful and physically assaulting the Appellant who was two weeks post surgery. In re Maureen O, November 28, 2007.

Emotional neglect and physical abuse reversed where evidence does not support the allegation of non-accidental injuries caused by the Appellant father, and key witnesses denied troubled teenager's allegations. Now an adult, the alleged victim recanted the allegations. In re Michael L., November 16, 2007.

Under the guidelines of *Lovan C.,* physical abuse is reversed when an Appellant hits his child on the arm with a belt, leaving marks that were still present the following day. The child understood why he was being punished and was not afraid of his father the day after the incident. It could not be determined by the injuries or the child's disclosure of the discipline whether the force was unreasonable. Father arrested for Assault 3 and Disorderly Conduct but charges were later nolled. Physical abuse reversed. In re David T., November 15, 2007.

Physical abuse reversed when it is determined that an Appellant threw a cordless phone on the ground and it bounced up to hit the child in her face and left a bruise. Corroborating evidence including a sibling's statements regarding the child's behavior and the testimony of the child's current therapist supported a finding that the Appellant accidentally hit the child. Physical abuse reversed. In re Claudia C., November 15, 2007.

It is not physical abuse when an Appellant causes bruises while restraining his son when the son is the aggressor. The teenager, who was arrested at the end of the altercation, had significant mental health issues and was clearly out of control. In re Justin B., November 1, 2007.

Physical abuse and emotional abuse upheld where Appellant, a school social worker working with emotionally troubled students, hit a child causing bruising, and verbally assaulted others, disrupting at least one student's sleeping patterns. In re Nelson V., October 12, 2007.

Evidence that a child requires numerous stitches after being hit by Appellant, is sufficient to establish that the Appellant used unreasonable force. In re Karen H., September 6, 2007.

Physical abuse reversed when a child sustained a broken arm and it can not be determined who caused the injury or was caring for the child when the injury occurred. It was not determined that parents were aware that placing the child with the grandparents would be an unsafe environment for the baby. Appellant indicated that baby had fallen off a bed but the injury was not consistent with the medical reports. Physical abuse reversed. In re Chimere H., September 4, 2007.

Physical abuse reversed when an Appellant kicks her out of control son in the shin to stop his aggressive behavior, which includes hitting her with potatoes. It was poor judgment not physical abuse given the child's age and ability to understand why he was hit. Physical abuse reversed. In re Debra M., August 8, 2007.

Physical abuse upheld because the child had visible bruises all over her body and, moreover, indicted Appellant hit her. She was "scared of daddy" and wanted "to break daddy's neck." The injuries were not inflicted for discipline and therefore *Lovan C.* does not apply. The evidence established that the injuries were inflicted by the Appellant, perhaps outside of frustration that the child refused to eat regularly. In re Steven S., August 1, 2007; appeal dismissed.

Physical abuse reversed where the Appellant spanked child on the buttocks, reasonably disciplining him for urinating in the bathroom sink. Child kept moving to prevent Appellant from spanking him on the buttocks, slipping on hardwood floors, causing visible bruises. In re Louis M., Jr., July 18, 2007.

Physical abuse and emotional abuse upheld when the Appellant regularly beat his children beyond reasonable discipline and caused them serious injuries as well as threatened them if they disclosed his acts to authorities, to the point where one child vomited when compelled to disclose and another child nearly fainted when confirming the abuse. In re Everald P., July 18, 2007.

Physical abuse upheld when children report ongoing incidents of physical discipline, report fear of mother when she is mad and have bruising as a result of physical discipline. Pattern of use of significant physical discipline for minor behavioral infractions – response is not appropriate to situation. In re Tatiene S., July 2, 2007.

In 2004, Appellant punched daughter in face on the way to school. In 2006, daughter went out at night and did not return home on time. Appellant went to get daughter and on the walk home, Appellant hit daughter, pushed her to the ground and kicked her. Incident does not fall within reasonableness guidelines for *Lovan C.* Physical abuse upheld. Appellant found to be a risk to children based on incidents and severity of abuse. In re Elinette A., June 25, 2007.

Physical abuse by Jeannette M. upheld where bruises served as evidence she regularly beat child B with a dog leash because of poor behavior. In re Jeannette M. and Donald M., June 18, 2007 on appeal by agreement substantiation upheld and registry reversed

Slapping son in the face out of anger for smirking is not discipline and resulting black eye makes it physical abuse. If the injury was not the result of physical discipline, there is not need for analysis under *Lovan C.* In re Robert B., June 4, 2007.

Physical abuse reversed when incident between father and teenage son becomes physical after son goes after father who was trying to disconnect computer. Father pushed son away and slapped son. Incident falls within *Lovan C*. guidelines for reasonableness. In re Neal A., May 14, 2007.

It is physical abuse to grab twelve year old by the arms with such intensity that it leaves numerous bruises and drag him up the stairs to his bedroom so he will not call his mother. Divorce agreement states that children may call the other parent at any time. In re Andrew L., May 11, 2007.

Appellant woke the children and started hitting and biting them, resulting in injuries and bruising. This is not a *Lovan C*. case. The children were sleeping and discipline was not involved. Physical abuse upheld. In re Marcie W., May 10, 2007.

Inconsistent claims of physical abuse in the context of a contentious custody battle, are not sufficient to establish a finding of non-accidental injury. It was not unreasonable for Appellant to use his hands to forcefully remove his son from the side of the road when the child refused to get in the car. In re Derek H., May 10, 2007.

Physical abuse upheld where Appellant admits to hitting child in the face causing bruising, and throwing him against an ornate mirror, causing bruising on the buttocks. The injuries were not inflicted for disciplinary reasons. In re Vincent B., April 30, 2007.

Physical abuse reversed when grandmother denied hitting child as a form of physical discipline and credible testimony was presented that mother had physically disciplined child during same time frame. There was insufficient evidence to determine who caused the injury to the child.
In re Mattie B., March 5, 2007.

Physical abuse upheld when Appellant admits she "lost it" and beat the child resulting in visible bruises and injuries to her buttocks. Child was unable to sit still the next day in school because of her injuries. In re Lisa S., March 5, 2007.

Use of physical restraint on a foster child is not abuse, even if the child is injured, so long as the foster parent's conduct is not unreasonable. Appellant father grabbed the child by the chin to direct the child's attention. This was not unreasonable. The child then escalated the incident into a physical confrontation by kicking and pushing the father. As a result, the father restrained the child and the child received minor injuries. In re Lisa and Kevin F., February 28, 2007.

Physical abuse reversed when large teenage son initiated attack of Appellant, along with a friend, using baseball bat and causing Appellant serious injury. Teenager suffered minor bruises.
In re William Z., February 8, 2007.

Physical abuse upheld when Appellant hits her out of control child with a belt causing injuries in an apparently isolated incident. Criminal charges of Risk of Injury and Assault in the 3rd Degree were filed against Appellant but later dismissed. The fact that child had out of control behaviors and she sought help for him, that she was a long-time foster care provider, and that this was the only referral received were some important factors considered in the decision to reverse the registry recommendation. In re Marta V., January 24, 2007.

Physical abuse upheld when an Appellant provided no credible explanation for how child received severe bruises while under his care. Child was able to provide an explanation consistent with the injuries and identify the Appellant as the abuser. *Lovan C*. does not apply as Appellant was not inflicting discipline. Even if the *Lovan C*. analysis applied, the discipline would have been unreasonable. Registry recommendation upheld based on severity of abuse. However, the hearing officer also considered that a sibling testified that the Appellant was not playing when he once threw her onto a bed, thus revealing the potential of child maltreatment. In re Teddy H., January 17, 2007.

Physical abuse upheld when child had bite marks the next day at school and mother admitted to "playfully nibbling" child's finger. Recommendation for Central Registry not accepted as injury was not serious and incident was one-time event. In re Christine I., January 11, 2007.

Child's injuries on inside of lip are consistent with his report of being smacked repeatedly in the face. Physical abuse upheld. In re Vivian T., and Jose G., October 26, 2006.

Child suffered a serious injury, resulting in eleven stitches in his arm when mother's boyfriend physically intervened in a verbal argument between two siblings. Physical abuse upheld.
In re John D., October 26, 2006.

A caretaker may be substantiated for physical abuse when he allows or encourages another child to cause serious physical harm to the victim. In re Gregory H., September 18, 2006.

A parent's use of physical discipline to promote the welfare of her child is not abuse if the injury is minor, the child is not fearful and is able to understand why she was disciplined. In re Wonder B., September 8, 2006.

An abuse finding is justified when an injury is inflicted for the purpose of causing intentional pain, the child is afraid of both the caretaker and retaliatory beatings, and there is evidence of a pattern of physical discipline. In re Luz T., September 8, 2006.

Mother struck fourteen year old across the face and left minor scratching. This was due to the child's calling the mother a "whore". Physical abuse reversed under *Lovan C.* In re Maureen P., August 3, 2006.

Appellant and fifteen year old engaged in a physical altercation. Appellant struck the child with a candlestick holder in the face leaving the child with black eyes, bruising, and swelling to her face. This was excessive and not a reasonable amount of force. In re Maureen S., August 1, 2006.

Mother hit fifteen year old with a broom and wrestled her to the ground due to the fact that the child refused to stay home and was verbally disrespectful. *Lovan C.* factors were applied. The substantiation was upheld as the punishment was not reasonable in manner or moderate in degree. Placement on the registry was upheld as the child was taken to the hospital, this was not an isolated incident and mother used excessive force. In re Lauren V., July 26, 2006.

Father was using his daughter's laptop and started opening her e-mails and became enraged. Father and daughter engaged in a heated verbal argument and the father ordered the daughter to go to her room. When she refused, the father grabbed her by the neck and pulled her over to the stairs and then slapped her. The Child sustained five or six red linear marks on her neck. The Appellant could have folded up the laptop and walked away. The actions of the Appellant were not moderate in manner or degree and resulted in an injury to the child. Physical abuse upheld.
In re Kevin Mc., March 29, 2006.

Grandfather grabbed thirteen year old child by the by the shirt collar in order to calm him down. The child had red marks around his neck. The situation escalated and the grandfather hit the child

with a plastic wrap box. This action caused his ear to bleed. Under *Lovan C.*, this was not physical abuse. The neck and ear injuries were not intentional. The force used was reasonable under the circumstances, the motive was to calm the child down, and the child understood. In re R.J.H., August 30, 2005.

Father slapped child in the face causing an already loose tooth to fall out. The school nurse observed a small cut and slight swelling inside of the child's mouth. Pediatrician observed swelling and redness on the outside of the cheek but no bruising. Applying the factors set out in *Lovan C*., the physical discipline was not reasonable and the amount of force used was significant. Physical abuse upheld. In re Nuno N., July 22, 2005.

Two boys were in the truck with their father playing around and father told them to stop. The boys did not listen and father jabbed one of the children with his right elbow, striking the child around the outside of the left eye and over the left eye socket. The force used, given the child's age, size and location of the injury was not reasonable in manner or moderate in degree. Physical abuse upheld. In re Todd S., May 13, 2005.

Physical abuse reversed when Appellant foster mother denies pinching child, and the child had threatened to pinch herself the week prior so that she could get the Appellant in trouble. Hearing officer found that child had motive to fabricate, as she wanted to return to her bio family. In re Kellene E., October 18, 2004.

Appellant admitted to using physical discipline on both a toddler and an infant, there was no evidence of injury to either child, which is a required element of physical abuse. Physical abuse substantiation reversed. In re Michelle O., July 23, 2004.

A parent's inability to explain an injury is not the same thing as an injury at variance with the explanation, and does not necessarily support an abuse finding In re Barry and Elizabeth W., June 30, 2004.

Physical abuse upheld when foster mother hits child with vacuum cleaner attachment and leaves welts and bruises on the child. In re Darnett D. , May 24, 2004.

Physical abuse upheld when mother's explanation that she grabbed her child and the child's braid hit the child in the face, is not credible. The injuries on the child's face were consistent with the child's explanation that mother had hit and scratched her. In re Sandra M., March 20, 2003.

Physical abuse upheld when father admits he spanked his son, and the child has bruises as a result of that spanking. In re Johnny Jones, March 19, 2003.

Physical abuse reversed, as Department does not meet burden of proof, when police, who responded immediately to foster child's complaint, make no mention of foster father hitting child, or child complaining of injury. Child later tells social worker and investigator of injury, which foster parents deny. Burden of proof has not been met. In re Douglas T., March 18, 2003.

Physical abuse upheld when foster mother leaves red marks on child's face. Hearing officer notes that American Academy of Pediatrics has recommended changes to definitions of abuse to require that marks be of a lasting nature, and not just incidental redness, before abuse is confirmed. In re Ula B., March 17, 2003.

Physical abuse upheld when father hits child with wooden spoon, and leaves bruises. Physical neglect reversed as abusive discipline is not inappropriate supervision. Father has authority to physically discipline child, so not inadequate supervision. In re Reginald K., March 10, 2003.

Child talks back to his father, who hits him in the face with a spatula. No injuries or marks were left. Physical abuse reversed. In re Paul T., June 21, 2002.

Mother grabbed the arm of her seven year old daughter to refocus her attention on schoolwork. The child successfully pulled her arm away from her mother's grasp leaving four nail marks on her arm. The accidental four scratches resulted from the movement of the child to pull away from the loose grip of her mother. Physical abuse reversed. In re Betty B., May 8, 2002.

Fifteen year old was supposed to be staying overnight at the home of her grandmother. The child went to a friend's house and stayed overnight without telling her mother or her grandmother. Upon locating the child, the mother was very upset with her daughter. She struck the child with a coaxial cable across her back and neck causing an open and bleeding laceration and three smaller, less severe marks. Physical abuse upheld. In re Eleanor B., May 8, 2002.

Mother hit the child on the back of the head. The child complained of head pain and was treated with an ice pack, but no bruising or swelling was noted. This was not an injury. Physical abuse reversed. In re Jessica R., May 7, 2002.

12 year old child is outside of home without permission. Mother finds him and brings him home. Mother strikes child with a belt two or three times. No injuries were sustained by the child from this and force was reasonable. Physical abuse reversed. In re Virna and Luis R., April 1, 2002.

Stepfather holds the child down on the bed to check his pockets, looking for matches. The child has a history of fire-setting when he is upset. The child struggles to get off the bed and sustains an injury. The hearing officer determined that the stepfather did not strike the child deliberately. Physical abuse reversed. In re Virna and Luis R., April 1, 2002.

3 year old has burn marks on her body. She gives two inconsistent disclosures as to how she sustained the injuries, one of which proved to be false, the other that she burned herself. Insufficient evidence to support the finding that Appellant was the perpetrator of the abuse. Physical abuse reversed. In re Anthony S., January 31, 2002.

Father and eleven year old son engage in argument over the child's earring. The child attempts to leave the yard and the father grabs his arm and neck in an effort to keep him from leaving the yard. The child sustained a sprained arm with tenderness and limited range of motion. Physical abuse upheld due to excessive force. In re Bruce W., March 14, 2002.

Mother striking son in nose, causing nose to bleed, over a telephone bill argument, is sufficient injury for physical abuse. Physical abuse upheld. In re Marchell M., December 20, 2001

Pain alone is not sufficient to prove an injury under operational definitions. Physical abuse reversed. Phillip and Bernice G., October 26, 2001.

Father, after son makes a disrespectful remark, slaps child causing a chip on tooth. Although there were no marks or bruises, physical abuse upheld. In re Dennis S., October 2, 2001.

Mother, despite, child's attempted suicide and enrollment in partial hospitalization, throws knife at her and tells her to jump in front of a car, to call her bluff. Mother also has shoved child into bookcase, causing injury. Physical abuse and Physical neglect upheld. In re Jane P., September 12, 2001.

Father punching child on side of head, with at least one ring on his hand, caused an injury to the child. Physical abuse upheld. In re Anthony M., July 2, 2001.

Relative caretaker asked husband to feed three month old niece with reflux and feeding difficulties. Husband left room and allowed his six year old to give bottle to the infant. Infant vomited and six year old calls for parents. Husband noticed infant stiffening; at hospital infant presents with subdural bleeding. Shaken baby syndrome or blunt trauma suggested by different physicians. Physical neglect of an infant may be upheld when the infant receives an injury, which could not, in accordance with the child's developmental abilities, have been self inflicted. Physical neglect upheld due to child's feeding issues and father left her to be fed by a young child. Physical abuse of child by her caretakers is reversed when there is no proof that either caused the injury and there is a potential intervening cause that may have contributed to the injury. Physical neglect of the older child due to holding her responsible for the care of children beyond her abilities is reversed when both parents were home, although out of the room, and available to both children. Physical neglect of (infant) upheld. Physical neglect of six year old reversed. Physical abuse of infant reversed. In re Wayne and Shanda P., September 22, 2000.

PLACEMENT CHANGE

A parent's decision to seek substance abuse treatment and vest custody of child in the other parent is not evidence of adverse emotional impact. In re Amirah A., August 2, 2011.

Foster parent's conduct that results in precipitous change in placement for a foster child supports a finding of Physical neglect. In re Jeffery M., February 23, 2007.

POLICE

It is not the fact that the Appellant was arrested that proves that the Appellant emotionally neglected her child. It is the how the Appellant acted with the police officers. The Appellant was the aggressor by using harsh words and becoming belligerent. Her six year old daughter witnessed as the Appellant escalated the situation by calling 911 to complain about the police officer requesting that she move her car. The Appellant flailed her arms to prevent the officer from

handcuffing her. The child had nightmares from the incident. Emotional neglect upheld. In re Florence B., April 3, 2006.

Failure to contact the police after child disclosed sexual abuse by her sibling does not amount to emotional neglect. If the parents had attempted to cover up the assault or failed to get treatment for the victim, than that would have supported a claim for emotional neglect. However, the failure of lay people to report a seven year old crime does not amount to emotional neglect of the victim. In re Amy and Edmund G., January 27, 2006

POLICE CALLING 911

Emotional neglect upheld when a verbal fight escalated to where physical safety becomes jeopardized. The girl was so concerned for her mother's well being that she called 911.
In re Michael & Patricia J., Oct. 12, 2007.

Physical neglect and emotional neglect reversed after a physical struggle between sixteen year old and her mother's girlfriend. Sixteen year old had been out of the home for three days, and mother (Appellant) did not know that daughter would be home, when she invited girlfriend over. In re Trudy R., August 30, 2007.

Emotional neglect upheld when children witness a physical altercation between parents so severe that they feel they need to contact grandparents and police. Appellant charged with Disorderly Conduct but charges were later nolled. In re Jeffrey S., August 10, 2007.

Physical neglect reversed when an Appellant allowed husband to return home after he engaged in recommended substance abuse treatment. Appellant and spouse engage in a serious domestic violence altercation in the presence of the children where spouse was clearly the aggressor. Children suffered no physical injuries but were frightened. The Appellant attempted to protect the children from harm by calling the police. In re Toni T., July 24, 2007.

Emotional neglect established when Appellant hit the children's mother in their presence to the extent that one of the children ran next door to call the police. In re Steven M., July 5, 2007.

Physical neglect reversed when Appellant attempts to retrieve child from spouse with suspected substance abuse issues. Appellant was acting in child's best interest and did not place the child at risk during any part of the incident. She did not strike her spouse and attempted to obtain assistance from police. Although both parents were arrested, the Appellant was granted sole custody of the child the next day and the Appellant's criminal charges were nolled. In re Heidi S., June 11, 2007.

POLICE INVOLVEMENT

Emotional abuse upheld when Appellant mother fails to communicate with her daughter, and instead, calls the police every time she is upset with her daughter. Mother prevented child from completing college admission essays and job applications. Hearing Officer determines mother not only ignored the child (neglect) but also sabotaged child, which amounts to abuse. In re Linda F., August 2, 2011.

Physical neglect upheld when Appellant wanted on serious criminal charges, including attempted murder, kidnapping and assault with a deadly weapon had ongoing contact with children during the weekend prior to his arrest. After the weekend, Appellant was willing to engage in a standoff with armed police knowing that his children were on the way home. In re Tyrone M., July 25, 2007.

POOL

Physical neglect upheld when parents fail to ensure supervision of two year old and four year and the two year old falls into a pool. In re Kelly and Markus B., March 23, 2010.

PORNOGRAPHY

Sexual abuse was upheld as the Appellant's conduct that involved kissing with a tongue, teaching and allowing the four year old boy to apply the massager to his penis, and exposing him to pornography is within the policy definitions of sexual abuse. In re William P., April 7, 2010.

Appellant runs an adult website and does not take measures to stop ten year old son from viewing site. Son confused by what he sees and perseverates on it. Appellant and his father call son names, "fat ass" and "fat boy". Child becomes angry, goes to run and hits his head against wall. Physical neglect and emotional neglect upheld. No Central Registry recommended by area office. In re Frank A., October 10, 2007.

Thirteen year old boy caught at school and home with pornography. Five year old sister disclosed to mother that the boy requested that she lick his penis and child declined. Twin five year old sister also disclosed she touched his penis. Parents made their bedroom off limits to boy. No evidence that the parents permitted the boy the same access to the girls after learning of the inappropriate propositions and touching. Evidence presented did not support that Appellants failed to adequately supervise the three children. Physical neglect reversed. In re Charles E. & Dorothy E., July 17, 2006.

It cannot be found that the mother failed to adequately supervise the children by storing adult movies in the mother's unlocked bedroom. In re Sherese D., March 17, 2005.

Physical neglect upheld when mother knows and continues to allow youngest son to have unsupervised contact with much older brothers, who expose him to pornography, substance use and inappropriate behavior. In re Dorothy L.., December 2, 2004.

Evidence that children have viewed pornography on Appellant father's computer is not evidence of sexual abuse without evidence that father coerced or forced the children to view it. In re Thomas D., March 11, 2004.

Foster children had been sexually abused prior to placement with foster mother, and she knew of their histories. The children discovered that they could view the Playboy Channel on Appellant's television, and did so. Even after she became aware of this, Appellant did not keep her bedroom locked at all times to prevent access to the television. The children began to engage in sexual behavior with each other. This took place in the bath and at night in their rooms with the children

ending up in another child's bed for the night. Appellant allowed the children to bathe together without supervising them. Appellant merely scolded the children for sleeping together. "This was not a one time incident that (Appellant) could be excused for missing." The activity took place over months, often with Appellant in the home. Physical neglect upheld. In re Betty T., December 30, 2002.

POSTPARTUM DEPRESSION

Physical neglect is upheld when young mother, either due to Munchausen's Syndrome by Proxy, Post-partum Depression, or symptoms of her bi-polar disease, is unable to care for her child and makes up symptoms so that her child is hospitalized unnecessarily. In re Donna A., March 22, 2012.

Mother and father agree that mother will not be alone with the children. Although mother is suffering from post partum depression, she has not done anything to neglect the children. The family is in need of services. The need for social work intervention and other services does not support a finding of neglect. Physical neglect reversed. In re Melissa H., July 3, 2002.

PREDICTIVE NEGLECT

Although there may be predictive neglect, given the history, sufficient to support an adjudication of neglect, it is insufficient for purposes of the substantiation and the registry. The substantiation hearing is to determine whether neglect or abuse has occurred and that a specific person is the perpetrator for purposes of placing the name on the registry. Physical neglect reversed.
In re LaAustralia B., August 19, 2002.

A substantiation of high risk newborn does not make the parent a perpetrator of abuse or neglect. The classification of high risk newborn identifies the child as being "at risk" and not that the parent is a perpetrator. Predictive neglect is not an appropriate allegation for substantiation because statute allows a hearing only for determinations that a person is responsible for abuse or neglect. In re Lori G., February 6, 2002.

PRENATAL DRUG USE WITH POSITIVE TOXICOLOGY RESULTS

Physical neglect reversed when infant's positive toxicology was due to mother's necessary use of a prescribed pain medication which her obstetrician was aware she was taking throughout her pregnancy and did not advise her to stop taking it. In re Renee D., November 3, 2011.

Physical neglect reversed when the mother, who was in a methodone clinic, tested positive for cocaine during prenatal care but gave birth to a child who tested negative at birth. In re Joyce G., February 9, 2010.

Mother admitted to using marijuana and cocaine during pregnancy and child tested positive at birth. Physical neglect upheld. In re Marcie W., May 10, 2007.

Physical neglect upheld when newborn had a positive toxicology for marijuana and mother admitted to smoking throughout pregnancy. Child was born premature with respiratory problems. In re Sheena L., January 16, 2007.

PRIOR HISTORY

Sexual abuse reversed when a child's statements are not credible under the Merriam Analysis. Child's history of prior false allegations and threats to make false allegations undermine her credibility in the current case. In re Lincoln B., January 20, 2012.

For prior history to be relevant it must be near in time and of a similar nature to the current behavior. Physical neglect and Emotional neglect reversed. In re Susan A., October 25, 2001.

Although mother is an alcoholic, and has prior confirmed history of driving her children while intoxicated, DCF cannot rely on that past history and must prove the facts from this event alone would provide basis for the substantiation. Physical neglect reversed. In re Heidi J., September 26, 2001

REACTIVE ATTACHMENT DISORDER

Emotional abuse reversed where Appellant adoptive parents relinquish their parental rights to a child. Child suffered from Reactive Attachment Disorder and was unable to bond with the family. Emotional abuse also reversed as requiring child to participate in manual labor as form of discipline is not per se emotional abuse. While the child did not enjoy this form of punishment/discipline, there was no evidence that it was cruel or unconscionable in nature or that it would have an adverse impact on the child or interfere with the child's positive emotional development.
In re Denise and Peter L., October 20, 2008.

A child's diagnosis of Reactive Attachment Disorder is sufficient to sustain an emotional neglect finding when mother admits that she never bonded with her child and treats her differently than her other child. In re Kimberly B., May 6, 2004.

RECANT

Children who are fearful of violence may recant statements of abuse. The fact that children recanted allegations of domestic violence supports Hearing Officer's findings that father emotionally neglected the children by exposure to domestic violence. In re Luis M.,July 20, 2010.

Sexual abuse reversed where child admits that she made up the allegations, and the child's therapist determines that the child is not credible. In re David S., May 28, 2008.

Sexual abuse reversed where both child victims recant, and one of the children was not credible to begin with. In re Karl E.,July 22, 2008.

Emotional neglect reversed where there is no confirmation that Appellant father threatened mother with a knife while arguing in the kitchen. Neither father nor mother recalled child being in the

kitchen during the argument and another child who was present reported father did not threaten mother with the knife. Child later recanted his disclosure, stating he copied the story from another student at school. In re Tai D.,November 5, 2008.

Sexual abuse reversed when child recants disclosure that Appellant touched him inappropriately. During the investigation, the Appellant was not interviewed and the initial context of the child's disclosure was not investigated. The child later recanted. The Appellant denied the allegations and no corroborating evidence was presented to support the child's disclosure. Sexual abuse reversed, registry reversed. In re Jeremy K., July 30, 2007.

Appellant caught step-daughter having sex in her bedroom. Step-daughter later accuses stepfather of inappropriate comments, touching and kissing her and then recants. St. Francis interview would have been helpful, but was not scheduled. Sexual abuse reversed. In re Pedro A., May 11, 2007.

Two granddaughters disclose grandfather sexually abused them. Grandfather leaves without notice to his daughter. He re-enters their lives several months later and grandfather and mother claim girls recanted. Mother now wants her father to get Care 4 Kids money. Girls found credible in initial disclosure, circumstantial evidence support their allegations. Recanting found suspect and motivated by mother and grandfather. In re Willie S., March 21, 2007.

Fifteen year old male with bruises on leg alleges mother hit and kicked him. Child is placed with father. Several months later, child no longer wants to live with father after father realizes child is manipulative and starts to set limitations. Child wants to live with grandmother. Father, mother and grandmother meet with child when they realize child is manipulating one parent against another. Child recants allegations against mother saying he made them up to live with his father. Child told his parents he was hurt in a fight at school. Physical abuse reversed. In re Kelli M., February 13, 2007.

Neglect due to domestic violence will be upheld even when the victim recants, if the child's statements about the violence she witnessed are consistent. In re Roland C., November 9, 2006.

Appellant struck the child at least once when he learned that the child had snuck some candy that he was not supposed to have. Child waited two weeks to report the incident, repeatedly changed his story and has significant mental health issues. Child stated that he admitted to lying after his mother helped him to remember. Physical abuse reversed. In re Michael G., April 12, 2005.

Child has bruises on his legs that he claims were caused when foster mother hit him. Foster mother denies hitting child. Child had a tantrum and hit foster mother after he was sent to his room for punishment. Child recanted to two different professionals. Child is not a reliable reporter and Physical abuse reversed. In re Linda R-B., January 31, 2005.

Old allegation by child that aunt hit her and left mark under her eye. At hearing, both Appellant and victim deny the allegations. Record is insufficient to support allegation. In re Adrienne M., October 18, 2004.

A child's history of fabricating prior allegations, in addition to recanted allegations, results in Physical neglect allegation being reversed. In re Gordon H., April 12, 2004.

The Department cannot prove sexual abuse by a preponderance of the evidence when the child recants his statements of abuse, and none of the other alleged witnesses corroborate his claims. In re Jessica S., April 2, 2004.

A child's statements during an interview that the alleged perpetrator "really didn't do it", inconclusive reports from evaluators and the lack of detail in earlier disclosures, permit the hearing officer to question the credibility of the child's allegations. Sexual abuse reversed, Emotional neglect and Physical neglect upheld. In re Douglas M., March 23, 2004.

When a child's statements are inconsistent, and then she refuses to discuss sexual abuse allegations, and ultimately recants the allegations, her credibility is a problem. In re Angel R. January 22, 2004.

Physical abuse by mother reversed when adult child testifies that his mother did not hit him, and that he was lying during the investigation. In re Deborah P., January 2, 2004.

Physical abuse reversed when child victim, now 18, testified at hearing that he was under the influence of drugs at the time of the incident, and that the marks on his body were from skateboarding, and self inflicted, after he and his father argued about whether or not the child could have access to an IRS refund check. In re Fred B., October 28, 2003.

Physical abuse reversed when the child victim, now 23, testified at the hearing that she lied about the allegations in order to go live with her father. In re Ana Z., October 24, 2003.

Sexual abuse reversed when adult child recants eleven year old allegations against her father, and reports that the man she wanted to date at the time forced her to make up the story.
In re Raymond C., May 9, 2003.

Child alleges that stepfather comes into her room late at night on two occasions and fondles her breasts. Child's sibling, who sleeps in the same bed, confirms seeing him leave the room after seemingly touching the victim. The child tells her mother after each incident. Child recants the second allegation, but never recanted the first allegation and maintains that the fondling occurred. Sexual abuse upheld. In re Xavier M., June 10, 2002.

Mother and two children reside in same home as grandmother and an altercation results in contusion or bruise to the child's forehead. Mother deemed not to be a credible or reliable reporter while grandmother is deemed to be forthcoming with information and reliable. Older child not deemed reliable reporter as he has speech delays and unable to communicate well. Physical abuse and emotional neglect reversed. In re Marie F., June 10, 2002.

Teenager alleges stepmother sexually abused him. The teenager discloses, and then recants, on multiple occasions. Appellant is credible and consistent in denying the abuse. Sexual abuse reversed. In re Mary A., May 31, 2002.

The Department's case is comprised of disclosures by a sixteen year old mentally challenged child who masturbated in a public venue. While the strength of the recantation is diminished, it is not eliminated. The child did recant. Sexual abuse reversed. In re Diane S., April 16, 2002.

Child involved in stream of contradictions, likely at the insistence of both parents. Hearing Officer was unable to determine whether he really received an injury. Physical abuse reversed. In re Daniel M., November 20, 2001.

Child the next day states that she made the mark herself that she earlier indicated was a result of her father slapping her. Physical abuse reversed. In re Mark M., November 15, 2001.

Child reported to school being fearful of mother who drinks often, has late night guests drinking at the home and disciplines her physically (slaps her face) when drinking. After investigation concluded, mother's substance abuse evaluation indicated no evidence of alcohol problem and recommended no treatment services. Additionally, the child recanted her statements, claiming that her paternal grandmother told her to make up the allegations against mother. The Department subsequently submitted a probate study in favor of mother. Emotional neglect reversed. In re Tammy H., November 9, 2000.

RECONSIDERATION

Central Registry placement decision upheld following Reconsideration Hearing when Appellant does not demonstrate any changed circumstances dating from the time of the initial hearing to the time of the Reconsideration Hearing. In re Rose C.,April 30, 2010.

Emotional neglect was reversed as Appellant was determined to be the victim of domestic violence, despite her actions in placing the child in the middle of what was described to police as a very violent incident. Department moved for reconsideration. Appellant woke her child and then moved him from his room into her bedroom. Appellant minimized both the incident and her child's involvement at the hearing. Appellant minimized prior domestic violence and its impact on the child. Appellant is clearly a caregiver of her own child. The Adjudicator failed to take into consideration the Agency's "specialized knowledge of the impact of domestic violence on children and that such domestic violence in the presence of a child may result in maladaptive behavior in the child." Emotional neglect reinstated. In re Crystal D., September 4, 2002.

REFUSAL TO COOPERATE WITH DCF

When Appellant mother protects her child following the father's ill-treatment of the child, her refusal to cooperate or follow through on all of the Department's recommendations, does not amount to physical neglect. In re Deborah D., April 23, 2012.

Mother, with good reason, chooses to disregard recommendation for sexual abuse evaluation of her daughter. Allegations of abuse were made by step-father against his step-son and mother believed the allegations to be false. Mother took steps to protect her children. Mother's refusal to 'cooperate' with DCF cannot be considered neglectful behavior. In re Deborah S., November 10, 2004.

Department may not substantiate neglect for a child who is at risk. Mother had safety plan to protect two day old infant from father's violence, and it was not neglectful for her to refuse to sign the Department's service agreement. Physical neglect reversed by directed verdict. In re Melissa V., July 22, 2003.

REFUSAL TO PERMIT CHILD TO RETURN TO FAMILY HOME

Physical neglect reversed where parents refuse to take child home when she is ready to be discharged from the hospital where the child had been treated for mental health issues. The physical needs of the child were being provided by others. In re Jose and Renee V., April 24, 2009.

Emotional neglect upheld where parents failed to provide emotional support to child whom they were refusing to accept home following hospitalization. Parents failed to visit child in the hospital, failed to explain reasons for not taking her home, and refused to accept a hug the child wanted to give to the mother. In re Jose and Renee V., April 24, 2009.

REGISTRY-CHANGED CONDITIONS

Central Registry recommendation not affirmed given that the Appellant had no involvement with the Department since 1995. She currently has a good relationship with her adult children and she is a productive member of society and the community. There was no evidence in the record to support a finding that the Appellant poses a threat to the health, safety or well-being of children, given that she has had no incidents of abuse and neglect since 1995. In re: Lisa G. (neé W.), May 21, 2012

Appellant placed on the Central Registry due to her significant history of poor mental health and substance abuse which impacted her ability to care for her three children over many years. Despite given an opportunity by the hearing officer, the Appellant did not offer a viable plan for addressing her significant mental, behavioral health and substance abuse problems which contributed to the substantiations and recommendation that she be placed on the Central Registry. In re Tammy P., March 26, 2012

The Appellant demonstrated that she rehabilitated herself. She also offered a viable plan for addressing her substance abuse and mental health needs. The Appellant no longer poses a risk to the health, safety or well-being of children since entering a long-term residential substance abuse treatment facility over three years ago. In addition, the Appellant has successfully maintained her sobriety. In addition, since the investigation, the Appellant returned to school, graduating with a degree in substance abuse and alcohol counseling. Finally, the evidence in the record demonstrated that the Appellant reunited with her child, sharing custody with her former husband and being a loving mother. In re Stephanie B., March 16, 2012

The Central Registry recommendation was reversed due to the reversal of the underlying substantiations. The Appellant acknowledged her poor behavioral health, offered a viable plan and followed through with treatment goals set by the Department, whose plan called for reunification of the child and the Appellant. In re Elizabeth D., March 5, 2012

The Appellant offered a viable plan for dealing with his problems by entering an intensive outpatient treatment program to address his anger and substance abuse issues. The Appellant is actively engaged in treatment and participates fully in treatment goals. In re Kevin S., February 27, 2012

REGISTRY-CHILD IN THE MIDDLE

Emotional neglect reversed when youth does not have current substance abuse issues and Appellant father does not make him attend substance abuse treatment. Youth had been in treatment many times in the past and was not exhibiting a current need for treatment.
Physical neglect reversed when seventeen year old youth abided by reasonable curfew and Appellant knew where he was when not at home. In re Douglas S., July 29, 2011.

REGISTRY - CHRONICITY

Central Registry reversed when four out of five substantiations against the Appellant are reversed and registry recommendation is based on pattern of neglect. In re Sandra R., April 24, 2012

Central Registry recommendation not affirmed where the evidence demonstrated the Appellant's actions on this particular day was a one-time incident, which took place eight years prior to the hearing. Immediately after the incident, the Appellant entered an intensive treatment program for substance abuse and has since maintained his sobriety. He has had no further involvement with the Department or with the criminal justice system and has become a productive member of society, active in a church ministry and AA. In addition, the Appellant currently maintains a good relationship with the boy-now an adult-who was the subject of the substantiation. In re Dwight B., April 20, 2012

Registry upheld when the record supports a finding of inappropriate parenting practices as well as use of excessive force when disciplining children. Appellant also arrested for domestic violence incident with subject child after the child reached adulthood. In re Stephen B., April 13, 2012

Central Registry upheld as the Appellant demonstrated a pattern of inappropriate parenting techniques and services had been offered to assist the Appellant in modifying her behavior towards her child. In re Debra C., April 2, 2012

Central Registry reversed when there is no evidence Appellant made a conscious decision to deny child proper care and attention. Appellant allowed relatives to care for child when he was unable to do so. Child did not suffer any adverse impact as result of Appellant's actions and Appellant did not demonstrate a serious disregard for child's well being when he allowed relatives to care for child. There was no pattern of abuse or neglect and this was Appellant's first involvement with the Department. In re Joseph H., March 9, 2012

Appellant's history of poor maintenance of her behavioral health resulted in her hitting her young child with a guitar, causing a serious bruise to his face and leaving him outside on a cold fall day, without shoes or a coat. The Appellant's actions demonstrated how she posed a risk to the health, safety or well-being of children. The Department's recommendation to place the Appellant on the Central Registry is affirmed. In re Pamela R., September 19, 2011.

Central Registry upheld when Appellant, a paid professional in child care, is substantiated for two separate incidents of child abuse and neglect. In re Brenda H., May 26, 2011

Appellant's chronic controlling behavior terrorizes his children, and supports the Central Registry Recommendation. Hearing Officer notes pattern of behavior preceding and following the incident under investigation. In re Ronald C., March 11, 2010. On appeal, by agreement; registry reversed and substantiation upheld. November 16, 2010.

It is not necessary to prove chronicity where Appellant's conduct is egregious and demonstrates a serious disregard for the child in his care. In re S. March 20, 2008.

Central Registry upheld due to previous adjudication of neglect. In addition, Appellant has demonstrated an inability to perform minimal child caring tasks despite extensive intervention from the Department and other service providers. Appellant's child protective history is sufficient to determine she is a risk to the safety and well-being of children. In re Milton and Juanita F., October 9, 2007.

Central Registry upheld due to the chronicity of Appellant's transient lifestyle and inability to provide safe living conditions for children and the impact on the children was severe as they did not receive required mental health treatment or educational services and suffered from chronic lice infestation and poor hygiene issues. In re Lawrence L., October 3, 2007.

Appellant intoxicated, fought with wife, went into basement and started a fire. Fire got out of control and damaged the house. Child was in the home at the time of the fire. Appellant arrested and convicted of Reckless Burning. Substantiation hearing was dismissed. Appellant appealed registry recommendation. Intent present, Appellant demonstrated serious disregard, and history of substance abuse. Registry recommendation upheld. In re Mark J., September 24, 2007.

Registry recommendation reversed when the Appellant lacks the intent to harm child, has no prior history with the Department, child is not severely injured and there are no present concerns of domestic violence or substance abuse. In re Debra M., August 8, 2000.

REGISTRY - CONFLICTING INFORMATION

Central Registry not affirmed whereby the ongoing treatment worker testified that the Department revoked commitment after observing the Appellant for a period of time and found that she does not pose a risk to the health, safety or well-being of children. Also, the Appellant actively participated in all recommended services. In re Caroland L., December 1, 2010.

Department's recommendation for registry on a ten year old case of substance abuse cannot be upheld when the Department has recently recommended that the Appellant receive guardianship of an infant with knowledge of the prior substantiations. In re Sharon B., March 5, 2007.

REGISTRY - CONVICTION

Registry upheld as Appellant was arrested and convicted of assault based on the same facts that led to a physical abuse substantiation in 2005. In re Jeffrey V., January 24, 2011

REGISTRY- DOMESTIC VIOLENCE

Registry upheld given that domestic violence was a major contributing factor in the substantiations and the Appellant does not acknowledge that exposing his family to violence has had a negative impact on them. The Appellant has been required to attend a Family Violence Education Program in the past, but he still has not learned to stop exposing children to domestic violence despite the program. Currently, the Appellant is in the custody of the Department of Correction due to continued involvement in the criminal justice system. In re Delon J., January 31, 2012

Central Registry affirmed where the Appellant engaged in counseling services related to her poor behavioral issues and domestic violence in her relationships with men. Despite having been counseled, the Appellant continued to not provide appropriate care to her children. In addition, the record demonstrated a pattern by the Appellant of engaging in domestic violence in the presence of her children with many referrals made to child protection agencies in New York and Connecticut. Domestic violence and behavioral health were factors in the Department's substantiations.
In re Denny Luz Q., December 29, 2011.

Physical and emotional neglect upheld when father fights with grandfather and police in the presence of the children. Police taze the father in front of the children. Father has long history of anger management issues so Central Registry upheld. In re Dean C., November 28, 2011.

Central Registry upheld due to the level of violence exhibited by the Appellant as well as the fact that criminal charges were still pending. In re Vincent M., November 22, 2011.

Central Registry affirmed where the Appellant engaged in a pattern of domestic violence as well as substance abuse; these factors were contributed to the Department's substantiations although the Appellant refused to acknowledge these factors and did not provide a reasonable and viable plan to address them. In addition, there were several reports and referrals, including in 1999, 2000 and 2010 due to domestic violence. In re Keri O., October 7, 2011;appeal pending.

Central Registry reversed when both parents participate in and successfully complete various family violence, anger management and parenting programs and demonstrate an ability to co-parent their children without any additional incidents of violence. Both parents were supportive of each other. In re Tashia H and Rashad U., June 24, 2011.

The Department demonstrated intent, severity and a pattern in the Appellant's behaviors and actions towards his daughters. In addition, domestic violence was a major contributing factor in the substantiations. The Appellant admitted his behavior but took no responsibility for it, minimizing his actions and blaming his wife for his poor behavior. In re Farshad M., April 6, 2011; appeal pending.

Upheld where the evidence in the record demonstrated intent and severity. Also, domestic violence was a contributing factor in the Central Registry recommendation. In addition, there was a history and pattern of domestic violence in the Appellant's relationship with other women. The

Appellant was required in the past to attend domestic violence and anger management programs. The Appellant's actions constituted a serious disregard for the child's wellbeing and he took no responsibility for his actions. In re Maurice B., March 23, 2011.

Central Registry upheld where the Appellant had prior involvement with the Department due to history of family violence, and where he violated a protective order. The Appellant takes no responsibility for his actions. He also has a history of substance abuse and domestic violence which are contributing factors in the substantiation. In re Roderick M., March 10, 2011.

Central Registry reversed where the Appellant had not reacted physically before. In addition, the Appellant has taken responsibility for his actions and is scheduled to take domestic violence classes to ensure to address his anger with his girlfriend and children's mother due to her leaving. In re Lucas V., February 14, 2011.

Central Registry upheld as Appellant had prior substantiations due to domestic violence and had already had placement on the Registry confirmed following an administrative hearing in 2008. In re Sara L., February 8, 2011.

Central Registry affirmed where the Appellant has a history of behavioral and anger management problems where services and resources were provided to her to help her take appropriate care of her children but she failed to utilize those services. The Appellant is the aggressor in her relationships with men and there is a history of domestic violence between the Appellant and her former husband, all in the presence of her children. In re Suzanne K., October 18, 2010. On appeal registry reversed and substantiation upheld, by agreement. April 2011.

Central Registry reversed when the Appellant participated in DOVE program and mother of the children testified that they now share joint custody of the children and Appellant no longer engages in inappropriate behavior. In re Robert C., September 23, 2010.

Central Registry upheld where there is demonstrated intent, severity and chronicity. In addition, domestic violence was a substantial factor in the recommendation, showing how the Appellant poses a risk to the health, safety and/or well-being of children. The Appellant attended anger management classes while in prison, showing he had access to resources but did not utilized them in order to provide appropriate care to his children. More importantly, the Appellant continues to deny involvement in the assault which resulted in the Department's investigation and involvement with the family. In re Juan C., September 21, 2010.

Recommendation of Central Registry affirmed where the Appellant had the intent, severity and chronicity as well as domestic violence was a major contributing factor in the Department's substantiations and recommendation that the Appellant poses a risk to the health, safety and well-being of children. The Appellant was substantiated in a prior incident by the state of New Jersey for the abuse of one of his sons. In re John P., June 30, 2010.

Central Registry upheld although domestic violence incident appeared to be one time incident it was severe as children were present, father threatened mother's life and father destroyed many items in the home in close proximity to children. In re Jimmy C., May 25, 2010.

Central Registry recommendation affirmed because the Appellant has a history of domestic violence and was substantiated in 2003 for exposing children to domestic violence. The Appellant does not take responsibility for his actions and stated he acted in self defense even though there was no evidence that he was provoked or needed to defend himself. In re Richard M., May 19, 2010.

Central Registry recommendation upheld when Appellant is convicted of strangulation after he assaults his child's mother in the child's presence. Hearing Officer notes pattern of Domestic Violence with other partner and severity of incident. In re Timothy W., March 11, 2010.

Placement on Central Registry upheld when Appellant is arrested for incident that led to substantiation and is convicted of risk of injury to a minor. In re Daniel C., March 23, 2010.

Central Registry affirmed where there was intent, severity, chronicity and domestic violence were major contributing factors to the substantiations. In re Harlee S., February 4, 2010.

Central Registry affirmed where the Appellant had access to resources to gain insight into his behavior; he nonetheless seriously disregarded his children's welfare; his violence was chronic; and domestic violence was a major contributing factor in the Department's substantiation.
In re Jacek C.,January 11, 2010.

Central Registry affirmed where the Appellant has a long history of engaging in physical violence; has been arrested and placed on probation; and received services but continued to physically fight and expose child to violence, dating back to 2002. Domestic violence was a significant contributing factor in the substantiation and the Appellant refused to take responsibility for the resulting conduct or provide a viable plan to address the contributing factor. In re Miss Gilliean X., January 7, 2009.

Central Registry affirmed where the Appellant has a long history of engaging in domestic violence requiring anger management and where he intentionally slapped crying nine month old baby son, leaving a handprint on the child's face visible ten days afterwards. In re Yuri W., Sr., February 3, 2009 and November 16, 2009 appeal dismissed December 2010.

Central Registry upheld where Appellant father was unable to acknowledge his role in continuing the contentious relationship with his children's mother; minimized the domestic violence and was unable to adhere to a plan to avoid contact with the mother. In re Kyle L., March 20, 2009.

Central Registry upheld where Appellant had knowledge of effects of domestic violence as a result of prior CPS/court involvement, demonstrated serious disregard, had a pattern of neglectful behavior and took no responsibility for his actions. In re John P., July 23, 2009.

Central Registry recommendation upheld because the Appellant manifested intent: he was court-ordered to refrain from assaulting and molesting child's mother, and did not abide by the order. Severity: the child could have been seriously injured lying next to the Appellant as he assaulted mother. Chronicity: the Appellant had assaulted mother before. Finally, substance abuse and behavioral health were major factors in the Department's recommendation for the Registry. The Appellant has a significant history of alcohol and drug abuse, as well as suicidal thoughts.
In re Jon D. P., August 26, 2009.

Physical neglect upheld where Appellant repeatedly hit mother while she held baby in her arms and lap. Central Registry recommendation upheld where the Appellant intended his actions, seriously disregarded the welfare of the child; there is a history of substantiations due to prior domestic violence in prior relationships, and domestic violence was a major factor in the Department's recommendation. In re Joseph T.J., September 11, 2009.

Central Registry upheld where Appellant was involved with the Department for several years, had several past substantiations due to substance abuse issues, homelessness and domestic violence; had the resources to understand impact of failing to provide appropriate care for her child and continued to place him in circumstances injurious to his well being. In re Christine J., September 16, 2009.

Central Registry upheld where the Appellant intended his actions; seriously disregarded his children' welfare; there was a pattern of domestic violence; and the Appellant refused to acknowledge how domestic violence had a negative impact on his children. In re Seth S., December 4, 2009.

Central Registry upheld where the Appellant intended his actions despite access to resources; seriously disregarded the child's welfare; there was a history of prior incidents of domestic violence. In re Devon T., December 4, 2009.

Central Registry upheld where the Appellant intended his actions despite access to resources, seriously disregarded the child's welfare; there was a history of prior incidents of domestic violence. In re Keneth J., December 18, 2009.

Central Registry recommendation not accepted where Appellant is able to credibly demonstrate that there is little likelihood of future violence with his wife, and that he does not pose a risk to children. In re Mohammed A., January 4, 2008.

Central Registry recommendation is not accepted where Appellant is able to credibly demonstrate that he has successfully completed anger management, and there have been no further incidents of inappropriate displays of anger. In re Fritz M., January 22, 2008.

Central Registry recommendation accepted following several incidents of domestic violence, all of which were instigated by the Appellant. The Appellant involved his two sons in the physical confrontations with others. In re James E., January 2, 2008.

Long history of domestic violence, and Appellant's admission that the home was a "living hell" supports Central Registry recommendation. In re Frank B., February 19, 2008; appeal dismissed April 14, 2009.

Central Registry recommendation accepted where the Appellant has a long history of violence, blames his victim, taking no responsibility for his actions, and demonstrates anger and lack of control during the hearing. In re John T., III, March 18, 2008.

Central Registry recommendation accepted where Appellant threatens to kill the child's mother in front of the child, engages in threatening and frightening behavior on two occasions in one week, and does not accept responsibility for the trauma inflicted on the victim and her child. In re Eugene T., May 8, 2008.

Central Registry recommendation not accepted where Appellant has participated in and completed various treatment programs and accepts responsibility for his past actions. In re Frank B., June 3, 2008.

Central Registry recommendation accepted where Appellant attempts to run down his wife and children in his car after a protracted fight with his wife. Hearing Officer notes prior domestic violence and serious disregard for the children's well-being. In re Oscar R., July 24, 2008.

Central Registry recommendation reversed where the Appellant is able to establish that she has completed family violence program, had her children returned to her, and has not entered into an abusive relationship since the Department's intervention. In re Jessica M., September 17, 2008.

Emotional neglect upheld as child present during physical altercation between estranged parents. Appellant initiated altercation. Child, who is autistic, showed visible signs of distress during the incident by holding his ears and rocking back and forth. Central Registry was upheld as Appellant was charged with risk of injury as result of the incident and charges were still pending at time of hearing. In re Vance Z., November 21, 2008.

Appellant is placed on Central Registry when found that Appellant intended to choke his wife and understood the implications as evidenced by his ripping the phone out of the wall. It is a serious disregard when he takes physical action that could kill the mother. In addition, Appellant has not taken responsibility for his actions. In re Ari B., Oct. 3, 2007.

Central Registry upheld when Appellant has a long history of assaultive behaviors in the presence of children. Domestic violence incident, although not initiated by the Appellant, was not entirely self-defense. In re Frank L., July 25, 2007.

Appellant hit his girlfriend while she was holding their child in her arms. Appellant then accidentally hit the infant while he was intending to hit the girlfriend again. Pattern of using exceedingly poor judgment in trying to physically hurt his girlfriend when his daughter is in harm's way results in registry placement. In re Thomas D., June 13, 2007.

Central Registry recommendation appropriate when Appellant is convicted of Risk of Injury following a domestic violence incident. Appellant threatened his wife with a gun. Although he did not intend to harm his children, his actions placed the children who witnessed the incident at serious risk of harm. In re Pedro R., May 1, 2007.

History of domestic violence in the family. Appellant beat wife and wife hospitalized with broken rib and punctured lung. Appellant placed his four children at risk of physical harm and allowed them to witness repeated acts of violence. Physical and emotional neglect upheld; registry recommendation upheld due to intent, severity, chronicity of domestic violence. In re Ralph S., May 1, 2007.

Appellant's participation in on-going instances of domestic violence supports placement on the registry. In re Ramon P., January 17, 2007.

Evidence of repeated domestic violence in the home may support a finding that the Appellant poses a risk to children, even though the particular incident being investigated was not witnessed by the children, and did not impact the children. In re Frank C., January 3, 2007.

Central Registry placement is appropriate when the Appellant has a long history of domestic violence with various partners, including twelve convictions on domestic violence charges. The severity of the allegations is increased when the Appellant sneaks into the home in an intoxicated state and lies in wait for his girlfriend and her daughter. Registry and neglect allegations are upheld even though the victim of the violence recants. In re Roland C., November 9, 2006.

Mother's boyfriend physically assaults child's mother in presence of child, chases both mother and child as they flee to neighbor's home and forcibly enters the home and pries child's hands off mother in order to drag mother outside. Child is frightened, tries to intervene and reports that boyfriend is mean and fights with mother all the time. Physical neglect and emotional neglect upheld. Boyfriend is placed on the Central Registry due to severity of the incident and reports of on-going domestic violence in the home. In re Matthew B., November 6, 2006.

Father threatens children when they refuse to let him enter the house. Father entered the home and pushed son down to the ground. Father attacked mother when she returned home. Physical neglect upheld for three children who were subject of father's erratic and impaired behavior. Physical neglect reversed for two children who did not witness the incident. Registry recommendation upheld based on number of domestic violence referrals on family. In re Kevin C., September 8, 2006.

Children witnessed a violent physical altercation between father and his estranged wife. Children were removed under OTC and remained in DCF care at the time of the hearing. Central Registry was upheld due to pattern of physical and verbal violence in the home that the children witnessed. In re Thomas A., August 17, 2006.

Paternal Grandmother testified that she had to remove the children from the home on a weekly basis due to fighting between father and his girlfriend. Child was also exposed to substance abuse in the home. Substantiation for Physical neglect upheld. Father was also placed on Central Registry due to pattern of his actions. In re Francis R., August 2, 2006.

Appellant no longer resides with the mother and realizes based on the domestic violence between the two that he can no longer have contact with the mother. As the Appellant is no longer seeing the mother the risk of another incident is minimal and for this reason the Appellant does not pose a risk to children. Recommendation for placement on the registry is reversed. In re Kristopher P., March 3, 2006.

At the time of the investigation, the mother's marriage reunification attempts were failing and the couple was experiencing financial difficulties. The arguing over finances turned into physical violence on more than one occasion and the children suffered emotionally. However, it cannot be

concluded that the mother disregarded her children's well being or that she refused to take action to protect children from continuing harm. Mother's name shall not be placed on the Central Registry. In re Marie K., February 10, 2006.

REGISTRY - DRUGS IN HOME

Appellant's name removed from Central Registry when he allows his children to live with their mother whom he knows is a substance abuser. However, as soon as he had the resources to remove the children from that environment, he took steps to do so. In re Michael D., April 23, 2012.

Central Registry upheld as Appellant demonstrated a serious disregard for children's physical well being by selling drugs out of home and storing narcotics within reach of children. In re Eric O.,December 20, 2010.

Moral neglect upheld when Appellant's fifteen year old stepson is arrested during raid of home because he is in the same room as Appellant's drugs. Fifteen year old is charged with possession of narcotics in a school zone and intent to sell. No evidence that youth has ever been in trouble before and he denied knowledge of drugs in home. Youth now involved with juvenile probation.
Physical neglect upheld when youth is present during police raid of home. Youth is afraid and hides in sister's bedroom during raid. Raid is a result of Appellant selling drugs out of the home.
Registry upheld as Appellant demonstrated a serious disregard for youth's physical well being by selling drugs out of home and his actions resulted in youth's arrest and involvement with criminal justice system. In re James G., November 2, 2010.

Central Registry recommendation reversed when mother is able to show that she has had her children returned to her care, has had no subsequent involvement with either the police or DCF, and appears to have been the victim of domestic violence and coercive control in her prior relationship. In re Dulce R., July 26, 2010.

Central Registry recommendation accepted where Appellant mother is aware that the father is using illegal drugs with their children, and does nothing to stop it. Mother was also aware that father was physically and verbally abusing his daughter, and did nothing to prevent it.
In re Michele C., March 27, 2008.

Central Registry recommendation accepted where Appellant has long history of narcotic sales, his children witness the sales and a police raid. In addition, Appellant demonstrates long history of serious domestic violence and placing his children at risk of physical and emotional harm.
In re Maurice J. Sr., April 24, 2008.

The Appellant permitted her boyfriend to utilize her mobile home to package marijuana. The children, at ages two and four, were in the middle of a dangerous situation. The Appellant put the children in that situation by letting her boyfriend use her place for his activity while the children were there. It is also a serious disregard for their welfare to do so and an adverse physical impact does not need to be shown. Physical neglect upheld and Registry upheld. In re Theresa D., December 12, 2006.

REGISTRY - EMOTIONAL ABUSE/NEGLECT

Central Registry upheld as Appellant demonstrated a serious disregard for child's emotional wellbeing, had the resources to understand the impact of his actions and had a demonstrated pattern of behavior. In re Paul R., March 11, 2010. By agreement, on appeal ;Registry reversed and substantiation upheld. June 2011.

Central Registry upheld as Appellant stepfather was aware of the effect his behavior had on the child, there was adverse emotional impact as well as serious disregard for the child's well-being and behavior persisted for a significant period of time. In re Clinton C., February 6, 2009.

REGISTRY - FAILURE TO PROTECT

Appellants placed on Central Registry due to their continued allowance of foster children to come into contact with their troubled son despite instructions from the Department to not allow access. At one point, the Appellants' home was subjected to a home invasion linked to the criminal activity of their son. In re Josue E. and Maria E., February 28, 2011. By agreement, affirmed on appeal December 2011

Physical neglect, physical abuse and emotional neglect upheld where the Appellant allowed her boyfriend to move into her family's home, knowing he was a convicted child sex offender. The boyfriend sexually abused both her fraternal twins who now suffer from PTSD as a result, and exhibit acting out and emotional behaviors requiring hospitalizations, medication, and therapy. One of the twins continues to engage in inappropriate sexual behavior with his twin sister and the Appellant is unwilling or unable to protect the girl, requiring the child to be placed with maternal grandmother. The Appellant poses a risk to the health, safety and well-being of children due to intent, severity, chronicity and her failure to take the necessary steps to protect her children.
In re Brenda D., March 16, 2010.

Central Registry recommendation accepted where Appellant mother is aware that the father is using illegal drugs with their children, and does nothing to stop it. Mother was also aware that father was physically and verbally abusing his daughter, and did nothing to prevent it.
In re Michele C., March 27, 2008.

Central Registry upheld where Appellant father fails to seek treatment for his sexually abused children, and they offend against other children. Hearing Officer notes that children were twice adjudicated neglected based on father's conduct. In re William D.,July 23, 2008.

Central Registry upheld where Appellant mother takes no steps to prevent her twelve year old daughter from engaging in a sexual relationship with a sixteen year old boy. Mother allows child's boyfriend to sleep at the home in the same bed with her daughter. In re Linda K., October 1, 2008.

Central Registry recommendation upheld where Appellant mother continuously allows her young child to be exposed to inappropriate material and alcohol by her adult sons. In re Dorothy L.,November14, 2008.

Mother and two daughters live in same house as grandparents. Grandparents watch children while mother works. Grandfather sexually abuses one granddaughter. Daughters told their mother they do not like their grandfather, he bothers them and hits them. Younger daughter stated she told mother about grandfather touching older sister. Mother took no action. Mother had sufficient knowledge from daughters that required her to act and find out more information. Mother never followed-up with daughters to find out what was happening. Mother failed to protect daughter. Physical neglect upheld and placed on registry. In re Tien L., October 16, 2006.

REGISTRY - INTENT

Central Registry reversed when there is no evidence Appellant made a conscious decision to deny child proper care and attention. Appellant allowed relatives to care for child when he was unable to do so. Child did not suffer any adverse impact as result of Appellant's actions and Appellant did not demonstrate a serious disregard for child's well being when he allowed relatives to care for child. There was no pattern of abuse or neglect and this was Appellant's first involvement with the Department. In re Joseph H., March 9, 2012

Central Registry recommendation reversed when the Appellant's conduct results in a serious disregard for the children's well-being, however, his intent was to provide discipline. In re Buster J., November 9, 2011.

Central Registry recommendation not accepted, despite serious injury to child, where mother's neglect is unintentional and there is no pattern of neglect. In re Abigail O., April 17, 2008.

Emotional neglect upheld when the Appellant did not contest the substantiation in a timely manner. Registry reversed for this substantiation, when it can not be established that the children were present during domestic violence between Appellant and spouse and that the Appellant intended to harm the children. In addition, children's credibility is questionable as their statements may be motivated by wanting to live with other relatives. In re Aaron R., August 16, 2007.

A Registry recommendation is upheld when it is determined that the Appellant had sufficient knowledge of obtaining services for domestic violence in home but fails to do so, even to the point of frequently moving in order to avoid the consequences of not following through with recommendations in other states. In re Shannon F., August 6., 2007.

Central Registry upheld as Appellant was willing to engage in a standoff with armed police knowing that his children were returning from school. Appellant also has a history of placing his children in dangerous situations. In re Tyrone M., July 25, 2007.

REGISTRY - INADEQUATE SUPERVISION

Appellants placed on Central Registry due to their continued allowance of foster children to come into contact with their troubled son despite instructions from the Department to not allow access. At one point, the Appellants' home was subjected to a home invasion linked to the criminal activity of their son. In re Josue E. and Maria E., February 28, 2011. By agreement, affirmed on appeal December 2011.

Central Registry reversed as the Appellant father did not intend to leave the children for a significant amount of time, there was no adverse impact to the children and this was a one-time incident. In re Allen R., February 6, 2009.

Central Registry upheld as Appellant as day care provider should have had knowledge that an infant requires close supervision; the child sustained serious head injuries; and the Appellant was not a reliable reporter regarding the incident as she was trying to protect herself from charges of operating an unlicensed day care and her failure to accurately report the incident could have impacted the child's treatment. In re Imelda M., August 8, 2009.

REGISTRY - ISOLATED INCIDENT

Central Registry reversed where the case was a one-time incident and the Appellant has had no involvement with the Department since this incident, which took place in 1991. Since the Department's involvement, the Appellant has received numerous commendations for her work with youth over the years. In re Jennifer M., January 13, 2012

Central Registry reversed when there is no pattern of domestic violence, and the Appellant is able to document a good relationship with the child, and a willingness to work with providers on his issues. In re Cleveland S., December 1, 2011.

Central Registry recommendation reversed when the Appellant has no record of prior involvement with the Department and the substantiation is physical neglect due to the messy condition of the home. In re Jesse C.,November 28, 2011.

Central Registry reversed when Appellant allows child to live in a dirty home. In re Jesse C., November 28, 2011.

Central Registry reversed where the Appellant did not intend to engage in erratic behavior while caring for his children due to having a reaction to prescribed sleep medication. Despite this being a one-time incident, the Appellant agreed to undergo a substance abuse evaluation and parenting class, which he successfully completed. The Appellant offered a viable plan which included changing his medication and sleep treatment plan. In re Wesley C., November 2, 2011.

Central Registry reversed as physical discipline was an isolated incident, bruises did not require medical treatment and Appellant did not intend to injure, but to discipline.
In re Roslyn H., October 28, 2011.

Central Registry not affirmed given that this was a one-time incident and the Appellant took responsibility for his actions, included completing substance abuse classes and abiding by the protective order. Also, the Appellant's criminal charges were dismissed or nollied. Although they separated, the Appellant and the children's mother remain good friends. In re Edward T., August 31, 2010.

Central Registry upheld although domestic violence incident appeared to be one time incident it was severe as children were present, father threatened mother's life and father destroyed many items in the home in close proximity to children. In re Jimmy C., May 25, 2010.

Central Registry reversed when Appellant has no knowledge of child's abuse history and therefore no intent to harm child. Impact was not severe and there was no chronic pattern of neglect. In re Kelly M., April 9, 2010.

Central Registry reversed when there is no evidence to support a finding the foster parents intended to neglect the child, the injuries were not severe and there was no noted pattern or chronicity to the reported neglect. In re Michael and Doreen H., January 29, 2010.

Central Registry reversed where Appellant was substantiated for a one-time incident, did not intend to harm her son and the record did not contain sufficient evidence of the Appellant demonstrating a serious disregard for the child's wellbeing. In re Tanisha R., March 31, 2009.

Physical neglect upheld where child care worker forgets three year old child in back of van when she returns to the safe home. Staff in yard hear child crying. No physical impact to child but Appellant demonstrated serious disregard for child's welfare. Registry recommendation reversed. Prior incident when Appellant left a fifteen year old in car watching two younger children when she went into Automatic Teller Machine not evidence of pattern of neglect as prior incident not a neglectful act. In re Helen B., April 23, 2009.

Physical neglect upheld where the Appellant was in a minor car accident with her child in the car and the Appellant had a Blood Alcohol Level of .238. Central Registry reversed where there was no evidence of a pattern of neglectful behavior, the Appellant took responsibility for her actions and took steps to prevent any future incidents. In re Leslie C., May 8, 2009.

Physical neglect upheld where Appellant drove while intoxicated with child in the car. Blood Alcohol Level was .132, well above legal limit of .08. Central Registry reversed where this was an isolated incident and the Appellant was remorseful, entered counseling and took steps to address her emotional issues. In re Julie O.,July 21, 2009.

Central Registry upheld in an isolated incident of physical abuse of child by a Department employee. History of prior discipline against Appellant due to boundary issues and inappropriate conduct with clients was sufficient to support Registry recommendation in physical abuse case. Use of excessive force in response to child's misbehavior is unreasonable and supports recommendation for placement on registry. In re Brian A..,August 6, 2009.

Central Registry reversed where there is no evidence that the Appellant intended to harm the youth, there was no serious impact and no evidence of a pattern of abusive behavior. In re Jennifer C., December 10, 2009.

Appellant becomes legal guardian of his half-sibling after their mother dies. Appellant attempted to kiss half-sister on the lips and put his tongue in her mouth. Sister refused, Appellant left the room and later returned to apologize. Incident occurred nine years prior to hearing. Appellant remorseful and knew what he did was wrong and was willing to receive help in dealing with incident. Appellant submitted psychological evaluation which indicated he should not be identified as a sexual abuser. Sexual abuse upheld as definition of sexual abuse met. Registry recommendation reversed as isolated incident which happened nine years ago. Also, lack of

serious contact, lack of grooming or planned behavior, Appellant determined not to be a risk to children. In re Patrick G., November 16, 2007.

Appellant, her daughter and daughter's friend were arrested for shoplifting at Kohl's. Appellant denied being in on it but security tape indicated otherwise. Moral neglect upheld, registry recommendation reversed as this was an isolated incident. In re Elaine C., October 15, 2007.

Central Registry was reversed when two of the three underlying substantiations were reversed. The remaining substantiation was not sufficient in terms of intent, severity or chronicity to warrant placement on the Registry. In re Jason C., August 17, 2007.

Registry reversed when children disclosed that the domestic violence between the parents is an isolated incident and that parents have not fought physically in the past. Registry recommendation not upheld when there is insufficient evidence to determine child was adversely impacted or that Appellant seriously disregarded his daughter's well-being. In re Stephen B., July 31, 2007.

One incident of physical violence by father against the mother in the presence of the children because he thought she was having an affair does not make him pose a risk to children and be placed on the registry. In re Steven M., July 5, 2007.

Twenty two year old neglect substantiation does not support a Registry recommendation when there are no other substantiations of neglect, mother sought treatment at the time, she did not intend to harm her children by her actions and there was no actual adverse impact to the children from her substance abuse. In re Patricia M., June 26, 2007.

Central Registry recommendation reversed when the Appellant's neglect of the child has no serious adverse impact on the child, there are no other substantiations, and the Appellant did not intend to harm the child in her care. In re Deborah K., June 1, 2007.

Appellant (mother's boyfriend) disciplined mother's son by taking belongings away from him and making him sleep on the bathroom floor once. This does not rise to level of unsafe environment, Physical neglect reversed. However, these disciplinary measures were excessive and had an adverse emotional impact on the child. Child was fearful of boyfriend and did not want to live in the home. Emotional neglect upheld. Registry recommendation reversed. Boyfriend does not pose a risk to children. In re Robert G., May 30, 2007.

Physical abuse upheld when Appellant hits her out of control child with a belt causing injuries in an apparently isolated incident. Criminal charges of Risk of Injury and Assault in the 3rd Degree were filed against Appellant but later dismissed. The fact that child had out of control behaviors and she sought help for him, that she was a long-time foster care provider, and that this was the only referral received were some important factors considered in the decision to reverse the Registry recommendation. In re Marta V., January 24, 2007.

Physical abuse upheld when child had bite marks the next day at school and mother admitted to "playfully nibbling" child's finger. Recommendation for Central Registry not accepted as injury was not serious and incident was one-time event. In re Christine I., January 11, 2007.

Evidence that a person used exceptionally poor judgment in his interaction with his child on one occasion does not satisfy the requirement that a person poses a future risk to children, especially in light of the person's admission that his behavior was improper. In re David Z., December 21, 2006

Appellant father arrested for DUI with three children in the car, no physical impact to the children. This was one incident of egregious conduct, Physical neglect substantiation upheld. Department registry reversed as this was one time incident, Appellant not a risk to children under to registry criteria. Also, prior decision with similar set of facts, region did not recommend registry. In re William P., December 7, 2006.

Father forces his way into estranged wife's home while young son is present and son tries to assist mother in keeping father out of the home. Emotional neglect upheld. Placement on Central Registry is reversed as this was first time incident and father left once he realized child was present. In re Terrence W., October 26, 2006.

Stepfather acts in manner that demonstrates serious disregard for the children's safety. Placement on Central Registry not accepted as incident was one time event and there was no physical impact. Physical neglect upheld. In re Mark P., October 5, 2006.

Appellant and fifteen year old engaged in a physical altercation. Appellant struck the child with a candlestick holder in the face leaving the child with black eyes, bruising, and swelling to her face. This was excessive and not reasonable amount of force. Central Registry was also upheld due to the severity and excessive use of force. In re Maureen S., August 1, 2006.

Father had weekend visitation with his child. He decided not to allow the child to return to mother's home. Child had asthma and father did not have any of the medication. Father and Paternal Grandmother held the child out of school for the week when they did not let the child return to mother. Medical, physical and educational neglect were upheld. The recommendation for placement on the Central Registry is denied as this was not chronic and no serious adverse impact. In re Thomas K. and Maria C., July 24, 2006.

Current situation of Appellant and family must be considered when applying criteria for recommendation for placement on Central Registry. A single incident with no repetition, (along with completion of anger management classes, custody of child for over a year with out DCF involvement and working on college degree) is sufficient to show Appellant does not pose a risk to children. Registry denied. In re Tawana B., May 31, 2006.

The physical fights between the Appellant and his teenaged daughter occurred in 1998 at the beginning of divorce proceedings. These were two isolated incidents, not a pattern or chronic neglect. The Appellant does not pose a risk to the health, safety and well being of children and recommendation for placement on the registry reversed. In re Peter M., May 11, 2006.

Excessive force was used in discipline and that was the basis for the substantiation. However, it does not necessarily follow that the Appellant poses a risk to children based on this one incident. Stressors in the Appellant's personal life, in combination with the child's difficult behaviors, resulted in the unfortunate incident of abuse. The Appellant was remorseful and it does not appear from the

evidence presented that she is a risk to children in the future. Recommendation for placement on the registry reversed. In re Thunesia D., March 21, 2006.

REGISTRY - MEDICAL ISSUES

Central Registry recommendation upheld where Appellant has chronic history of mental health issues that leads to multiple substantiated allegations of neglect. Although Appellant appears to be maintaining her mental health at the time of the hearing, her history supports the recommendation. In re Judy W., September 3, 2009.

Two unrelated foster children, ages one and two, were diagnosed as failure to thrive. Director of Pediatrics testified environment, not genetics, was the reason for failure to thrive. Medical tests found no physical reason for the diagnosis. Children gained weight once removed from foster mother's care. Physical neglect upheld and appellant was placed on the Registry. In re Ivette J., October 3, 2006; appeal dismissed.

REGISTRY - MENTAL ILLNESS

Evidence that a parent's mental illness results in child being fearful, sleep deprived and sad, is sufficient to support a finding of physical and emotional neglect. However, since mother was in treatment, and has always tried to be a good parent, her name is not placed on the Central Registry. In re Elizabeth M., August 29, 2011.

Central Registry upheld when Appellant had prior mental health hospitalizations and was aware of need for treatment and the impact of her behavior on the children. Appellant's suicide attempt and failure to obtain appropriate treatment demonstrated a serious disregard for the children physical and emotional well being. Appellant has history of unaddressed mental health issues and could not provided documentation at the hearing that she had sought or participated in any treatment services. In re Lauren L., October 6, 2011.

Central Registry upheld when Appellant has previously been placed on the Registry, had a hearing to contest Registry placement and the Final Decision upheld placement on Registry. In addition, current substantiation addressed same concerns of unaddressed mental health and substance abuse issues. In re Sarah M., May 25, 2010.

Central Registry reversed when there is no evidence to support a finding that the Appellant intended on neglecting her children, there was no serious adverse impact, and Appellant took necessary steps to address mental health issues. In re Quettcy G., March 1, 2010.

Central Registry recommendation reversed when an Appellant seeks appropriate treatment for her daughter's mental health needs and they are not shown to be directly related to the Appellant's neglect of the child. Also, registry reversed when there is a lack of a pattern or chronic nature to the neglect. In re Brenda W., September 27, 2007.

Central Registry upheld as child was exhibiting extremely dangerous behavior and Appellants failed to work with service providers or to take any steps to address child's mental health and

substance abuse needs leading to rapid deterioration in child's condition. In re Joyce and Anthony D., September 19, 2007.

Central Registry recommendation is warranted when child is disturbed by Appellant's psychotic episode and the Appellant has a history of erratic behavior due to non-compliance with her recommended medication. In re Latricia Y., September 4, 2007.

Central Registry upheld due to chronicity and severity of mother's unmet mental health needs. In re Jennifer W. July 23, 2007.

Mother's continued assertion that there was a conspiracy of the GAL, police, hospital staff, and DCF to permit her son access to pedophile grandfather is a pattern that she poses a risk to children and is placed on the registry. In re Anthony & Kimberly L., July 2, 2007; dismissed on appeal 120 Conn. App. 376 (2010).

Central Registry recommendation upheld when the Appellant fails to adequately address her ongoing substance abuse and mental health issues, placing her children at serious risk of injury and establishing a pattern of neglect. In re Timea K. H., April 11, 2007.

REGISTRY - NO INTENT

Central Registry reversed when there is no evidence that the Appellant intended to neglect her children, there was no adverse physical impact or serious disregard for the children's physical well being and no evidence of a pattern of behavior. In re Dana W., November 18, 2010.

Central Registry reversed when there is no evidence to support a finding the foster parents intended to neglect the child, the injuries were not severe and there was no noted pattern or chronicity to the reported neglect. In re Michael and Doreen H., January 29, 2010.

Central Registry reversed where there is no evidence that the Appellant intended to harm the youth, there was no serious impact and no evidence of a pattern of abusive behavior.
In re Jennifer C., December 10, 2009.

Central Registry reversed where there was no intent to harm child, spanking was administered for disciplinary reasons, there was no serious adverse impact and the evidence supported a finding that the physical abuse was a one time incident. In re Jami W.,December 23, 2009.

Teaching assistant allowed three children with special needs to remain in the school van unsupervised during school field trip. The result is that two of the children beat up the third child. Placement on the Central Registry is denied as no intent and the incident did not meet severity criteria. In re John C., August 31, 2006.

Foster mother put three year old and seven year old in corner for ten to fifteen minutes and spanked them with their pants down if they did not stand still. Physical neglect was reversed as no evidence that spanking was harsh or excessive. No evidence of physical danger of standing in

corner. Emotional abuse was upheld when seven year old was standing in corner and vomited on herself. Because foster mother did not intend to cause harm, decision to place on Central Registry is reversed. In re Linda B., July 26, 2006.

Although the Appellants have four children who are at risk, the Appellants themselves do not pose a risk to their children. They may have not exercised the best judgment with their children, but they were always compliant with providers and attempted to do the best they could under difficult circumstances. DCF has not established that Appellants met the criteria for the registry. In re Amy and Edmund G., January 27, 2006.

REGISTRY - PATTERN

Appellant placed on the Central Registry due to her significant history of poor mental health and substance abuse which impacted her ability to care for her three children over many years. Despite given an opportunity by the hearing officer, the Appellant did not offer a viable plan for addressing her significant mental, behavioral health and substance abuse problems which contributed to the substantiations and recommendation that she be placed on the Central Registry. In re Tammy P., March 26, 2012

Upheld given that domestic violence was a major contributing factor in the substantiations and the Appellant does not acknowledge that exposing his family to violence has had a negative impact on them. The Appellant has been required to attend a Family Violence Education Program in the past, but he still has not learned to stop exposing children to domestic violence despite the program. Currently, the Appellant is in the custody of the Department of Correction due to continued involvement in the criminal justice system. In re Delon J., January 31, 2012

Recommendation accepted where the Appellant, who has a degree in early childhood development, failed to provide appropriate early childhood services to children in her care despite having experience and education in early childhood development. In addition, the Appellant engaged in a pattern of not providing appropriate day care services to children placed in her care. In re Theresa M., November 30, 2011.

The Appellant poses a risk to children when she intended her actions to evade the police and place her infant child in a sink with scalding water despite knowing or assuming the risks in each incident but disregarding them anyway. There also is a pattern of neglect and the Appellant did not take responsibility for her actions. She minimized the potential injuries to her children. In re Elba L., March 30, 2011.

Physical neglect upheld when Appellant acknowledges daily substance abuse while caring for her children. Appellant was passed out in car with her toddler while the child's father was purchasing illegal drugs. Appellant was unable to provide adequate supervision due to substance use. Registry upheld as Appellant had a pattern of prior substantiations due to drug use. In re Jacquelynn R., February 23, 2011.

Central Registry upheld as Appellant had several substantiations over a period of years, many of which resulted in criminal convictions and Juvenile Court involvement. In re Carol K., December 22, 2010.

Central Registry affirmed where the Appellant intended his actions, and where there is a history of domestic violence, which was a contributing factor in the substantiations and recommendation that he be placed on the Central Registry. In re Angel R.,September 16, 2010.

Central Registry affirmed where the Appellant intended his actions, even after availing himself of resources such as counseling and anger management. There is a history of domestic violence, as well as substance abuse, which were factors in the substantiations. In re David T., September 13, 2010.

Central Registry affirmed where the Appellant intended her actions; seriously disregarded the welfare of her children; and where there is a history of substantiations due to prior suicidal attempts. In addition, substance abuse was a major factor in the Department's recommendation. In re Melissa P., September 1, 2010.

Central Registry upheld when the Appellant continues to engage in incidents of domestic violence even after attending anger management and domestic violence classes, the children were clearly impacted and there was an extensive history of violent behavior. In re Wellington, F., August 24, 2010.

Central Registry affirmed because the Appellants pose a threat to the health, safety and well-being of children. The Appellants' actions were motivated by intent and severity. There was also a pattern of neglect due to the domestic violence. In addition, substance abuse and domestic violence were major contributing factors in the Department's decision to recommend the Appellants for the Central Registry. In re Robert L., Sr. and Karen L., June 4, 2010.

Central Registry upheld against step father who has a history of physical abuse, emotional abuse and on-going substance abuse issues. In Thelma and Kenneth K., June 2, 2010.

Central Registry upheld when Appellant has history of inadequate supervision of young children. In re Kelly and Markus B., March 23, 2010.

Appellant, a convicted sex offender, and his wife live with son and newborn daughter in home that is very messy and cluttered. Home continues to be filthy after several warnings and visits by investigation. Physical neglect upheld. Central Registry placement upheld due to several substantiations for unsafe home in deplorable conditions over several years. In re Albert T., February 11, 2009.

Central Registry affirmed where the Appellant has a long history of engaging in domestic violence requiring anger management and he intentionally slapped crying nine month old baby son, leaving a handprint on the child's face visible ten days afterwards; and seriously disregarded the welfare of daughter by not providing supervision of her around a teenage boy who she disclosed sexually abused her. In re Yuri W., Sr.,February 3, 2009 and November 16, 2009; appeal dismissed December 2010.

Central Registry affirmed where the Appellant intentionally entrusted child into the care of maternal grandmother's husband who drinks daily, has mental health issues, a criminal history, and engages

in domestic violence. Additionally, the Appellant seriously disregarded children by leaving one sixteen month infant alone in a bathtub. In re Shelly R., February 4, 2009.

Family lived in deplorable conditions for several months. The home was not cleaned up. Physical neglect upheld. Registry recommendation upheld due to intent, chronicity and severity. Appellant also on Registry for abuse substantiation that he did not appeal. In re Kevin M., April 7, 2009.

Registry recommendation reversed where Appellant left child in car. Prior incident where Appellant left a fifteen year old in car watching two younger children when she went into Automatic Teller machine but not evidence of pattern of neglect as prior incident not a neglectful act.
In re Helen B., April 23, 2009.

Central Registry upheld where Appellant had knowledge of effects of domestic violence as a result of prior CPS/court involvement, demonstrated serious disregard, had a pattern of neglectful behavior and took no responsibility for his actions. In re John P., July 23, 2009.

Central Registry recommendation upheld where Appellant has chronic history of mental health issues that leads to multiple substantiated allegations of neglect. Although Appellant appeared to be maintaining her mental health at the time of the hearing, her history supports the recommendation. In re Judy W., September 3, 2009.

Central Registry upheld where Appellant has demonstrated a pattern of failing to provide or maintain a safe living environment for children in her care. Appellant demonstrated a pattern of using excessive force while administering physical discipline, resulting in numerous injuries. Appellant was unable to utilize knowledge and resources to protect child in her care from inappropriate caretakers. In re Lu'Kisha A., October 21, 2009.

Central Registry recommendation upheld where Appellant has chronic history of mental health and substance abuse issues that leads to multiple substantiated allegations of neglect, as well as prior neglect adjudications. Although Appellant appears to be maintaining her mental health at the time of the hearing, her history supports the recommendation. In re Tiawana G.,October 10, 2009.

Central Registry recommendation upheld where Appellant had history of substance abuse, conviction for Driving while Intoxicated and declaration that she could not care for her child due to her substance abuse and mental disorders. In re Shannon P., November 24, 2009. Remanded for new hearing March 2010.

Subsequent Department substantiation, several years after the substantiation at issue, is relevant in the determination of on-going risk to children. In re Yuri W.,November 16, 2009
and November 16, 2009; appeal dismissed December 2010.

Central Registry affirmed where the Appellant intended his actions; seriously disregarded his children' welfare; there was a pattern of domestic violence; and the Appellant refused to acknowledge how domestic violence had a negative impact on his children. In re Seth S., December 4, 2009.

Central Registry recommendation is accepted where Appellant father has serious mental health issues, has demonstrated long-standing noncompliance with medication, and his behavior demonstrates a serious disregard for his child's well-being. In re James O.,January 25, 2008.

Central Registry recommendation accepted where Appellant mother engages in two separate acts of physical abuse of her children, and leaves a sleeping toddler in her classroom during a school fire drill. In re Yolanda C., January 9, 2008.

Long history of domestic violence and Appellant's admission that the home was a "living hell" support Central Registry recommendation. In re Frank B., February 19, 2008. Appeal dismissed April 14, 2009.

Central Registry recommendation upheld, even though Appellant has no history with the Department, where there is no evidence that she has rectified the condition (mental health problems) that caused her to decompensate and neglect her children. In re Pamela M., March 17, 2008.

A twenty five year history of abuse and neglect that results in multiple placements of her children supports a Central Registry recommendation even though Appellant has addressed many of her past issues, and did not intend to harm her children at the time. In re Sherry R., March 10, 2008.

Central Registry recommendation accepted where Appellant has long history of narcotic sales, his children witness the sales and a police raid. In addition, Appellant demonstrates long history of serious domestic violence and placing his children at risk of physical and emotional harm. In re Maurice J., Sr.,April 24, 2008.

Central Registry accepted where Appellant engages in a pattern of physical discipline, including biting the child, and leaves numerous bruises on the child. In re Suzanne C. and Robert P., April 23, 2008.

Central Registry recommendation not accepted, despite serious injury to child, where mother's neglect is unintentional and there is no pattern of neglect. In re Abigail O., April 17, 2008.

Central Registry recommendation accepted where Appellant mother has prior abuse substantiation and threatens her daughter with a knife. In re Elzaida D., June 25, 2008.

Central Registry upheld where Appellant father fails to seek treatment for his sexually abused children, and they offend against other children. Hearing Officer notes that children were twice adjudicated neglected based on father's conduct. In re William D.,July 23, 2008.

Six substantiations in six years, plus a neglect adjudication, support the Department's decision to place the Appellant on the Central Registry. Hearing Officer notes that Appellant had many resources provided to her to assist her with her parenting, but she continued to engage in the same neglectful conduct. In re Marjorie B., July 15, 2008.

Although the Department is able to establish severity, chronicity and intent required for Central Registry placement, the Hearing Officer will consider remedial efforts by the Appellant in a decision reversing the Central Registry recommendation. In re Maria V., August 1, 2008.

Placement on the Central Registry upheld where Appellant mother demonstrates pattern of neglect during child's first two years of life: mother unable to maintain stable housing, unable to provide minimum child caring tasks, unable to provide appropriate supervision. Central Registry also upheld where mother has history of unaddressed mental health and substance abuse issues; neglect Petitions filed and child remains in Department's care. In re Jessica L., September 24, 2008.

Placement on the Central Registry is upheld as Appellant mother had a twenty year history of substance abuse and had been involved with the Department for over ten years as a result of unaddressed substance abuse and mental health issues. In re Dawn B., October 23, 2008.

Central Registry reversed where the Appellant leaves her daughter home alone briefly. The child was not adversely impacted, and the Appellant was trying to prevent her boyfriend from driving in an intoxicated state. The Appellant did neglect her daughter, but this was not a pattern of behavior. In re Rachel G., December 12, 2008.

Children deny witnessing any current or recent physical violence. Hearing officer also considered that the Appellant made extra effort to meet the educational and therapeutic needs of her special needs child, seek appropriate services and was enrolled in an educational program in Social Work at the time of the hearing. Central Registry recommendation reversed. In re Elana D., November 21, 2007.

Appellant substantiated for pinching foster child on the shoulder and leaving a large bruise. There were several other allegations in the past of abuse but none were substantiated however, the prior incidents indicated a pattern of unacceptable use of physical force in the foster home. Use of excessive force, unacceptable type of discipline. Physical abuse upheld; registry recommendation upheld. In re Essie V., October 29, 2007 . Appeal dismissed November 2008.

Father makes unwanted sexual advances towards mother. Mother tells father to stop, he does not. Father continues to touch mother in sexual way despite her objections. This occurs repeatedly in front of ten year old daughter. Daughter does not want to visit father, her grades start to fail. Father has raped mother in past but daughter not aware of the rape. Emotional neglect upheld, Registry recommendation upheld. In re Derrick S., October 10, 2007.

Central Registry recommendation is warranted when child is disturbed by Appellant's psychotic episode and the Appellant has a history of erratic behavior due to non-compliance with her recommended medication. In re Latricia Y., September 4, 2007.

Central Registry recommendation upheld when evidence includes the children being removed from mother's care for over a year due to neglect. Although the Appellant has maintained sobriety, she continued to demonstrate a pattern of not being able to protect the children. In re Shannon F., August 6, 2007.

Central Registry recommendation upheld when an Appellant has a long history of placing children at risk due to her substance abuse. Her addiction has led to her incarceration, her children's injuries, a juvenile court adjudication of neglect, loss of the custody of her children, and frequent court-ordered alcohol testing. In re Dina E., August 6, 2007.

Central Registry upheld as Appellant was willing to engage in a standoff with armed police knowing that his children were returning from school. Appellant also has a history of placing his children in dangerous situations. In re Tyrone M., July 25, 2007.

Central Registry upheld when Appellant has a long history of assaultive behaviors in the presence of children; Domestic violence incident although not initiated by the Appellant was not entirely self-defensive. In re Frank L., July 25, 2007.

Emotional neglect upheld as child witnessed incident and prior incidents of domestic violence. Emotional neglect upheld for former girlfriend's daughter whom upon learning of incident was scared for mother's safety. Registry recommendation upheld based on prior sexual abuse substantiation and domestic violence incidents. In re Edgar B., July 25, 2007.

Appellant is appealing Registry decision only. Appellant did not contest substantiation of physical abuse and Physical neglect. Appellant involved in several domestic violence incidents with boyfriend. Child would not go to bed one night, Appellant became frustrated and slapped child in face with excessive force leaving several marks on child's face. Child further disclosed boyfriend hit him in the past. Registry upheld, child hit with excessive force and hit in the past by mother and boyfriend. Finally, Appellant back with boyfriend which poses risk to her son. In re Meghan H., July 25, 2007.

Registry recommendation is supported when an Appellant mother demonstrates a pattern of out control behavior including throwing shoes, screaming, yelling and even terrorizing her children in her attempts to manage them. When they were removed from the home, the children expressed relief. In re Tina and David S., July 11, 2007.

Central Registry recommendation supported when an Appellant demonstrates a pattern of failing to protect his children from his wife's out of control behavior. In re Tina and David S., July 11, 2007.

Appellant hit his girlfriend while she was holding their child in her arms. Appellant then accidentally hit the infant while he was intending to hit the girlfriend again. Pattern of using exceedingly poor judgment in trying to physically hurt his girlfriend when his daughter is in harm's way results in Registry placement. In re Thomas D., June 13, 2007.

Sexual abuse upheld when child makes consistent, credible disclosures and prior reports by this child of physical abuse have been substantiated lending to child's credibility. Placement on Central Registry upheld when Appellant has extensive history with the Department for physical abuse, emotional neglect due to severe domestic violence, as well as current substantiation for sexual abuse. In re Dashan R., May 10, 2007.

Mother flagged down strangers on two occasions to take son to school. She also dropped son off at school and was intoxicated when she picked him up. She was arrested for DUI. Child

adjudicated neglected. The mother appealed the registry. Mother intended to leave son with strangers and drink. The actions were severe and not isolated incidents. Registry recommendation upheld. In re Sarah M., April 24, 2007.

A pattern of domestic violence and intoxication will support a registry recommendation even though there is no evidence of adverse impact to the child, nor any intent to harm the child. In re Kenneth T., April 11, 2007.

Placement on the registry is justified when the Department establishes that the Appellant knew, or should have known that his actions could result in serious injury, and that the Appellant had engaged in similar conduct in the past. In re Gregory H., September 18, 2006.

Foster Parents' serious neglect of two special needs foster children, and their failure to utilize services for the children, supports emotional and physical neglect substantiations, as well as placement on the central registry. In re Milagros and Victor B., June 26, 2006.

Appellant had sufficient resources and knowledge to prevent her grandson from abusing a child in the Appellant's care. In addition, the Appellant had physically disciplined other children in her care. Recommendation for placement on the registry is upheld. In re Lorene D., March 22, 2006.

REGISTRY - PHYSICAL ABUSE

Central Registry affirmed where the Appellant knew or should have known that a screwdriver used as a weapon would inflict injury on a fourteen year old child; where stabbing a child with a screwdriver was an unreasonable response to the child's behavior; where there were previous substantiations dating back to 2000 (which shows a pattern or chronic nature to the neglect regardless of measurable impact to the child-victim). The Appellant has a history of exposing children to family violence. In re Shelly V., January 8, 2009.

Central Registry upheld where the Appellant failed to utilize available resources and intended to cause physical injuries. Also, there was a serious disregard for the child's welfare and safety where child was fearful, and the evidence established that the Appellant used an unreasonable amount of force to hit the child, causing bruises to his face, neck and torso. In re Ivan S., Sr., January 27, 2009.

Central Registry recommendation upheld despite Appellants vast history of excellent community service and prior work with children. Appellant's conduct resulted in disruption of placement and neglect adjudication, both of which are evidence of serious adverse impact to the child. In re Honda S., May 15, 2009.

Central Registry upheld where Appellant slapped and kicked his twelve year old son and twisted his arm on three separate occasions causing significant injuries. History of physical discipline in the past. Unreasonable force used. Excessive force used and chronicity established. In re Joshua W.,July 8, 2009.

Central Registry upheld. History of prior discipline against Appellant due to boundary issues and inappropriate conduct with clients was sufficient to support registry recommendation in physical

abuse case. Use of excessive force in response to child's misbehavior is unreasonable and supports recommendation for placement on registry. In re Brian A., August 6, 2009.

Central Registry upheld where child care worker has the resources and knowledge to understand the implications of failing to provide appropriate care, has training on how to react to dangerous situations and uses excessive force causing significant injury to the youth. In re Tyrohn B., September 28, 2009.

Central Registry recommendation upheld in 1991 case after Appellant father slaps his infant son, leaving a mark that is visible several days later. The risk of injury to an infant from a blow to the head is a serious disregard for the child's welfare. Moreover, the Appellant had a history of domestic violence preceding the incident, and an additional neglect substantiation subsequent to the 1991 case. In re Yuri W.,November 16, 2009 dismissed December 2010.

Central Registry is reversed where there was no intent to harm child, spanking was administered for disciplinary reasons, there was no serious adverse impact and the evidence supported a finding that the physical abuse was a one time incident. In re Jami W., December 23, 2009. Appeal dismissed as untimely, June 22, 2010.

Central Registry recommendation is appropriate where the incident of abuse is severe, the child has serious injuries, and it is not an isolated incident. In addition, the Hearing Officer notes that the Appellant believed she did nothing wrong. In re Darlene K., March 12, 2008.

Central Registry accepted where Appellant engages in a pattern of physical discipline, including biting the child, and leaves numerous bruises on the child. In re Suzanne C. and Robert P., April 23, 2008.

Central Registry recommendation due to old allegation of physical abuse reversed where Appellant is able to demonstrate beneficial participation in rehabilitative services, and the Department has since allowed her to adopt a child. In re Lillie P., September 17, 2008.

Physical abuse and Central Registry upheld after residential facility counselor punched a resident youth in the eye during a restraint. Youth sustained swelling and bruising and had significant blood in whites of the eye. Examining nurse found injury consistent with punch in eye socket and not accidental as alleged by Appellant during a restraint. In re Errol M.,December 12, 2008.

Mother's boyfriend physically assaults child's mother in presence of child, chases both mother and child as they flee to neighbor's home and forcibly enters the home and pries child's hands off mother in order to drag mother outside. Child is frightened, tries to intervene and reports that boyfriend is mean and fights with mother all the time. Physical neglect and emotional neglect upheld. Boyfriend is placed on the Central Registry due to severity of the incident and reports of on-going domestic violence in the home. In re Matthew B., November 6, 2006.

Child suffered a serious injury, resulting in eleven stitches in his arm when mother's boyfriend physically intervened in a verbal argument between two siblings. Central Registry placement upheld as there was documented past history of physical abuse by the boyfriend as well as

physical and emotional neglect substantiations due to domestic violence. Physical abuse upheld. In re John D., October 26, 2006.

Mother hit fifteen year old with a broom and wrestled her to the ground due to the fact that the child refused to stay home and was verbally disrespectful. *Lovan C.* factors were applied. The substantiation was upheld as the punishment was not reasonable in manner or moderate in degree. Placement on the Registry was upheld as the child was taken to the hospital, this was not an isolated incident and mother used excessive force. In re Lauren V., July 26, 2006.

REGISTRY - PRIOR ADJUDICATION

Central Registry recommendation reversed even though there was an adjudication of neglect two years prior. The Hearing Officer considered the request for hearing as a motion for reconsideration due to changed circumstances, and found that the Appellant had made considerable changes to his lifestyle, and that his children were thriving under his care. In re Jose D., October 31, 2011.

Central Registry upheld as the Appellant's children were adjudicated neglected and the Appellant's behavior demonstrated a serious disregard for the children's safety, resulting in addition trauma. In re Timira S., May 31, 2011.

Central Registry reversed when it is determined that mother's parental rights were terminated when she voluntarily agreed to the termination and the rights were not terminated as a result of a finding of abuse or neglect. Mother made a best interest determination for her child. In re Heather G., June 25, 2010.

Placement on the Central Registry was upheld when children had been adjudicated neglected and were in Department care for more than four years. Registry upheld due to severity and chronicity of substance abuse problem and fact that children were adjudicated neglected. In re Karen S., August 7, 2007.

Central Registry upheld as the Appellant's children were adjudicated neglected and the Appellant's on-going actions demonstrated that she poses a risk to the safety of children. In re Shannon F., August 6, 2007.

Placement on the Central Registry was upheld when children had been adjudicated neglected and were in Department care for more than four years. Registry upheld due to severity and chronicity of substance abuse problem. Substantiation part of hearing dismissed as adjudications were made on basis of facts referenced in Protocol. In re Denise D., July 2, 2007.

Placement on the Central Registry upheld when children are adjudicated neglected and the facts alleged are the same as in Investigation Protocol. In re Tatiene S., July 2, 2007.

Recommendation for Placement on Central Registry upheld when mother had extensive history with the Department regarding issues of neglect and consistently failed to follow through with recommendations regarding necessary services. Children adversely impacted as demonstrated by behavioral and developmental difficulties. Underlying substantiation was not subject to review due to Juvenile Court adjudications. In re Dione Z., January 11, 2007.

REGISTRY - SEVERITY

Central Registry upheld due to the severity of the incident. A two year old child is completely dependent on his caretakers and was at significant risk of harm when left unattended at McDonald's. In re Annie F., January 17, 2012 and In re Lorene M., January 17, 2012

Registry placement upheld due to the severe nature of the injury and Appellant should have been able to take precautions to prevent the incident from occurring. In re Sherie G., January 12, 2012

Appellant's history of poor maintenance of her behavioral health resulted in her hitting her young child with a guitar, causing a serious bruise to his face and leaving him outside on a cold fall day, without shoes or a coat. The Appellant's actions demonstrated how she posed a risk to the health, safety or well-being of children. The Department's recommendation to place the Appellant on the Central Registry is affirmed. In re Pamela R., September 19, 2011.

Even though the Appellants actions resulted in an automatic placement on the Central Registry, the Department demonstrated the factors of intent, severity and chronicity. As child care providers, the Appellants should have known that their conduct was inappropriate. Their actions resulted in the serious disregard for the child's physical and emotional well-being as shown by her fears as well as her physical reaction such as blotchy skin. As to chronicity, other students complained about the Appellants' methods of discipline. They also described the Appellants as being "military," "mean", and "trouble." The Appellants are not suitable child care providers and demonstrated a risk to the health, safety and well-being of children. In re Claudette S. & Walter S.,August 18, 2011.

Central Registry upheld as a very young child sustained numerous bruises over a period of several months and Appellant could neither account for the cause of the bruising nor demonstrate an ability to protect the child. In addition, Appellant was already on the Registry for unexplained death of another child. In re Suzanne L.., July 6, 2011.

Central Registry upheld due to the severity of the injuries sustained by the infant.
In Timothy C., June 8, 2010.

Placement on the Central Registry was upheld when children had been adjudicated neglected and were in Department care for more than four years. Registry upheld due to severity and chronicity of substance abuse problem and fact that children were adjudicated neglected. In re Karen S., August 7, 2007.

Central Registry upheld as the Appellant's children were adjudicated neglected and the Appellant's on-going actions demonstrated that she poses a risk to the safety of children.
In re Shannon F., August 6, 2007.

Placement on the Central Registry was upheld when children had been adjudicated neglected and were in Department care for more than four years. Registry upheld due to severity and chronicity of substance abuse problem. Substantiation part of hearing dismissed as adjudications were made on basis of facts referenced in Protocol. In re Denise D., July 2, 2007.

Placement on the Central Registry upheld when children are adjudicated neglected and the facts alleged are the same as in Investigation Protocol. In re Tatiene S., July 2, 2007.

Recommendation for Placement on Central Registry upheld when mother had extensive history with the Department regarding issues of neglect and consistently failed to follow through with recommendations regarding necessary services. Children adversely impacted as demonstrated by behavioral and developmental difficulties. Underlying substantiation was not subject to review due to Juvenile Court adjudications. In re Dione Z., January 11, 2007.

REGISTRY - SEXUAL ABUSE

Central Registry upheld as sexual abuse substantiation was upheld and the Appellant poses a risk to children. In re Efrain M., September 26, 2011.

Central Registry upheld as Appellant was a child care worker and was substantiated for sexual abuse. In re Jose P., January 11, 2011

Central Registry upheld as sexual abuse was upheld and criminal charges are still pending.
In re Vanroth C., December 7, 2010.

Central Registry recommendation is upheld given that the Appellant's now adult stepdaughter also made similar disclosures about the Appellant at approximately the same age as her younger stepsister. The Appellant poses a risk to the health, safety and well-being of children. In re Ernesto B., December 6, 2010.

Sexual abuse/exploitation and Central Registry upheld due to father having intentional non-accidental sexual contact with his daughter. He masturbated over her as he watched her in bed and asked that she touch his penis and masturbate him. The child's older half sister also disclosed that the Appellant "did something" to her when she was approximately the same age and, consequently, their mother had kicked the Appellant out of the house. The Appellant poses a risk to the health, safety and well-being of children and is placed on the Central Registry.
In re Ernesto B.,November 30, 2010.

Central Registry upheld as sexual abuse was upheld and evaluations indicate that Appellant should not be in position of authority over minors. In re Michael I.,November 3, 2010.

Emotional abuse upheld when Appellant subjected child to statements and actions which had an adverse emotional impact. Appellant made child take sides in custody battle and told child he would never see her again, swore at him and was verbally abusive. Child reported difficulty sleeping and stomach aches as result of Appellant's behavior. In re Stephanie M.,November 3, 2010.

Appellant placed on the Central Registry when he formed the intent to sexually abuse the child and it resulted in a serious disregard for the child's safety and well-being. The child disclosed she did not trust anyone anymore after the incident. In re Paul S., July 21, 2010.

Sexual abuse upheld where the Appellant engaged in vaginal intercourse with his five year old cousin after promising her he would give her a pony if she complied with his sexual demands and instructed her not to tell anyone their "secret." The Appellant's actions were intentional and he seriously disregarded his young cousin's wellbeing, resulting in his placement on the Central Registry. In re Joseph L.,February 19, 2010.

Sexual abuse, physical abuse and physical neglect upheld where the Appellant engaged in sexual acts with his daughter and girlfriend's daughter over a period of years. The Appellant lived with the children and was in a supervisory position over them. The girls disclosed he repeatedly engaged in oral sex and other sex acts with them. He also took nude pictures of the girls, some of which were discovered by the police upon execution of a search warrant of his residence. Physical abuse upheld because the Appellant attempted to penetrate one of the young girls vaginally, causing her to cry out in pain. He also forced her to perform oral sex on him, ejaculating in her mouth, causing her to gag and spit it out. In re Frank H.,January 29, 2010.

Sexual abuse upheld where the Appellant exposed himself to his stepdaughter on three separate occasions. He told her "it was their secret." The Appellant intended his actions; they had a serious disregard for the child's welfare, and the exposure was chronic in nature. The Department's recommendation to place the Appellant on the Central Registry was affirmed. In re Edward B., January 14, 2010.

Central Registry is upheld as due to the intentionally nature of sexual abuse, the severe impact of sexual abuse and the fact that Appellant had abused the child previously. In re Philip M., January 12, 2010.

Sexual abuse upheld, Central Registry recommendation upheld where nine year old girl reports that mother's friend who acts as intermediary between divorcing parents put his hands down her pants and moved his fingers around while she was sitting on his lap. Forensic interview conducted and child consistent in disclosures. Under Merriam analysis, child found to be credible. No motive to fabricate and no history of lying. In re Michael M., April 22, 2009.

Central Registry upheld in sexual abuse case. Considering all of the facts and factors in this case not withstanding the automatic placement on the Central Registry, it is found that the Appellant poses a risk to children. The Appellant had the understanding of the implications of his actions. S. indicated that he abused her on numerous occasions, seriously disregarding her emotional well being. In re Matthew K., November 20, 2009.

Central Registry recommendation is appropriate where the incident of abuse is severe, the child has serious injuries, and it is not an isolated incident. In addition, the Hearing Officer notes that the Appellant believed she did nothing wrong. In re Darlene K., March 12, 2008.

Central Registry accepted where Appellant engages in a pattern of physical discipline, including biting the child, and leaves numerous bruises on the child. In re Suzanne C. and Robert P., April 23, 2008.

Central Registry recommendation due to old allegation of physical abuse reversed where Appellant is able to demonstrate beneficial participation in rehabilitative services, and the Department has since allowed her to adopt a child. In re Lillie P., September 17, 2008.

Physical abuse and Central Registry upheld after residential facility counselor punched a resident youth in the eye during a restraint. Youth sustained swelling and bruising and had significant blood in whites of the eye. Examining nurse found injury consistent with punch in eye socket and not accidental as alleged by Appellant during a restraint. In re Errol M., December 12, 2008.

Appellant is a person responsible for the child's care when he is a clinician at a residential treatment facility during the relevant time period and admits to counseling child but was never assigned as her clinician. Although child has a history of lying, her claims of sexual abuse are credible when strong corroborating evidence exists to support the allegations. Physical and emotional neglect upheld when the Appellant's sexual relationship with the child causes her to lose her placement, prevent her from receiving supporting services and treatment and puts her at risk for physical and emotional consequences. Registry upheld. In re Maximo D., November 26, 2007;appeal dismissed.

Per policy, the Registry recommendation is automatic when there is a sexual abuse substantiation. There was also clear evidence of intent, pattern and severity in this case. The Hearing Officer also noted that since the Appellant did not undergo any evaluation and vehemently denied the allegations, his risk of re-offending was at least moderate. In re Jason D., November 23, 2007; appeal dismissed July 15, 2009.

Allegations of sexual abuse, in conjunction with past history of sexual contact with minors, supports a Registry recommendation. In re Franklin R., October 31, 2007; appeal dismissed.

Appellant admitted to fondling daughter in the breast and vaginal area about ten times over period of two years. He also showered with his daughter on one occasion allowing her to see his body parts. Incidents happened approximately six years ago. Appellant knew what he did was wrong and admitted it to his daughter, pastor and wife. Actions meet definition of sexual abuse. Sexual abuse upheld, Registry recommendation upheld. In re Jason M., August 7, 2007.

Central Registry recommendation will be confirmed in cases of sexual abuse of minor by an adult, especially when the child's disclosures are consistent and there is existing corroborating evidence. In re Jose L., August 1, 2007.

Appellant's substantiation appeal is dismissed when there is sufficient evidence that the child's allegations that he sexually abused her are the basis for the termination of parental rights. Hearing is for the Central Registry only. Burden of proof that father sexually abused daughter was met and registry recommendation was upheld. In addition, the hearing office observes that the Appellant consented to the termination of parental rights. In re Antono T., July 31, 2007.

Seventeen year old male foster child discloses several incidents of consensual sexual activity between him and foster parent. Foster child found to be credible based on details of incidents, conversations and circumstantial evidence (suggestive photos sent to foster child by foster parent). Sexual abuse upheld, Registry recommendation upheld. In re William J., July 26, 2007.

An allegation of sexual abuse by a parent is sufficient to support a registry recommendation. Hearing officer also considered evidence that the Appellant had demonstrated very poor boundaries and judgment in upholding the Department's registry recommendation. In re Tyrone M., May 3, 2007.

Central Registry recommendation will be confirmed in cases of sexual abuse of minor by an adult, especially where there is evidence of prior inappropriate contact with different minors. In re Stuart W., April 23, 2007.

Father was intoxicated and lifted up his daughter's skirt and rubbed her buttocks. He also kissed her on the mouth and put his tongue in her mouth. The child was crying and scared. He also rubbed his son's inner thighs under his pants. Sexual abuse was upheld. Central Registry upheld. Therapist stated that children do not feel safe to be left alone with him. In re Joseph K., August 25, 2006.

Sexual abuse occurred on more than one occasion and the Appellant was over age sixteen at the time of the abuse. The abuse occurred over a two year period and resulted in severe trauma to the Appellant's daughter. A person who engages in sexual conduct with such a young child poses a risk to other children. Recommendation for placement on the registry upheld. In re Robert M., April 3, 2006.

A substantiation for sexual abuse merits placement on the registry, especially because Appellant was an entrusted caretaker. Appellant was employed as a teacher in the high school where the high school student was enrolled. Appellant has a great amount of access to potential victims and has a history of inappropriate contact with students. Recommendation for placement on the Registry is upheld. In re Joseph A., March 17, 2006; appeal dismissed.

According to the record, sexual abuse occurred on more than one occasion; the victim was young at the time of the abuse and the Appellant is currently not able to maintain appropriate boundaries, as was demonstrated by his decision to answer his door in his underwear. Recommendation for placement on the Central Registry upheld. In re Richard W., March 9, 2006.

REGISTRY - SEXUAL OFFENDER

Physical neglect, physical abuse and emotional neglect upheld where the Appellant allowed her boyfriend to move into her family's home, knowing he was a convicted child sex offender. The boyfriend sexually abused both her fraternal twins who now suffer from PTSD as a result, and exhibit acting out and emotional behaviors requiring hospitalizations, medication, and therapy. One of the twins continues to engage in inappropriate sexual behavior with his twin sister and the Appellant is unwilling or unable to protect the girl, requiring the child to be placed with maternal grandmother. The Appellant poses a risk to the health, safety and well-being of children due to intent, severity, chronicity and her failure to take the necessary steps to protect her children. In re Brenda D., March 16, 2010.

DCF Central Registry is not the Department of Public Safety Sex Offender Registry, and a court decision that the Appellant need not register with the sex offender registry is not controlling over

the Department's decision to place a person responsible for child sexual abuse on the Department's Central Registry. In re Stuart W., April 23, 2007.

REGISTRY - SUBSTANCE ABUSE

Appellant placed on the Central Registry due to her significant history of poor mental health and substance abuse which impacted her ability to care for her three children over many years. Despite given an opportunity by the hearing officer, the Appellant did not offer a viable plan for addressing her significant mental, behavioral health and substance abuse problems which contributed to the substantiations and recommendation that she be placed on the Central Registry. In re Tammy P., March 26, 2012

Central Registry reversed as incidents occurred five to six years prior and substantiations were in large part due to substance abuse issues. Appellant has participated in treatment programs, has taken responsibility for her actions and has a plan to prevent future incidents.
In re Emma R., October 14, 2011.

Central Registry upheld as the Appellant does not have a lengthy sober period and does not have a plan in place to prevent recurrence of incidents. In re Rosanne F., August 19, 2011.

Central Registry recommendation for Appellant's past substance abuse reversed. Appellant's substance abuse did adversely impact his daughters, however, he has engaged in treatment, and now enjoys a productive relationship with his children and ex-wife. In re Michael F., August 2, 2011.

Central Registry reversed when Appellant takes responsibility for his actions, seeks and participates in treatment with demonstrated success. In re Felix V., June 30, 2011

The Appellant has an extensive history of substance abuse (alcoholism) and family violence that has resulted in her not being able to appropriately care for her daughters. In addition, the Department has also investigated the Appellant on three separate occasions. Two of the investigations have demonstrated the Appellant is neglectful. In re Shenee L., June 10, 2011.

The Department demonstrated intent, severity, chronicity and substance abuse as contributing factors. The Appellant, incarcerated, offered no viable plan to address his on-going substance abuse and criminal history. The Appellant has engaged in the illegal sale of narcotics for many years. In re Jucoby P., April 7, 2011

Physical neglect upheld when Appellant acknowledges daily substance abuse while caring for her children. Appellant was passed out in car with her toddler while the child's father was purchasing illegal drugs. Appellant was unable to provide adequate supervision due to substance use.
Registry upheld as Appellant had a pattern of prior substantiations due to drug use.
In re Jacquelynn R., February 23, 2011.

Central Registry reversed where the Department did not show that the Appellant posed a risk to the health, safety or well-being of children. The Appellant received treatment, has been free of

substance abuse and has no additional involvement with the Department five years since the investigation. In re Kelly F., December 10, 2010.

Central Registry not affirmed where the Appellant took immediate steps to enter into a substance abuse program where she successfully completed treatment; regularly attends AA; and regularly goes to a women's support group. The Appellant has addressed the contributing factors for the substantiation and does not pose a risk to children at this time. In re Jennifer B., October 29, 2010.

Central Registry affirmed where the Appellant engaged in a pattern of physical abuse and domestic violence as well as substance abuse; they were contributing factors in the Department's substantiations although the Appellant refused to acknowledge these factors and provide a viable plan to address them. In re Hassan L.,October 7, 2010.

Central Registry affirmed where the Appellant had access to resources to go into drug treatment, but failed to utilized available programs; she intentionally engaged in illegal activity in her children's presence despite the impact to them; and where substance abuse was a contributing factor in the Department's substantiations of the Appellant from prior years. In re Domingo M. and Blanca M., September 10, 2010.

Central Registry upheld where the Appellant knew the consequences of driving while impaired; she manifested the intent to drive while impaired; chronicity was established where the evidence showed the Appellant drove on prior occasions impaired and got into accidents and where one of her sons was afraid to get into to the car with her because of her condition, so he hid the keys.
In re Kerry M., August 13, 2010.

Central Registry upheld where the Appellant had the intent to serve as an accessory to her son's theft and where the impact to him was severe; the Appellant also has a criminal history. In addition, the Appellant adamantly denies she has a substance abuse problem despite receiving drug treatment in the past. She is unable to provide a viable plan or make necessary changes without acknowledging her substance abuse problem. In re Helen S., May 11, 2010.

Central Registry reversed where the Appellant, a recovering alcoholic, relapsed and neglected children for a period of time before regaining sobriety. During relapse, the Appellant utilized available resources, attended Alcohol Anonymous and engaged in treatment. Her behavior did not adversely impact children, and she has taken responsibility for her actions and has been successful in currently maintaining sobriety. In re Norma D.,January 27, 2009.

Central Registry upheld where the Appellant, who regularly drinks, failed to utilize available resources, despite a history with the Department, including the offer of services; the chronic nature of the Appellant's actions, which include daughter and granddaughter; and the failure of the Appellant to acknowledge that her actions have had an adverse negative impact on children. The Appellant failed to develop a viable plan to address how her behavior is a contributing factor.
In re Ernestine (F.) G., January 30, 2009.

Central Registry recommendation upheld where the Appellant's substance abuse was a major factor in the Department's substantiation and where the Appellant failed to acknowledge that his substance abuse adversely impacted the child. In re Pablo O., March 23, 2009.

Central Registry reversed where Appellant abused drugs during two pregnancies in 1988 and 1990 and continued using drugs after the children were born. Appellant then became sober for several years, had a relapse but has been drug free since 2007. Appellant took responsibility for actions and has remained clean for three years since relapse. In re Mary J., July 1, 2009.

Central Registry reversed where Appellant is stopped and arrested for Driving under the Influence with her two children in the car. She failed field sobriety test and her urine samples indicated she was legally intoxicated. Appellant enrolled in inpatient program and started attending Alanon meetings. There was no chronicity and Appellant took responsibility for her actions and sought treatment. In re Veronica D., July 1, 2009.

Central Registry reversed when Appellant demonstrates she took responsibility for her substance abuse issues, received treatment and engaged in numerous parenting services. In re Mary P., August 25, 2009.

Central Registry recommendation upheld where Appellant had a history of substance abuse, conviction for Driving While Intoxicated and declaration that she could not care for her child due to her substance abuse and mental disorders. In re Shannon P., November 24, 2009. remanded for new hearing March 2010.

Central Registry recommendation reversed where Appellant is able to demonstrate that physical neglect due to domestic violence and substance abuse was an isolated incident, and the Appellant has since engaged in, and been compliant with, treatment for his issues. In re Jacob R., April 23, 2008.

Long history of substance abuse and child neglect resulting in Termination of Parental Rights supports Central Registry recommendation, even though the Appellant has not had involvement with the Department in four years. Hearing Officer relies on evidence that the Appellant has current criminal charges that involve violence. In re Jacqueline J., May 12, 2008.

Long history of substance abuse, coupled with neglect adjudications and Termination of Parental Rights supports Central Registry recommendation. In re Melanie G., June 20, 2008; appeal dismissed as untimely October 31, 2008.

Appellant abused cocaine several times during her pregnancy after an ultrasound revealed the fetus had several abnormalities. Appellant did not contest substantiation of physical neglect, but appealed Central Registry recommendation. Central Registry recommendation upheld; Appellant's actions were severe, demonstrated serious disregard, and use of cocaine during pregnancy supported chronicity. In re Laura S., August 29, 2008.

Central Registry upheld where Appellant engages in substance abuse and domestic violence in her child's presence, and the child is adjudicated neglected as a result of Appellant's conduct.
In re Karen M., August 25, 2008.

Three teenage foster children all report Appellant foster mother knows and allows them to drink alcohol in the home. Appellant admitted to investigator that she allowed the children to drink

alcohol on special occasions. Physical neglect and Central Registry upheld; Appellant demonstrated serious disregard and allowed this to happen on more than one occasion. In re Wendy C., September 16, 2008.

Central Registry upheld where Appellant father has long history of substance abuse, including nine inpatient detoxifications between 1998 and 2008. Hearing Officer finds that father poses a risk to children based on his chronic substance abuse. In re Michael G., October 10, 2008.

Placement on the Central Registry is upheld as Appellant mother had a twenty year history of substance abuse and had been involved with the Department for over ten years as a result of unaddressed substance abuse and mental health issues. In re Dawn B., October 23, 2008.

Central Registry placement is appropriate when mother's substance abuse results in child's placement in care. Prior to placement, the child often was left alone for long periods, and did not have meals. Substance abuse was chronic, and the impact to the child was serious. In re Cari M., October 12, 2007.

Appellant intoxicated, fought with wife, went into basement and started a fire. Fire got out of control and damaged the house. The child was in the home at the time of the fire. Appellant arrested and convicted of Reckless Burning. Appellant appealed registry recommendation. Intent present, Appellant demonstrated serious disregard, and history of substance abuse. Registry recommendation upheld. In re Mark J., September 24, 2007.

Central Registry upheld as child was exhibiting extremely dangerous behavior and Appellants failed to work with service providers or to take any steps to address child's mental health and substance abuse needs leading to rapid deterioration in child's condition. In re Joyce and Anthony D., September 19, 2007.

Placement on the Central Registry was upheld when children had been adjudicated neglected and were in Department care for more than four years. Registry upheld due to severity and chronicity of substance abuse problem and fact that children were adjudicated neglected. In re Karen S., August 7, 2007.

Central Registry recommendation upheld when an Appellant has a long history of placing children at risk due to her substance abuse. Her addiction has led to her incarceration, her children's injuries, a juvenile court adjudication of neglect, loss of the custody of her children, and frequent court-ordered alcohol testing. In re Dina E., August 6, 2007.

Placement on the Central Registry was upheld when children had been adjudicated neglected and were in Department care for more than four years. Registry upheld due to severity and chronicity of substance abuse problem. Substantiation part of hearing dismissed as adjudications were made on basis of facts referenced in Protocol. In re Denise D., July 2, 2007.

Central Registry placement is appropriate when the Appellant admits to a long history of substance abuse that has resulted in numerous assault convictions and incidents of domestic violence in the presence of his child. In re Terrance H., June 13, 2007.

Central Registry recommendation reversed when there is no intent and no impact to the children. Appellant also made on-going attempts to address substance abuse issues. Substance abuse was a factor in the substantiation, but the Appellant took responsibility for her action and participated in recommended treatment services. In re Monalisa B., May 18, 2007.

Central Registry recommendation upheld when the Appellant fails to adequately address her ongoing substance abuse and mental health issues, placing her children at serious risk of injury and establishing a pattern of neglect. In re Timea K. H., April 11, 2007.

Placement of Appellant on Central Registry upheld when father pled guilty to Risk of Injury charges as well as Cruelty to Persons charges. Father secluded three-year-old in bedroom for period of several days. Child had suffered a broken arm which did not receive medical treatment. Father too intoxicated to care for two older sons. In re Jeremy L., February 15, 2007.

Mother had history of substance abuse and mental health problems that led to the removal of her children and neglect adjudication. Mother was also incarcerated for possession and sale of narcotics. The severity, chronicity, and impact to the child proves that she poses a risk to the health, welfare and safety of children. Registry placement upheld. In re Katrina W., August 16, 2006.

Paternal Grandmother testified that she had to remove the children from the home on a weekly basis due to fighting between father and his girlfriend. Child was also exposed to substance abuse in the home. Substantiation for physical neglect upheld. Father was also placed on Central Registry due to pattern of his actions. In re Francis R., August 2, 2006.

REGULATIONS

Appellant claimed that the Department's lack of regulatory procedures regarding the conduct of substantiation hearings denied him procedural due process and that use of the Department policy in lieu of regulations exercises authority that has not been specifically delegated to it by the legislature. Appellant's motion to vacate decision on this basis denied as Appellant has been afforded a full and fair opportunity to be heard, has not demonstrated how he has been prejudiced or what due process requirements have not been met. In re John I., October 14, 2004.

REMAND

On remand from the superior court, Hearing Officer reversed finding of physical neglect and physical abuse in restraint case based on additional evidence not available to the Appellant and the Hearing Officer at the time of the initial hearing. Evidence included police report and corroborated testimony from an eye witness. In re John I., February 15, 2006.

REMOVAL HEARINGS

It was not established that the scratches on the child's face were the result of physical discipline. The use of physical discipline by a foster parent is not per se neglect. The use of foster care regulations by DCF to protect the child was appropriate and in this case sufficient. Physical neglect reversed. In re Phyllis W., July 5, 2007.

Appellant is the licensed foster care provider for five year old. Child reported to his daycare provider that Appellant had hit in the face with a belt causing a scratch to his forehead and a red mark under his eye. He also had some older bruising on his chest. The other children confirmed the use of physical discipline with a belt, in the living room, and a switch. Two DCF workers observed fresh linear marks on his stomach. Appellant denied the use of physical discipline, or any knowledge of how child obtained the marks on August 7, 2001. The Hearing Officer found that Appellant was not credible. None of the children had a motive to lie. The DCF workers did not have a motive to lie. Physical abuse upheld. Emotional neglect upheld as to both. Combined Substantiation and Removal Hearing. In re Cassandra and Terry W., October 31, 2002.

RESIDENTIAL PLACEMENTS

Physical neglect reversed against detention officer who places youth in a room with another youth who beat him up. Although there is a known pattern in the facility of using youth to enforce the rules upon other youth, there is insufficient evidence in this case to establish that the Appellant intended for the youth to be injured, or that he seriously disregarded the youth's physical well being. In re Roderick M., August 4, 2011.

Physical neglect reversed against residential staff when there is not sufficient evidence to demonstrate that he failed to perform required bed checks. Two girls set items on fire, but it appears that they may have been hiding from the staff member during the room checks.
In re Assan B., June 9, 2011.

Physical neglect upheld when Appellant allows youth to be assaulted by another resident. The record supports a finding that the Appellant did not take appropriate steps to stop the fight between the residents. In re Zulema W.,December 20, 2010.

Moral neglect upheld when Appellant encourages one child in a group home environment to physically assault another resident. Several residents overheard the Appellant tell the resident she would give him a pair of sneakers if he beat up the other resident. Later that evening the Appellant gave the resident a pair of shoes. In re Zulema W.,December 20, 2010.

Physical neglect was reversed when the supervisor told the worker not to allow a high school student to be in the bathroom with another student but did not tell the worker that there was a history of inappropriate sexual activity associated with the student. In re Kristrina L., October 12, 2010.

Physical neglect upheld when child care staff escalates altercation with resident. Resident was losing control and using inappropriate language, but staff escalated situation by putting hand in youth's face and pushing him backward. Youth then became physically violent and needed to be restrained. In re Brando V., September 7, 2010.

Emotional neglect reversed when the evidence does not support a finding that Appellant threatened to shoot resident with a gun. Resident's version of the story was not credible and was not corroborated by witnesses. In re Edward D., September 23, 2010.

Group home staff member yells at twelve year old female resident, follows her into her room and attempts to choke her. Physical abuse reversed under Rucci, redness disappears; Physical neglect and emotional neglect upheld. While no physical impact, conduct demonstrated serious disregard. Adverse emotional impact proven, resident was scared and afraid of staff member. Registry recommendation upheld due to seriousness of incident. In re Marco M., February 13, 2007; appeal dismissed.

By providing resident with cigarettes in exchange for her flashing and kissing him, employee of the residential facility used the resident for sexual purposes. Substantiation of sexual exploitation upheld. In re Leonard W., June 1, 2005.

Although it is inappropriate for child-care worker to kick a child, Physical neglect charge reversed. There is no evidence of impact, and the incident was not egregious, in that the Appellant was reacting to having just been attacked by the alleged victim. In re Tasha G., November 10, 2004.

Childcare worker escorted and placed resident in a chair. Injuries later found on resident but could not be determined to be caused by childcare worker. Physical abuse reversed. Since the Department did not prove Appellant caused injuries to resident, Physical neglect substantiation based on same set of facts reversed. Also, there is no higher standard of neglect due to conditions injurious or erratic and impaired behavior based solely on the use of physical discipline. In re John I., October 14, 2004.

Childcare worker scratched child with her keys. Appellant's pregnancy and effort to protect herself does not mitigate finding of abuse. Physical abuse upheld. In re LaTasha C., September 9, 2004.

Childcare worker neglects resident when she fails to monitor the boys and the boys pummel the resident. Appellant knew several boys were angry with boy and said they would beat him when worker left the scene. In re Michele C., August 6, 2004.

Appellant, child care worker, allowed three girls to remain in a room together for approximately thirty minutes rather than force them to go to their own rooms. Upon returning to the room, worker found one girl sleeping and the other two were engaging or about to engage in sexual conduct. Facility policy does not allow residents to be in another resident's room. Hearing officer noted that the standard for Physical neglect for paid staff is the same as for parents, and there is no evidence that the staff member had reason to suspect the girls would engage in sexual behavior together. Not following facility policy is employment issue. Reversed. In re Kimberly G., July 23, 2004.

Child care worker called fifteen year old gay shelter resident "faggot" but that does not meet any of the Department's definitions of Physical neglect. This is an employment issue. Reversed.
In re Phillip B., July 2, 2004.

Department must establish a perpetrator when substantiating neglect. The Department's inability to prove which of two possible Appellants is the person who failed to perform proper bed checks is fatal to a decision to substantiate both for neglect. In re Derek L. and Jack C., June 29, 2004.

Failure to follow residential protocol for handing off one-to-one supervision responsibility is not neglect when there is no impact, and the Appellant's behavior does not demonstrate serious disregard for the child's well-being. In re Lillian H., June 16, 2004.

Child care worker did not inadequately supervise children when she allowed them to go to the bathroom in pairs, and the children ran and purchased cigarettes and alcohol. In re Grace Y., April 19, 2004.

Neglect by residential staff reversed when the staff member was not aware that he had been given one-to-one duty over a youth who eventually engaged in sexual activity with another resident while out of staff sight. Hearing Officer finds that this situation was a work performance issue, and in fact the facility had recognized a problem with its staffing sheets and had revised them prior to the hearing. In re Keith M., March 29, 2004.

A "hazing ritual" which involves a residential staff member running after children and beating them with a belt, even after they tell her to stop is evidence of erratic and impaired behavior, and will support physical abuse and physical neglect finding. In re Vandora B .,February 3, 2004.

Physical neglect reversed. Although hearing officer finds an egregious employment situation, and that Appellant should not be working with troubled youth, his inappropriate comments and conversations do not rise to the level of neglect. In re Ralph C., November 24, 2003.

Physical neglect upheld when Hearing Officer finds Appellant's (Residential Care Staff) actions erratic and impaired, after he initiates physical contact with a youth, that results in the pair wrestling and flipping over a couch. In re Darryl H., November 21, 2003.

Physical neglect reversed against residential staff member when four youths plan a rendezvous that results in sexual activity between them. Hearing Officer finds that Appellant's actions may not have been sufficient for employment purposes, but did not rise to a level of neglectful conduct.
In re Ted S., November 7, 2003.

Physical abuse reversed when staff member pushes child away who will not let go of his arm, and leaves marks on the staff member's arms. Hearing Officer finds Connecticut Law allows an adult to use reasonable force, and that residential staff are not held to a higher standard of care that other caretakers. The injury to the child was minor, and was a result of a fall after being pushed off Appellant. Physical neglect reversed as Appellant's behavior was not a denial of proper care and attention. In re Scott V., November 6, 2003.

Physical abuse upheld, physical neglect reversed. Residential staff person lifted child up by his neck and forcefully put the child in his room, which resulted in injury to the child. Physical neglect was reversed, however, because Appellant's actions of pushing another, defiant child into his bedroom, without injury to the child, is not evidence of erratic and impaired behavior.
In re Warren S., October 2, 2003.

Physical neglect and abuse are upheld when residential staff escalates a situation with a youth, and takes unnecessary aggressive action, which results in injury to the child. Emotional abuse is

reversed as there were no apparent emotional consequences to the child. In re John I., August 29, 2003.

Although the residential facility's procedure for notifying parents of upcoming home visits is easily manipulated and presents a program concern, Appellant did not neglect the child when she did not go home for her scheduled visit, and was AWOL. Physical neglect charge against residential staff manager reversed. In re Peter W., August 4, 2003.

Child care staff did not use the approved restraint. The child was not impacted by the restraint, the staff's behavior was not erratic or impaired, and the comments the staff made about the child, were not heard by the child. Physical and emotional neglect reversed. In re Stanley K., July 9, 2003.

Physical abuse reversed against childcare worker when there is no evidence that the child's injuries occurred during a restraint, instead of the altercation between two residents that precipitated the restraint. Physical neglect reversed as the childcare worker's behavior, intervening between the fighting residents, was not shown to be erratic and impaired behavior. In re Deborah J., June 20, 2003.

Physical neglect reversed when Department fails to prove that Appellant failed to supervise children in his care at residential facility. The case was investigated many days after the incident, and there were numerous discrepancies in the reports by children and staff. In re Ken T., May 27, 2003.

Physical abuse reversed when residential employee attempts to restrain a child and child is injured, as there is not evidence that the injury occurred by other than accidental means. In re Stephen H., April 14, 2003.

There were four staff persons on duty for nine children in a residential facility. Two staff members took four of the children off grounds. The alleged victim chose not to go and stayed in his room. Appellant and another staff person remained at the facility with the remaining children. However, neither was aware that victim was still there. Appellant obtained a second van and he and Ms. R brought the other four children out. No one checked to see if victim was in his room. The facility did not have a sign in/sign out policy. At one point, the first van passed by the facility, but did not stop to check on whether victim was in his room. The first van did return early. Neil, who has pica, autism and is mentally retarded, was found in the driveway covered in toothpaste and shaving cream. Appellant was not the last staff member in the building before leaving. Physical neglect reversed. In re Sean B., November 29, 2002. See also In re William R., November 29, 2002. (Same incident, physical neglect reversed).

However, in the same incident, Hearing Officer upheld physical neglect against the staff person who was the last to leave the building and thus had responsibility to check that all residents were out of the building or supervised. In re Ida R., November 29, 2002.

Appellant is a Registered Nurse temporarily assigned to unit. Resident was out of control and running at Appellant with his fists raised. Appellant grabbed him by his shoulders, directed him toward the wall and kept him in place with her leg. He was then restrained by other staff. Child did

not specifically remember the incident when interviewed. On a different day, a different resident was in the bathroom. He had a history of turning scalding water on, so Appellant went in to retrieve him. Appellant reported that he came at her with a raised fist and that she put her shoe up to block him. Child ran into her foot. Appellant believed that child was preparing to attack her. Physical neglect reversed. Emotional abuse reversed. Emotional neglect reversed. In re Lisa A., November 5, 2002.

Appellant is the licensed foster care provider for five year old. He reported to his daycare provider that Appellant had hit in the face with a belt causing a scratch to his forehead and a red mark under his eye. He also had some older bruising on his chest. The other children confirmed the use of physical discipline with a belt, in the living room, and a switch. Two DCF workers observed fresh linear marks on his stomach. Appellant denied the use of physical discipline, or any knowledge of how child obtained the marks on August 7, 2011. The Hearing Officer found that Appellant was not credible. None of the children had a motive to lie. The DCF workers did not have a motive to lie. Physical abuse upheld. Emotional neglect upheld as to both. Combined Substantiation and Removal Hearing. In re Cassandra and Terry W., October 31, 2002.

Appellant was a child care worker. Appellant removed a radio from child's room after hearing an inappropriate song being played. Child followed Appellant, hitting him with the cord. Appellant pushed child onto the floor and kicked him in the head. Appellant taunted and teased child. Child had some redness on his forehead and above his eyes that was different from his flushed face. At the time that child said to Appellant to stop kicking him, he did not know that the Shift Supervisor was present. Child is found to be credible. "As a child care worker, (Appellant) is responsible for supervising and providing proper care to the children on his unit." Physical abuse upheld. Physical neglect upheld. In re More G., August 14, 2002.

Appellant was residential staff member. Child suffered injuries (cuts on his lip, abrasions to his legs, chest, and arms, and marks on his back and the back of his head) that were consistent with child's account that Appellant grabbed him, banged his head into a wall, pushed and slammed him to the ground, resulting in his striking his hand on his dresser as he was falling. Appellant was not acting in an erratic fashion when he injured child. Physical abuse upheld. Physical neglect reversed. In re Kevyn F., August 5, 2002.

Appellant spoke harshly to the young men during a resident meeting on 7/15/01, indicating to his colleague that "if he lost it, not to try to stop him". The following evening, Appellant lost self control while dealing with ongoing misbehavior. He turned over two desks, injuring one young man in the process. He "bear hugged" another young man, causing both of them to fall to the floor. Physical abuse upheld. Physical neglect upheld. In re Terrence N., July 30, 2002.

In a residential facility, allegations are that there are multiple witnesses/victims. Many of them deny witnessing or experiencing abuse. Two children who allege first hand knowledge of oral sex were roommates, were no longer at the program and were cousins. Their stories are not credible. Appellant gives credible testimony consistent with her prior statement that these things did not occur. Two criminal cases against the Appellant were dismissed. Sexual abuse reversed. In re Corrie M., April 16, 2002.

Perpetrator, employed by licensed residential facility, displayed erratic behavior in making unprovoked attack on resident-child, by jumping on him and choking him. Physical neglect upheld. In re Neal S., November 28, 2001.

RESTRAINING ORDERS/PROTECTIVE ORDERS

Physical neglect reversed when Appellant had contact with child and child's mother despite Protective Order. Appellant had been informed that the Protective Order had been modified and even with violation Department must still demonstrate adverse impact or serious disregard for child's physical well being - neither of which were present in this case. In re Elbert S., May 18, 2012

Appellant continued her relationship with a convicted and dangerous felon who stabbed her in the children's presence despite an active full no contact protective order. The Appellant's actions physically impacted at least one of her children where he has been in and out of the hospital for behavioral problems in the home. In re Elizabeth O., May 14, 2010.

The Department's decision to substantiate physical neglect was based on the Appellant's decision to allegedly support the modification of the protective order from a full protective order to a partial protective order and allow perpetrator access back into the home. There was insufficient evidence to determine what role the Appellant played in the modification of the order but it is known that a partial protective order was ordered by the court. Physical neglect reversed. In re Nicole I.,March 15, 2010.

Physical neglect reversed where the Appellant's baby's mother appeared uninvited and unannounced to the Appellant's home despite mutual protective orders being in place forbidding contact for both. The Appellant reminded mother to leave because of the orders but mother ignored the Appellant and physically hit him while holding their baby in a car seat. The Appellant ran away from mother and dialed 911. In re Shawn F., June 10, 2009.

Appellant substantiated for physical neglect when she allows intoxicated boyfriend access to children and home in spite of a current protective order. Appellant did not contact police immediately upon boyfriend's arrival. Children were present when boyfriend choked mother and her daughter eventually contacted the police. Appellant continued to expose the children by taking them in car with boyfriend in an effort to protect him from the oncoming police. In re Shannon F., August 6, 2007.

Letting boyfriend that had lived with the Appellant for three years back into the home after he had physically assaulted the woman while he was intoxicated was not Physical neglect of the eight and nine year old children when the Appellant put a condition on him not drinking when she knew it had been an issue in his previous relationship and he did not drink for the previous three years. Letting the boyfriend back in was a calculated risk. The existence of the protective order means that there is a risk associated with the boyfriend having contact with the Appellant. It does not automatically mean that the Appellant failed to provide and maintain adequate supervision and/or safety of children. In re Rachelle G., April 12, 2007.

Violation of a protective order is not *per se* neglect. The mother continued to be involved with the father even though there was a protective order in place. The mother could not have known that the father's sister would come to her home and engage in a physical altercation with the mother and therefore Physical neglect reversed. In re Sylvia A., June 29, 2005.

Filing for or even granting of a restraining order is not, in and of itself grounds for substantiation. Physical neglect reversed. In re Jason G., May 26, 2005.

Appellant has an alcohol problem but does not drink in the home or in front of the children. Children observed the Appellant intoxicated in the home, but mother appropriately isolated the children and took them to a relative. Mother obtained a restraining order and allowed the Appellant into the home while the restraining order was in place. She did not, however, leave the children alone with the Appellant and there was no adverse impact to the children. Physical neglect reversed. In re Laurie E., February 28, 2005.

Violation of restraining order is not necessarily physical neglect when mother supervises the contact, and the contact is limited to the offending boyfriend bringing medically necessary equipment to the home. In re Joann B., May 10, 2004.

If the Department is going to substantiate neglect due to children's ongoing exposure to mother's abusive partner following a restraining order, the Department must establish that the children are having contact with the abusive partner. In re Pixie R., February 4, 2004

RESTRAINTS

Physical abuse and physical neglect reversed against child care worker who accidentally injures child during a restraint. The restraint was necessary for the child's protection, and the Appellant acted reasonably. In re Jonathan M., April 27, 2012.

Physical abuse reversed when the evidence was inconclusive that child sustained an injury during a restraint the teacher believed necessary to maintain control and discipline in the classroom. . In re Sammie S., January 24, 2012

Physical neglect upheld against foster mother who uses a scarf to tie a toddler to the bed to prevent the child from getting out of bed. There was a serious disregard to the child's physical wellbeing, and that there was an inherent risk of danger to the child from the Appellant's conduct. In re Dian O., March 28, 2011.

Physical neglect against residential staff reversed when investigator testifies that the restraint appeared necessary, and there is insufficient evidence to establish that the staff member used unreasonable or excessive force. In re Nalda S., May 25, 2010.

Parents have a right to physically restrain a child when the child poses a danger to himself or others. The parents maintain this right, even if the Department believes that the child's history is such that he should not be restrained. A minimal injury that occurs as a result of the restraint is not sufficient to support a physical abuse finding. In re Milton and Donna H., January 27, 2010.

Physical neglect reversed when stepfather accidentally struck thirteen year old son while physically trying to get the child under control. The boy was diagnosed with behavioral issues and his treating psychiatrist testified that physical intervention was necessary to redirect child as he would get "locked into" his behavior and could not respond to verbal redirection only. In re Thomas P., January 6, 2010.

Physical neglect reversed where youth was restrained while in a residential facility and suffered injuries. The use of the restraint was not unreasonable. In re Deborah M., January 13, 2009 and In re Markesha G., January 13, 2009.

Physical abuse by residential staff during a restraint reversed where the evidence does not establish a non-accidental injury. In re Troy M., May 21, 2009.

Physical abuse reversed where child sustained injuries as a result of physical restraint. The marks were classified as grab marks and not abuse by child's physician. Physical neglect upheld where child sustained bruising during restraint as mother demonstrated an inability to provide for child's safety during restraints, but reversed as to younger brother who was in the room, but not impacted. Physical abuse reversed where child received injury during physical restraint as there was insufficient evidence to find that the injuries were non-accidental. Central Registry reversed as there was no evidence of intent, severity or chronicity and Appellant attempted to educate herself on how to parent child more effectively. In re Lee-Ann C., June 22, 2009.

Physical abuse against foster mother reversed where child is engaging in destructive behaviors, and foster mother grabs child's arm leaving a small bruise. This is a permissible restraint of the child for her own protection, and does not rise to the level of abuse. In re Falaria B., June 4, 2009.

Physical neglect reversed where a child care worker is unable to get youth into appropriate hold position when hold is warranted due to youth's escalating behaviors. Physical abuse upheld where child care worker over-reacts to youth's verbal threats by slamming youth to the floor with enough force to cause the youth to lose consciousness. In re Tyrohn B.,September 28, 2009.

Physical neglect reversed. Residential staff is permitted to use physical restraint on a resident when the staff believes that the child poses a physical threat to himself or others. The use of an inappropriate type of restraint is not necessarily physical neglect if the Appellant's belief that the child is a threat is reasonable. In re Kevin S.,December 22, 2009.

Physical abuse reversed where residential facility staff breaks child's arm during a restraint. Hearing Officer finds that the injury was accidental, and that the staff was not angry or emotionally excited at the time the injury occurred. In re Kevin B.,July 24, 2008.

Physical abuse and Central Registry upheld after residential facility counselor punched a resident youth in the eye during a restraint. Youth sustained swelling and bruising and had significant blood in whites of the eye. Examining nurse found injury consistent with punch in eye socket and not accidental as alleged by Appellant during a restraint. In re Errol M.,December 12, 2008.

It is not physical abuse when an Appellant causes bruises while restraining his son when the son is the aggressor. The teenager, who was arrested at the end of the altercation, had significant mental health issues and was clearly out of control. In re Justin B., November 1, 2007.

Use of physical restraint on a foster child is not abuse, even if the child is injured, so long as the foster parent's conduct is not unreasonable. Appellant father grabbed the child by the chin to direct the child's attention. This was not unreasonable. The child then escalated the incident into a physical confrontation by kicking and pushing the father. As a result the father restrained the child and the child received minor injuries. In re Lisa and Kevin F., February 28, 2007.

Appellants physically restrained child, injuring her and resulting in child experiencing flashbacks to when she was physically and sexually assaulted in biological family's care. Child, feeling unsafe, refused to return to care of adoptive family. Physical neglect upheld. In re Darlene and Brian I., January 5, 2007.

The Connecticut legislature has directed that physical restraint is not to be used except 'to prevent immediate or imminent injury to the person at risk to self or to others.' Punishment for child's verbal's barrage and pushing of the Appellant was not moderate under Lovan C. standard. Child struggled to be free for 15 minutes and sustained injuries to his neck chest and shoulder because Appellant administered aggressive and unreasonable physical punishment. It was not necessary to grab the child around the neck and force him to the floor. Physical abuse Upheld. In re Richard C., June 26, 2006.

In determining whether or not Physical neglect occurred, the hearing officer need not determine if the Appellant exercised the restraint appropriately, inappropriately or at all. The Appellant's response to intervene, whether right or wrong, was to redirect the child and deescalate the situation. Appellant remained calm throughout the incident, did not lose his temper and did not behave erratically. The Appellant initiated physical contact with the child by placing his hands on the child's shoulder. Perhaps lifting him from his seat and turning him towards the door was ill advised. But the child's reactions led to a restraint being necessary and the forcefulness of the child's response led to greater force by the Appellant and the resulting injuries to the child. The injuries were a result of a restraint gone awry, but a restraint at the time that was necessary. The Appellant's actions were not aggressive or violent. Physical neglect and physical abuse reversed. In re John I., February 15, 2006.

Appellant put child in a hold, as Appellant was authorized to do. As a result of the hold and the child's ensuing struggle to free himself, the child received several injuries. The child's face may have hit or been pressed into the wall. There is insufficient evidence to conclude that the Appellant inflicted these injuries on the child in a deliberate or intentional manner. Split second decision making about how to exercise a restraint did not amount to physical neglect. Physical abuse and Physical neglect reversed. In re Gary H., January 20, 2006.

Teacher restrained a child. The school had a "hands off" policy. Violation of another agency's policy is not per se grounds for substantiation of neglect. In this case, the teacher was previously trained to administer a restraint and there was no adverse impact to the child. In re Jonathan B., October 12, 2005.

Child experienced a violent psychotic episode, and father restrained him, resulting in injury (blood vessels around child's eyes burst, petichiae hemorrhage). Hearing Officer found the level of restraint reasonable under the circumstances. In re Nuno V., November 30, 2004.

Although it is inappropriate for childcare worker to kick a child, physical neglect charge reversed. There is no evidence of impact, and the incident was not egregious, in that the Appellant was reacting to having just been attacked by the alleged victim. In re Tasha G., November 10, 2004.

Physical abuse by foster mother reversed when the bruises on the child appear to be accidental. The child was struggling, and the foster mother was attempting to restrain him, when he was injured. In re Glenda S., October 22, 2004.

Childcare worker scratched child with her keys. Appellant's pregnancy and effort to protect herself does not mitigate finding of abuse. Physical abuse upheld. In re LaTasha C., September 9, 2004.

A foster parent's use of physical discipline, restraints and threats of physical discipline are not abuse unless the child is injured. In re Edward S. June 17, 2004.

Child care staff did not use the approved restraint. The child was not impacted by the restraint, the staff's behavior was not erratic or impaired, and the comments the staff made about the child, were not heard by the child. Physical neglect and emotional neglect reversed. In re Stanley K., July 9, 2003.

Physical neglect reversed. The use of an unapproved or inappropriate restraint is not neglect if there is no impact to the child. In re Leslie S., May 1, 2003.

Appellant is the relative foster provider for nine year old who has behavioral and psychological problems and receives treatment. Child had a tantrum, shoved Appellant's wife and began screaming. The foster mother attempted to restrain him to calm him down. Appellant interceded and took over the restraint by placing his hand over child's mouth. Child calmed down. When Appellant removed his hand, he noticed that he had caused marks to the child. As this was not corporal punishment, not done with an intention to cause harm, and was an accidental application of too much force during a restraint, it was an accident. Physical abuse reversed. In re Carlos G., November 13, 2002.

Appellant is a Registered Nurse temporarily assigned to unit. Resident was out of control and running at Appellant with his fists raised. Appellant grabbed him by his shoulders, directed him toward the wall and kept him in place with her leg. He was then restrained by other staff. Child did not specifically remember the incident when interviewed. On a different day, a different resident was in the bathroom. He had a history of turning scalding water on, so Appellant went in to retrieve him. Appellant reported that he came at her with a raised fist and that she put her shoe up to block him. Child ran into her foot. Appellant believed that child was preparing to attack her. Physical neglect reversed. Emotional abuse reversed. Emotional neglect reversed. In re Lisa A., November 5, 2002.

Appellant is an assistant teacher at the Aftercare Program. Eleven year old child was a student in the class he was covering. Child was acting out and threw a book at another staff member. That

staff member hit child over the head with a clip board, resulting in a cut and causing child to cry. At that point, another student began to taunt child. Appellant grabbed child around the waist to keep him from going after the student. Child slipped and fell, resulting in a cut lip. Appellant's action in restraining child was "neither so reckless or extreme as to lead this Hearing Officer to believe that an injury was foreseeable." The act was not intentional for purposes of determining abuse. Physical abuse reversed. In re Glenroy A., October 11, 2002.

It was not proper restraint for mother to drag child upstairs by the ankles after he was losing control. Action resulted in rug burns to back. Physical abuse upheld. In re Jocelyn J., December 5, 2001.

A parent is allowed to restrain a child to prevent harm to the child or others, and marks or bruises sustained during this would not amount to physical abuse. In this case the parent went to far, and eventually had to be pulled off the child. Physical abuse upheld. In re Charmetri B., October 30, 2001.

Spanking or hitting a child is considered corporal punishment and when corporal punishment results in an injury "regardless of motive" it constitutes Physical abuse. Placing a hand over a child's mouth is not corporal punishment but is a restraint. In re Angela S., June 25, 2001.

RISK OF INJURY

Risk of injury conviction will support a sexual abuse substantiation when the Appellant admits that the facts alleged by the prosecution are substantially accurate, even though the Appellant pleads to the section of the risk of injury statute that does not cover sexual contact [53-21(a)(1)]. In re Stuart W., April 23, 2007. (BUT See Judge Cohn's decision in James L. v DCF, 2008 Ct. Sup. 11913).

ROLLING INFANTS

Parents' use of broken crib that results in death of a child is not a serious disregard for the child's well-being, when the Appellant shows that she took steps to repair the crib, and believed that her child was unable to roll over. In re Marian S., May 1, 2012.

Eight month old rolled off parent's bed and received a superficial contusion to her forehead. At four months old, infant fell off changing table and fractured her skull and no referral was made at that time as the injury was consistent with explanation and parents responded appropriately. In most recent incident, pediatrician and ARG agreed that the mother was not neglectful. This may be a child at risk, but physical neglect reversed. In re Amy C., February 8, 2005.

A parent's inability to explain an injury is not the same thing as an injury at variance with the explanation, and does not necessarily support an abuse finding. In re Barry and Elizabeth W., June 30, 2004.

An unexplained, serious injury (skull fracture) to a child does support a finding of neglect, when the baby is young, and it is unlikely he could have caused the injury to himself. The lack of supervision supports a finding that the parents allowed the child to live in conditions injurious to his well-being. In re Barry and Elizabeth W., June 30, 2004.

While daycare provider is changing an infant's diaper on a changing table, the child falls. The daycare provider did not leave the child unattended on the changing table or leave the room. This was an accident and physical neglect reversed. In re Lucette P., May 29, 2002.

Eight month old child sustained significant injury falling out of bed he shares with mother. There have been several falls before this. Physical neglect upheld. In re Rachel A., November 26, 2001.

RUCCI

Physical abuse reversed where the Appellant's discipline of her child did not result in an injury. The Department's investigator observed the child the same day and the redness was temporary, having faded by the time the investigator interviewed the boy. Central Registry reversed given that the underlying substantiation was reversed. In re Thea D.,September 27, 2010.

Physical abuse reversed when child sustained temporary red marks and under *Rucci* the marks do not meet the definition of an injury. In re Judith R., April 20, 2010.

Physical abuse reversed in accordance with Rucci v. Dept. of Children and Families, where a red mark that does not result in any discoloration of the skin the following day does not meet the common description of a bruise. In re Aisha C., August 26, 2009.

Physical abuse reversed where the only injury on the child following physical discipline is a red mark. In re Denise G., February 20, 2008.

Physical abuse against step-father reversed even though he admitted to slapping step-daughter in the face three times in one evening. The following morning, the child had no marks or injuries. abuse reversed under *Rucci* standard. In re Marion H.,December 1, 2008.

Physical abuse reversed under *Rucci* when red mark on child's face caused by aunt hitting her is gone within 24 hours. In re Elizabeth V., December 13, 2004.

Physical abuse reversed when mother hits child with a belt, but the mark is gone within twenty-four hours. In re Marlyn C., November 4, 2004.

Appellant hit daughter on head leaving a temporary red mark which was not visible later the same day. Physical abuse reversed under *Rucci.* In re Yarelis M., September 23, 2004.

Injury caused by Appellant who is a teacher resulted in redness of a temporary nature. Physical neglect reversed under Rucci. In re Martha D., September 22, 2004.

Physical discipline that results in redness or temporary injury (in this case a mark on the child's face) does not meet the definition of physical abuse pursuant to Rucci v. DCF, 2003 Ct. Sup. 13148. In re Donald W., March 31, 2004.

Physical abuse reversed. Hearing officer cites the *Rucci* decision which holds that a red mark that does not discolor, does not meet the definition of bruise, is insufficient to find abuse, absent other

criteria. Adult victim testified that her face was swollen, but that this was due to crying, as Appellant had never hit her before. In re Margaret W., December 10, 2003.

RUNAWAY

Physical neglect reversed where Appellant parents refuse to allow a child with behavior problems back into their home and she has a safe place to stay. Child is unaware that parents do not want her to return, and child is also refusing to return. In re Priscilla and Walter S., February 1, 2008.

16 year-old child was missing for several days. Parents claim he ran away. Child claims he was intentionally abandoned. Child had mental health issues and a history of suicide attempts. The parental efforts to find the child and even waiting 48 hours to officially file a police report was not neglect. It could not be found that parents intentionally abandoned the child. In re Kenneth and Denise P., August 16, 2005.

Physical neglect upheld when children run away, and foster parent fails to report their absence for over 48 hours. In re Viola D., May 12, 2003.

SAFETY PLAN

Physical neglect reversed where the Appellant, the mother of a youth with severe mental health issues, did not follow all provisions of an agreed upon Safety Plan when dealing with the youth while he was in crisis. The Appellant's actions were reasonable and did not pose a danger to the child. In re Kathy T., May 8, 2009.

SCHOOL BUS DRIVER

Physical neglect upheld when Appellant, a special education bus driver, allows a child to exit the vehicle without ensuring that a responsible adult is present to assume supervision of the child.
In re Carmen L., January 24, 2012

Physical neglect upheld when Appellant fails to maintain safe living environment for child entrusted to her care on the school bus. In re Brenda H., May 26, 2011.

Physical abuse upheld when Appellant, a bus monitor, intentionally inflicts injuries to child by pinching the child after the child pinched her on the school bus. In re Brenda H., May 26, 2011.

Physical neglect reversed against school bus driver. Hearing Officer notes that bus driver may have been negligent, but her actions, in not checking school bus, when she left it due to illness, were not neglectful. In re Teresa A., October 7, 2003.

Sexual abuse against school bus driver reversed when there is inadequate evidence to support the child's allegations against school bus driver, the disclosure itself is suspect, due to the questioning by the child's parents, and the Appellant's story and time frames are supported by the evidence. In re Cirilo R., August 5, 2003.

SCHOOL SECURITY GUARD

Physical neglect reversed against school security guard. His involvement in the case was appropriate and not neglectful, and he is not a person responsible, or a person entrusted. No reasonable cause to substantiate. In re Bernard L., August 5, 2003.

SCHOOL SOCIAL WORKER

Physical abuse and emotional abuse upheld where Appellant, a school social worker working with emotionally troubled students, hit a child causing bruising, and verbally assaulted others, disrupting at least one student's sleeping patterns. In re Nelson V., October 12, 2007.

SCRATCHES

Physical abuse reversed where there is no proof that Appellant inflicted observed injuries. Child says he was scratched by teacher on top of his hand, but nurse found three small dots on little finger. In re Doreatha M., January 7, 2009.

Old allegation of physical abuse reversed. Although Appellant foster mother admits to scratching the child's face, she said they were in a crowded store, and reached for the child's coat to pull her out of the way. She did not realize how close the child was, and grabbed her face by mistake. There is not sufficient evidence to support the Department's claim that the injury was not accidental. In re Margaree A-W., October 20, 2004.

Child ran away from home and upon returning she got into a fight with mother. One small scratch on child's face which was not new. Investigator unable to determine whether scratch inflicted by mother. Physical abuse reversed. In re Doreen A., October 12, 2004.

Childcare worker scratched child with her keys. Appellant's pregnancy and effort to protect herself does not mitigate finding of abuse. Physical abuse upheld. In re LaTasha C., September 9, 2004.

Scratches to a child's face that occur accidentally when a teacher grabs a child by the face to get her to cease dangerous activity does not support a physical abuse finding. In re Linda R., June 30, 2004.

SECOND HAND SMOKE

Appellant was babysitting for girlfriend's two year old son for the day. Appellant receives his disability check and meets drug abusing friends. Appellant does not pick up girlfriend after work but continues to smoke crack at friend's home until early the next morning. Child had cocaine in system from extended exposure to smoke. Appellant demonstrated serious disregard for child's safety. Physical neglect and Registry recommendation upheld. In re Walter J., June 13, 2007.

Eleven month old has asthma requiring daily treatment. Child suffers from frequent upper respiratory ailments, including Pneumonia. Both parents aware that cigarette smoke would exacerbate child's asthma and upper respiratory problems. Mother smokes in the home and allows others to do so as well. Parents have volatile relationship with frequent fights. Both parents

arrested after one incident in which the child was almost struck as well. Medical neglect and physical neglect upheld. In re Nicole B., July 26, 2002 and In re Aaron M., July 26, 2002.

SELF-DEFENSE

Child has bruises and sprained fingers after a physical altercation with her guardian, and the guardian admits she hit her with a piece of molding. Self-defense argument of Appellant not found to be justification for hitting child. Appellant could have left the scene or called for assistance. In re Asiye K., November 10, 2004.

Although the Hearing Officer found that the respondent was acting in self-defense, that he did not initiate the action and in fact tried to de-escalate the action, she noted that the affirmative defense of self-defense does not apply to child abuse substantiation administrative actions. Physical abuse upheld. In re Scott C., October 24, 2001.

SERIOUS DISREGARD

Physical neglect upheld against mother who is aware that her boyfriend has poor supervision skills (2 prior investigations, one of which was substantiated). Mother leaves her children with him despite the Department's warnings, and he kills her baby. In re Kelly R.-M., May 22, 2012

Parents' use of broken crib that results in death of a child is not a serious disregard for the child's well-being, when the Appellant shows that she took steps to repair the crib, and believed that her child was unable to roll over. In re Marian S., May 1, 2012.

Physical neglect upheld when the Appellant brings her young son into a home during a police raid knowing that her boyfriend, who is violent, is inside the home hiding from police. In re Marian S., May 1, 2012.

Physical neglect reversed when Appellant first sent child outside as discipline and then was yelling at child for smirking at him. Discipline was not cruel and did not demonstrate a serious disregard for child's physical well being. In re Paul S., April 13, 2012

Physical neglect upheld against foster mother who uses a scarf to tie a toddler to the bed to prevent the child from getting out of bed. There was a serious disregard to the child's physical well being, and that there was an inherent risk of danger to the child from the Appellant's conduct. In re Dian O., March 28, 2011.

Physical neglect upheld where the Appellant's actions with choking the child and threatening her with a pistol placed her in danger of being physically injured or killed. In re Juan C., September 21, 2010.

Appellant locked herself and her four year old son behind her bedroom door because of her fear of her five year old son. Such conduct is denying the five year old proper emotional care and attention as well as a serious disregard for his welfare. Emotional neglect was upheld.
In re Veronica P.,June 16, 2010.

Physical neglect upheld when a two month old is in a car seat in close proximity to a physical altercation taking place in the home between the Appellant and his girlfriend. Although the child was not injured, the Appellant demonstrated a serious disregard for his son's welfare by escalating the argument. Physical neglect reversed as to girlfriend's daughter as the circumstances do not indicate that she was near enough to sustain an injury. In re Frank D., November 1, 2007.

Appellant was babysitting for girlfriend's two year old son for the day. Appellant receives his disability check and meets drug abusing friends. Appellant does not pick up girlfriend after work but continues to smoke crack at friend's home until early the next morning. Child had cocaine in system from extended exposure to smoke. Appellant demonstrated serious disregard for child's safety. Physical neglect and Registry recommendation upheld. In re Walter J., June 13, 2007.

Appellant attempted to choke girlfriend's teenage son with a broom. Choking is never an acceptable option in managing a child. Teen had small scratch on arm but insufficient evidence to conclude Appellant caused the bruise. In absence of injury, physical abuse reversed. Physical neglect and emotional neglect upheld due to serious disregard from attempted choking and child's fear of Appellant. Appellant determined to be risk to children and Registry recommendation upheld. In re Peter O., June 5, 2007.

Physical neglect upheld when mother drives while intoxicated and two of her children are in the car with her. No impact but demonstrates serious disregard for safety. In re Monalisa B., May 18, 2007.

Physical neglect upheld where Appellant fought with mother on a stairwell and tried to trip her as she carried the child. The mother was just as culpable in the fight, but the Appellant had the opportunity to exit the premises as he passed her on the stairwell. Instead he chose to fight back. In re Peter C., April 30, 2007.

Group home staff member yells at twelve year old female resident, follows her into her room and attempts to choke her. Physical abuse reversed under *Rucci*, redness disappears; physical neglect and emotional neglect upheld. While no physical impact, conduct demonstrated serious disregard. Adverse emotional impact proven, resident was scared and afraid of staff member. Registry recommendation upheld due to seriousness of incident. In re Marco M., February 13, 2007 appeal dismissed.

SERVICE AGREEMENT

Mother signed a service agreement stating that she would supervise all contact between her daughter and the child's 18 year old step brother. Mother believed that supervision could be provided by anyone. Protocol entries entered by SW and SWS indicate need for supervision but they do not indicate that mother must be the one to supervise. The child was not left unsupervised and therefore the child was not placed at risk. Physical neglect reversed. In re Lori C., July 21, 2005.

Child was left in the care of her eighteen year old stepbrother after school. The stepbrother was drinking and hit the child. No bruises or marks. The Father did not sign a service agreement

providing that the child would not be left unsupervised with her brother. However, father did have the child stay at her grandmother's house after school and did not allow the child to be alone with her stepbrother. The father's failure to cooperate with DCF is not, in and of itself, neglectful behavior. In re Donald C., November 11, 2005.

Father did develop a plan to address their daughter's safety. It could not be found that the Appellate was neglectful because he failed to do exactly what DCF told him to do. Substantiation was reversed. In re Donald C., November 11, 2005.

SEXUAL ABUSE - EXPLOITATION

Sexual abuse/exploitation upheld where the Appellant inappropriately touched a female student for whom he provided private piano lessons. Four other girls confirmed that the Appellant also touched them inappropriately. Appellant is automatically placed on the Central Registry. He had the intent, severity and pattern due to the confirmation of the four other girls. In re Kenton B., September 16, 2010.

Sexual abuse/exploitation reversed because Appellant's open discussions about sex with his preteen son do not constitute sexual abuse under the Department's operational definitions. Also there were no facts to support a finding that the Appellant engaged in sex acts with son. Physical neglect reversed where facts do not support a finding that mother neglected son because she heard and allowed father and son to discuss sex. In re Gerald and Kim S., July 2, 2009.

Sexual abuse/exploitation upheld where the Appellant inappropriately touched child sexually by rubbing his penis against the outside of her buttocks and fondling her when the child's mother was away at work. Child disclosed the sexual abuse credibly and consistently when she was safe in foster care. In re Darryl I., April 7, 2009.

Sexual abuse reversed where *Merriam* analysis demonstrates child is not credible because his allegations are not consistent or spontaneous. In re Sebastian B., March 31, 2009.

Sexual abuse/exploitation and Central Registry upheld where child consistently discloses multiple acts of sexual abuse by the Appellant, her father. In re Randy R., March 9, 2009.

Twelve year old girl visits and sleeps over at former neighbor's house and alleges sexual abuse by the Appellant father of her friend. Child deemed credible, her disclosures were spontaneous, after the incident she took actions to get out of the house, she provided detailed information and no motive to fabricate. Sexual abuse/exploitation and Central Registry recommendation upheld.
In re Pablo C., September 16, 2008.

Sexual abuse upheld where mother finds young child in bed with maternal uncle, after finding same child in room with pants down with same uncle. Child discloses genital touching, and has no motive to fabricate. In re Michael G., April 7, 2008.

Appellant is a person responsible for the child's care when he is a clinician at a residential treatment facility during the relevant time period and admits to counseling child but was never assigned as her clinician. Although the child has a history of lying, her claims of sexual abuse are

credible when strong corroborating evidence exists to support the allegations. Physical and emotional neglect upheld when the Appellant's sexual relationship with the child causes her to lose her placement, prevent her from receiving supporting services and treatment and puts her at risk for physical and emotional consequences. In re Maximo D., November 26, 2007; appeal dismissed.

The Appellant is the uncle of his teenaged niece, responsible for her care when he takes her on vacation as a babysitter for his children. The child had a clear disclosure of sexual abuse, including a detailed account of the events. The finding was corroborated by expert evidence and the child's disclosures were consistent with a girl who has been sexually abused. The Appellant's taped apology further supported the conclusion. Appellant threatened the child to not disclose that he sexually abuse her. Sexual abuse and physical neglect upheld. In re Jason D., November 23, 2007; appeal dismissed July 15, 2009.

Appellant becomes legal guardian of his half sister after their mother dies. Appellant attempted to kiss half sister on the lips and put his tongue in her mouth. Sister refused appellant left the room and later apologized. Incident occurred nine years prior to hearing. Appellant remorseful and knew what he did was wrong and was willing to receive help in dealing with incident. Appellant submitted a psychological evaluation which indicated he should not be identified as a sexual abuser. Sexual abuse upheld as definition of sexual abuse met. Central Registry recommendation reversed as isolated incident which happened nine years ago. Also, lack of serious contact, lack of grooming or planned behavior, Appellant determined not to be a risk to children. In re Patrick G., November 16, 2007.

Appellant admitted to fondling daughter in the breast and vaginal area about ten times over period of two years. He also showered with his daughter on one occasion allowing her to see his body parts. Incidents happened approximately six years ago. Appellant knew what he did was wrong and admitted it to his daughter, pastor and wife. Actions meet definition of sexual abuse. Sexual abuse upheld, registry recommendation upheld. In re Jason M., August 7, 2007.

By providing resident with cigarettes in exchange for her flashing and kissing him, employee of the residential facility used the resident for sexual purposes. Substantiation of sexual exploitation upheld. In re Leonard W., June 1, 2005.

SEXUAL ABUSE - EXPOSURE

Sexual abuse reversed when the Department is unable to establish that the Appellant engaged in sexual activity with her partner in her children's presence. Reporting child had credibility problems and mental health issues. In re Tina M., April 2, 2012.

Appellant mother substantiated for physical and emotional neglect when she does not believe her daughters' complaints that mother's boyfriend is sexually abusing them, and allows the boyfriend to have continued access to the girls. In re Marisol C., April 2, 2012.

Child walking in on naked older brother is not sexual abuse because the exposure was accidental. In re Daniel R., January 24, 2011.

Emotional neglect upheld where the child was negatively impacted emotionally by father's exposure of sexual behavior. Child engaged in cutting herself to cope with her anxieties. Normally a very good student, she also declined academically. The child developed an imaginary friend named "Bob" who instructed her to kill and take pills. The child was relieved after she made her disclosures and was happy "it was out." In re Ernesto B., December 6, 2010.

Sexual abuse upheld where the Appellant exposed himself to his daughter by masturbating in front of her and asking her to masturbate him with her hand while she sat in her bed. He often entered her bedroom in the middle of the night to expose himself to her. In re Ernesto B., December 6, 2010.

Sexual abuse/exploitation and Central Registry upheld due to father having intentional non-accidental sexual contact with his daughter. He masturbated over her as he watched her in bed and asked that she touch his penis and masturbate him. The child's older half sister also disclosed that the Appellant "did something" to her when she was approximately the same age and, consequently, their mother had kicked the Appellant out of the house. The Appellant poses a risk to the health, safety and well being of children and is placed on the Central Registry.
In re Ernesto B., November 30, 2010.

Sexual abuse was upheld as the Appellant's conduct that involved kissing with a tongue, teaching and allowing the four year old boy to apply the massager to his penis, and exposing him to pornography is within the policy definitions of sexual abuse. In re William P., April 7, 2010.

Sexual abuse upheld where the Appellant exposed himself to his stepdaughter on three separate occasions. He told her "it was their secret." The Appellant intended his actions; they had a serious disregard for the child's welfare; and the exposure was chronic in nature. The Department's recommendation to place the Appellant on the Central Registry was affirmed. In re Edward B., January 14, 2010.

Sexual abuse upheld where Appellant father encourages his daughter to stroke his thigh, and he exposes his erect penis. In re David S., September 19, 2008.

Although the child may have witnessed his mother engaging in sexual activity, the Department did not present any evidence that the mother coerced the child into the activity, or that there was sexual contact, or that she received gratification from the exposure. The Department did not establish that the Appellant mother was even aware that the child witnessed the sexual activity. One of these elements must be met in order to sustain a finding of sexual abuse. In re Rebecca P., March 18, 2008.

A father's inappropriate exposure of his genitals to his teenage son is not sexual abuse when it is intended as camaraderie and joking. In re Edward C., December 11, 2007.

Appellant admitted to fondling daughter in the breast and vaginal area about ten times over a period of two years. He also showered with his daughter on one occasion allowing her to see his body parts. Incidents happened approximately six years ago. Appellant knew what he did was wrong and admitted it to his daughter, pastor and wife. Actions meet definition of sexual abuse. Sexual abuse upheld, Central Registry recommendation upheld. In re Jason M., August 7, 2007.

Appellants ran unlicensed day care. Two years ago older day care boy molested a younger boy in the daycare. The Department investigated, determined abuse did occur but did not substantiate against Appellants. Two years later, same boy makes allegations again that he was molested when he was in the daycare two years ago and names a different older boy as the perpetrator. the Department investigates and substantiates physical neglect against Appellants for lack of supervision and running unlicensed daycare. Another DCF office conducts concurrent investigation into new allegations against the older boy and does not find evidence of abuse. Boy makes allegations that he was molested two years ago, no evidence to prove when this happened, whether it happened at same time other abuse occurred, no evidence that Appellants knew or should have known this was going on. neglectful conduct not proven. Physical neglect reversed. In re Walter and Rebecca S., October 25, 2006.

Foster mother allowed an almost sixteen year old foster child to babysit two other foster children for two hours once a week. Prior to placement in foster home and over two years ago, sixteen year old had an incident of sexual contact. The Department and child's therapist stated child was doing well. Sixteen year old had sexual contact with at least one other foster child while babysitting. Substantiation on foster mother for allowing sixteen year old to babysit is reversed and was not neglectful. The Appellant did not know the sixteen year old posed risk to the children. In re Eva Marie S., July 21, 2006.

Mother did not initially deal well with her teenagers disclosure that mother's husband fondled the teenage daughter. Mother could have given more support to her daughter and later affirmed her belief in her daughter's statements and apologized. She did seek therapy for her daughter and followed Department's recommendations. Emotional neglect and physical neglect reversed. In re Lisa B., February 17, 2005.

Appellant made repeated unsubstantiated referrals regarding sexual abuse of their children by father. All three girls were interviewed by police, the Department and their Guardian Ad Litem's. They were examined by pediatricians and emergency room staff. Not once during these interviews or examinations did the girls disclose abuse by their father. Father does admit to enjoying unconventional sexual activity but mother's concern has gone beyond legitimate and she has made her daughters fearful of their father. Due to repeated exposure to investigations, examinations and reenactments, emotional neglect of girls by mother upheld. In re Bekki S., July 30, 2004.

A young child's detailed disclosures of sexual activity by Appellant are not sufficient to sustain allegations of sexual abuse of the child when the child recants; but when they are combined with Appellant's admissions that he engaged in the activity so described with the child's mother, with the child present in the room, they are sufficient to sustain findings that the Appellant physically and emotionally neglected the child. The child's involvement in therapy and consistent statements demonstrate adverse impact from the exposure to this activity. In re Donald M., March 23, 2004.

Evidence that children have viewed pornography on Appellant father's computer is not evidence of sexual abuse without evidence that father coerced or forced the children to view it. In re Thomas D, March 11, 2004.

Emotional neglect reversed when mother makes a referral of sexual abuse against father that is determined to be untrue. The Department did not prove that the mother caused the child to fabricate the statements. In re Denise B., September 2, 2003.

Emotional neglect reversed on mother who initially doubts daughter's allegations of sexual abuse by mother's boyfriend. Mother protected her child from contact from the perpetrator, and eventually believed her daughter. Her initial doubts do not rise to the level of rejection of the child. In re Betsy R., June 3, 2003.

Medical neglect reversed when parents do not get an immediate physical exam for their daughter, who initially, only reports being fondled over her clothes, and tells the doctor that there was no penetration. Physical neglect reversed when parents allow child to have contact with grandfather (perpetrator) in controlled setting. Child was not afraid, and felt protected by her mother. In re Harold and Connie A., May 24, 2003.

Physical neglect upheld when child repeatedly complains of grandfather's unwanted touching, and grandfather, who has now moved into the home, sexually assaults the child. In re Edward and Velisha C., April 14, 2003.

Physical neglect reversed. Although parents postponed child's sexual abuse evaluation, they did so because of a legitimate conflict, and not to delay the evaluation. Parents were cooperative. Department also failed to prove neglect when they find five and two year olds in the home while dad was in the garage. Parents maintained that friend was in the home with the children, and the investigator never asked if anyone else was in the home. In re Christopher and Jamie C., April 3, 2003.

Sexual abuse upheld when twelve year old provides consistent, detailed, graphic disclosures that father has been abusing her. Child also tested positive for sexually transmitted disease. In re Herman T., March 18, 2003.

Medical neglect reversed when there is no evidence that child was suicidal or sexually assaulted, or that parents chose not to expose their five year old child to an internal gynecological exam, without additional evidence that the child had been sexually abused. Allegation against father also reversed, even though he did not request a hearing. In re Devra P., March 17, 2003.

SEXUAL ABUSE - FONDLING

Sexual abuse reversed when child first discloses no contact, then oral sex, then fondling and during his forensic interview, demonstrates a swiping motion toward his penis. In re Marcelino C., May 31, 2012.

Sexual abuse upheld based on *Merriam* analysis: child had no motive for lying, her report was spontaneous and consistent. Central Registry upheld due to sexual abuse substantiation.
In re Paul C., December 14, 2011.

Sexual abuse upheld when child is consistent in her reports that the Appellant had touched her inappropriately over a period of several years. In re Efrain M., September 26, 2011.

Sexual abuse upheld when two residents of a residential facility make similar allegations against a child care worker. The girls did not have a motive to fabricate and one resident was very reluctant to disclose, indicating she believed she was in a relationship with the Appellant. The Appellant touched the girls while standing in their doorways and one resident saw him kiss the other. In re Jose P., January 11, 2011.

Sexual abuse upheld when child and her friend disclose several instances of the Appellant fondling them at night. Child's siblings confirm being aware of the abuse and taking steps to keep the Appellant from child. Appellant acknowledges touching child inappropriately. In re Vanroth C., December 7, 2010.

Sexual abuse was upheld when the fifteen year old told her mother about the Appellant inappropriately touching her on more than one occasion. In re Luis C., October 27, 2010.

The Department proved that the Appellant put his hands down his six and nine year old daughter's pants. Sexual abuse was upheld. In re Scott B., May 7, 2010.

Sexual abuse upheld when child makes credible disclosure regarding inappropriate touching by former stepfather. Child spontaneously reported to her mother the day after the incident occurred and then to her father and stepmother when she arrived at their home for scheduled summer visit. Child's reports were consistent and there was no apparent motive to fabricate the allegations. The allegations were also similar in nature to a prior report made by the child two years previously which were substantiated in state where they occurred. In re Philip M., January 12, 2010.

Sexual abuse/exploitation upheld where Appellant fondled child in two separate incidents: once he pulled down her pants while she was asleep and another time, he got on top of her while she was lying on the couch, touching her breasts and vagina over her clothes. Child's female friend disclosed that she, too, felt uncomfortable around the Appellant and that he also inappropriately touched her. Mother of second child confirmed that the Appellant behaved inappropriately with her daughter. In re Tuoc P., August 11, 2009.

Sexual abuse upheld where child is credible in reporting to school when her behavior had changed after her father had fondled her while sleeping in bed. In re Anthony W., June 12, 2009.

Sexual abuse against stepfather upheld where child has no motive to fabricate, has no history of lying, and is consistent with her disclosures that stepfather fondled her. In re Stewart S., December 23, 2008.

Sexual abuse upheld where Appellant father encourages his daughter to stroke his thigh, and he exposes his erect penis. In re David S., September 19, 2008.

Child's consistent statement that Appellant sexually abused her is upheld where child also provides details of the assault that can be corroborated with independent evidence. In re Ed M., April 9, 2008.

Sexual abuse upheld where child credibly reports that the Appellant touches her zipper while fondling himself. In re Angel C., February 4, 2008.

The Appellant is the uncle of his teenaged niece, responsible for her care when he takes her on vacation as a babysitter for his children. The child had a clear disclosure of sexual abuse, including a detailed account of the events. The finding was corroborated by expert evidence and the child's disclosures were consistent with a girl who has been sexually abused. The Appellant's taped apology further supported the conclusion. Appellant threatened the child to not disclose that he sexually abuse her. Sexual abuse and physical neglect upheld. In re Jason D., November 23, 2007;appeal dismissed, July 15, 2009.

Appellant admitted to fondling daughter in the breast and vaginal area about ten times over period of two years. He also showered with his daughter on one occasion allowing her to see his body parts. Incidents happened approximately six years ago. Appellant knew what he did was wrong and admitted it to his daughter, pastor and wife. Actions meet definition of sexual abuse. Sexual abuse upheld, Registry recommendation upheld. In re Jason M., August 7, 2007.

A child's consistent statements that her father has touched her inappropriately are sufficient to support a sexual abuse allegation, especially in light of her brother's statement that he witnessed the fondling. Hearing Officer also considered additional evidence that the brother was engaging in similar inappropriate touching of his sister and stepsister and fire setting. In re Tyrone M., May 3, 2007.

Appellant's argument that the sexual abuse allegations against the uncle were fabricated is not persuasive. Child disclosed abuse to her mother before she learned of her aunt and uncle's marital difficulties and before learning that the uncle's daughter did not wish to visit with her. In addition, there was independent evidence that corroborates both the timing of the allegations and the details of the allegations. Sexual abuse upheld as the Department has met its burden and established that the Appellant fondled his niece's genital area. In re Richard W., March 9, 2006.

Mother did not initially deal well with her teenagers disclosure that mother's husband fondled the teenage daughter. Mother could have given more support to her daughter and later affirmed her belief in her daughter's statements and apologized. She did seek therapy for her daughter and followed Department's recommendations. Emotional neglect and physical neglect reversed. In re Lisa B., February 17, 2005.

Child disclosed fondling in a forensic interview. Department had reasonable cause to substantiate. However, her initial disclosure was made to a sixteen year old aunt, who asked child if Appellant had ever touched her. Child said no and aunt told the child that she would "beat the crap out of her" if she wasn't telling the truth. Child then disclosed over the clothes fondling. There were also additional factors that raised questions of the reliability of the report as the collaterals not interviewed. Sexual abuse substantiation reversed. In re John P., July 21, 2004.

Sexual abuse will be upheld when a child makes consistent statements regarding fondling by her stepfather, and has no apparent motive to fabricate. Evidence that a child's grades deteriorated

during the period of abuse helps to support a credible allegation of abuse. In re Joseph M., May 28, 2004.

Sexual abuse upheld where four year old spontaneously disclosed that the Appellant touched her vaginal area and child has been consistent in disclosure. With no motivation to fabricate, allegations found credible. In re Michael F., November 12, 2003, appeal dismissed October 2004.

The Department's decision to substantiate sexual abuse upheld when child provides repeated, detailed statements that his mother's boyfriend touched him, and masturbated in front of him, while the child was visiting Appellant's worksite. In re Frank S., February 11, 2003.

Five year old disclosed that on two occasions, Appellant touched and fondled his private parts. Appellant worked at the daycare center that child attended. Appellant denied the allegations. Child was consistent in his disclosure to his father, the Department and his therapist. Child participated in a forensic evaluation, again, providing a consistent disclosure but with more detail. Appellant was not arrested. Sexual abuse upheld. In re Kevin P., October 25, 2002.

Child alleges that stepfather comes into her room late at night on two occasions and fondles her breasts. Child's sibling, who sleeps in the same bed, confirms seeing him leave the room after seemingly touching the victim. Child recants the second allegation, but never recanted the first allegation and maintains that the fondling occurred. Sexual abuse upheld. In re Xavier M., June 10, 2002.

SEXUAL ABUSE - GRATIFICATION

Sexual abuse reversed where victims' disclosures are inconsistent. Hearing Officer finds that Appellant smacking kids on the butts and telling them to get back to work is not sexual contact for purposes of sexual gratification. In re Benjamin C., October 2, 2008.

Although the child may have witnessed his mother engaging in sexual activity, the Department did not present any evidence that the mother coerced the child into the activity, or that there was sexual contact, or that she received gratification from the exposure. The Department did not establish that the Appellant mother was even aware that the child witnessed the sexual activity. One of these elements must be met in order to sustain a finding of sexual abuse. In re Rebecca P., March 18, 2008.

Sexual abuse upheld where child credibly reports that the Appellant touches her zipper while fondling himself. In re Angel C., February 4, 2008.

Appellant becomes legal guardian of his half sibling after their mother dies. Appellant attempted to kiss half sister on the lips and put his tongue in her mouth. Sister refused, Appellant left the room and later returned to apologize. Incident occurred nine years prior to hearing. Appellant remorseful and knew what he did was wrong and was willing to receive help in dealing with incident. Appellant submitted psychological evaluation which indicated he should not be identified as a sexual abuser. Sexual abuse upheld as definition of sexual abuse met. Central Registry recommendation reversed as isolated incident which happened nine years ago. Also, lack of

serious contact, lack of grooming or planned behavior, Appellant determined not to be a risk to children. In re Patrick G., November 16, 2007.

Sexual abuse allegation reversed as the evidence supports that the Appellant kissed the nine year old child as part of morning ritual. No evidence was presented about how long the kisses lasted, how many times it occurred, whether the mouth was open or closed and whether the Appellant touched the child in any manner during the kisses. More is needed than the child's statements that she thinks the kisses are disgusting. The evidence also does not indicate that the Appellant was kissing the child for sexual gratification purposes. In re David G., March 17, 2005.

Evidence that children have viewed pornography on Appellant father's computer is not evidence of sexual abuse without evidence that father coerced or forced the children to view it. In re Thomas D, March 11, 2004.

A child's allegations of sexual abuse that are inconsistent with witnesses' statements does not support a finding of sexual abuse. While Appellant may have touched the child, (to wake her from disturbed sleep) there is no evidence of sexual gratification, which is a required element of sexual abuse. In re Paul L., January 12, 2004.

Sexual abuse reversed when father pinches his daughter's breasts. Hearing Officer finds that the act was inappropriate contact, but did not rise to sexual behavior. In re Lawrence A., September 12, 2003.

Decision to substantiate sexual abuse reversed when the Department fails to prove sexual contact for purposes of gratification of Appellant father. Although the child was uncomfortable, and the Appellant's actions were inappropriate, it did not rise to the level of sexual activity. In re Andrew F., June 12, 2003.

SEXUAL ABUSE - GROOMING

Sexual abuse upheld when Appellant is a staff member at CJTS and she provides a male resident with sexually explicit material. Sexual abuse grooming also upheld as to second youth because the evidence in the record supports a finding that the two engaged in a sexual relationship after the youth was discharged from CJTS. In re Casilda C.,July 19, 2011.

Sexual abuse upheld when Appellant provides a youth with sexually explicit material and spends a great deal of time with him prior to his discharge from the facility where she is employed. The Hearing Officer finds that sexual contact between the two occurred after the youth's discharge.
In re Casilda C., October 25, 2011.

Sexual abuse was upheld when the Appellant snapped the girl's bra, ran his fingers through her hair and tried to touch her breasts. In re Norman R., October 27, 2010.

Allegations of sexual abuse dismissed (Directed Verdict) where the Department fails to establish sexual contact or grooming behaviors. Likewise, physical neglect reversed, because inappropriate comments are not evidence of physical neglect. Such comments might have been evidence of

emotional neglect, but the Department did not allege emotional neglect. In re Phillip B., July 3, 2008.

Grooming behaviors may support a finding of moral neglect and placement on the Central Registry. In re Franklin R., October 31, 2007; appeal dismissed.

Appellant admitted to fondling daughter in the breast and vaginal area about ten times over period of two years. He also showered with his daughter on one occasion allowing her to see his body parts. Incidents happened approximately six years ago. Appellant knew what he did was wrong and admitted it to his daughter, pastor and wife. Actions meet definition of sexual abuse. Sexual abuse upheld, Central Registry recommendation upheld. In re Jason M., August 7, 2007

Father was intoxicated and lifted up his daughter's skirt and rubbed her buttocks. He also kissed her on the mouth and put his tongue in her mouth. The child was crying and scared. He also rubbed his son's inner thighs under his pants. Sexual abuse was upheld. Central Registry upheld. Therapist stated that children do not feel safe to be left alone with him. In re Joseph K., August 25, 2006.

Sexual language directed at a child is not necessarily sexual abuse as it is not sexual behavior. In re Andrew F., January 13, 2004.

SEXUAL ABUSE - REVERSED

Sexual abuse reversed where a teenage girl, who has a history of lying and once threatened to commit suicide to get her way, made inconsistent disclosures about the Appellant's alleged sexual misconduct. None of the allegations that her mother knew about the abuse were confirmed and/or corroborated. In re Kevin H., January 27, 2012

Sexual abuse reversed when youth had consistently denied any inappropriate touching by the Appellant until her mother and the Appellant became involved in a protracted custody battle. Youth made conflicting statements to the police and the Department regarding the alleged incidents. In re John B., December 9, 2011.

Sexual abuse reversed when sue to severe mental health and emotional issues, child is not a reliable reporter and had previously denied any inappropriate touching. In addition, the Appellant's expert presented credible testimony that child's acting out behavior that was perceived as sexually reactive was in fact consistent with her mental health and behavioral health diagnoses.
Physical neglect reversed when it was based solely on the alleged sexual abuse incident which was reversed at hearing. In re Theodore B., November 30, 2011.

Sexual abuse reversed when the alleged child victim has credibility issues including lying during the investigation. In re Tony C., October 18, 2011.

Sexual abuse reversed where the child's allegations that a vice principal in her school was giving her unwanted attention of a sexual nature and that everyone notices, was not corroborated by witnesses. Emotional neglect and emotional abuse reversed where there was no evidence to

support a finding that the Appellant engaged in conduct of a sexual nature that adversely impacted the child's emotional development. Due to the reversal of the underlying substantiations, the Central Registry is reversed. In re Kevin M., October 18, 2011.

Sexual abuse reversed when there is evidence that the child lies for no reason, has behavior problems, and is rebelling against her primary caretaker. Her time frames were vague, and the Appellant was able to demonstrate a work schedule that has him out of the home most days during the time frames the alleged events occurred. In re Tony C., October 18, 2011.

Sexual abuse reversed when there are several witnesses present at the time of the alleged incident, and none of them witnessed any inappropriate contact between the Appellant and the alleged victim. In re Jean Marie D., October 6, 2011.

Sexual abuse, physical neglect, emotional neglect and the Central Registry reversed where the allegations made by mother of her teenaged daughter being sexually abused by the Appellant was not credible. The reports of sexual abuse where inconsistent and only made after mother learned that the Appellant was filing for joint custody of their younger child. In re Ricardo C., September 23, 2011.

Sexual abuse reversed when alleged victim's allegations are inconsistent with respect to location, timing, and what her step-father did to her. In re Michael F., August 30, 2011.

Sexual abuse reversed against former foster father when the child is not credible, his allegations are inconsistent, and the evidence overwhelmingly supports the Appellant's denials. In re Peter B., August 29, 2011.

Sexual abuse reversed against caretakers when the alleged victim is very traumatized, and the Department does not establish by a preponderance of the evidence that the Appellants are responsible for the child's trauma. In re Relford and Debra W., August 4, 2011.

Sexual abuse reversed when there is a long conflicted custody battle between the Appellant and the child's mother and the Appellant did not have sufficient visitation with child during the period of the alleged abuse for the incidents to have occurred. In re Manuel C., July 19, 2011.

Sexual abuse reversed when child reports she lied when she recanted report of abuse two years prior. Child is unable to provide details of the abuse and other family members report the Appellant was not alone with the child and did not have opportunity to touch her as reported in her disclosure. In re Francisco S., March 11, 2011.

Sexual abuse reversed against appellant because victim's statements are not corroborated with evidence seized by police officers during the criminal investigation. In re Michael H., February 24, 2011.

Sexual abuse reversed when physical evidence and psychosexual evaluation do not support finding of abuse and child did not make clear disclosure of abuse. Child is cognitively and speech impaired. In re Lance G., November 18, 2010.

Sexual abuse reversed under *Merriam* when the child's statements are not consistent and she has a motive to fabricate the allegations. In re Larry P., September 8, 2010.

Sexual abuse reversed when evidence does not support a finding that child was alone with Appellant or there was any opportunity for abuse to have occurred. Disclosures credited to child were incomplete and substantiation was based on assumptions, not details provided by child.
Emotional neglect reversed as it was based solely on the sexual abuse substantiation.
Physical neglect reversed as it was based solely on the sexual abuse substantiation.
In re Joseph C., July 21, 2010.

Sexual abuse reversed when child's disclosure is not found credible following *Merriam* analysis. Child's disclosures are not consistent and she does not want to remain with guardians who she believes are too strict. In re Matthew K., April 20, 2010.

Sexual abuse reversed when child's disclosure is not found credible following *Merriam* analysis. Child has demonstrated history of lying and does not want to remain with guardians who she believes are too strict. In re Yadata T., March 5, 2010.

Sexual abuse reversed when child's disclosure is not found credible following *Merriam* analysis and estranged mother appears to have motive for child to fabricate the allegations. Mother asks for criminal investigation to be stopped and is not cooperative with police investigation.
In re Lavoid M., January 28, 2010.

Sexual abuse reversed where a teacher touches a child on her bare back while in the classroom. Although the Appellant engaged in inappropriate behavior relative to his professional conduct (kissing students on the tops of their heads to praise them) his gestures toward the alleged victim were not sexual in nature. In re Ruperto T., November 3, 2009.

Sexual abuse reversed where victim's credibility is questioned following *Merriam* analysis due to motive to fabricate and state of mind factors. Additional evidence provided at the hearing made timeline claims suspect. Physical neglect reversed where record does not support a finding that child told parents that brother was sexually abusing her years prior to most recent disclosure.
In re James, Desiree and Kyle D., October 30, 2009.

Sexual abuse reversed where child discloses only after mother pressures child to tell what dad did to her and child had not disclosed at forensic interview or to the Department investigator.
In re Carl D., October 9, 2009.

Sexual abuse reversed under *Merriam* analysis. Inconsistencies, unknown mental state of child, credible testimony of Appellant denying allegations, motivation because of marital difficulties, and all of serious allegations coming after mother told her daughter that she was going to file for divorce support conclusion that child was not credible. In re David B., September 19, 2009.

Sexual abuse/exploitation reversed where the Appellant was not a person responsible, a person given access, nor a person entrusted with the care of a child who visited his home, but was never left alone or cared for by the Appellant. In re Waldeen G., August 24, 2009.

Sexual abuse reversed where preadolescent child feels uncomfortable when parents check child's underwear because child does not always practice good hygiene, and is immature for his age. The Appellant has made the child clean up in some circumstances, and admitted that he applied powder to the child. He denied patting child's genitals or any sexualized contact with the child. In Ronald V. August 11, 2009.

Sexual abuse against residential staff reversed where the alleged victims are not credible, due to prior false allegations and recanted statements. In re Toby B., July 2, 2009.

Sexual abuse reversed where child tells brother and stepsister that she lied about allegations against stepfather and when criminal case was being prosecuted would not disclose information about incidents to the prosecutor. In re Victor S., July 1, 2009.

Sexual abuse reversed where parents are engaged in custody dispute and timing of allegations coincided with court activity. In re Sarah B., June 26, 2009.

Sexual abuse reversed where child denies he was ever touched inappropriately during forensic evaluation and allegation comes only from mother. In re Vincent L., June 12, 2009.

Sexual abuse and physical neglect reversed where the record does not support a finding that child's disclosures were credible given physical layout of daycare where abuse was supposed to have occurred, lack of access by alleged perpetrator to victim and number of witnesses who disputed report. In re Moses P., May 5, 2009.

Sexual abuse reversed where the record does not contain sufficient information to support a finding by a fair preponderance of the evidence and mother made the initial allegation against father immediately following an argument. Forensic interview was not conclusive and there was no other evidence to support a finding of abuse. In re Everton K., April 7, 2009.

Sexual abuse reversed where *Merriam* analysis demonstrates child is not credible because his allegations are not consistent or spontaneous. In re Sebastian B., March 31, 2009.

Sexual abuse reversed where the record does not contain sufficient information to support a finding by a fair preponderance of the evidence and mother has a history of encouraging the children to make false accusations against Appellant. In re Kyle L., March 20, 2009.

Sexual abuse reversed where child has history of out of control behavior, was in counseling the entire time the abuse was alleged to have occurred and never mentioned it to therapist. Therapist reported concerns regarding veracity of child's report. In re Larry V., February 25, 2009.

Sexual abuse reversed where *Merriam* analysis shows that victim's disclosure was not spontaneous, the allegations were not consistent and she had a motive to fabricate the allegations. In re Mark M., February 20, 2009.

Sexual abuse reversed where child's disclosure is not credible. Child made no disclosure of inappropriate touching until asked leading questions by therapist. Child's disclosures inconsistent and not supported by other facts in case. In re John G., February 6, 2009.

Sexual abuse reversed where allegations are made at end of contentious custody battle and impact outcome of custody hearing. Allegations were not made during the prior two years when children were away form alleged perpetrator and involved with several mental health and legal professionals. The professionals involved in the case had concerns regarding the veracity of the allegations based on the history of the case and their knowledge of the alleged perpetrator. In re David M., February 3, 2009.

Sexual abuse reversed where investigator did not conduct complete investigation. Reliance solely on a forensic interview is insufficient to support substantiation by a fair preponderance of evidence in a case where there are potential credibility issues with the child victims and the circumstances surrounding their disclosures. Investigator should have further explored details from the child victim's disclosure. In re David M., February 3, 2009.

Sexual abuse reversed where *Merriam* analysis shows a motive for the allegations, a vagueness of the allegations and a lack of spontaneous reaction. In re Luis L. & Arvia L., January 26, 2009.

Sexual abuse reversed where daughter discloses before her court case that her father, Appellant, sexually abused her when she was six years old. Minimal facts collected from investigator. Daughter's disclosures were extremely vague. No forensic interview conducted. Insufficient information in teen's disclosure to adequately apply *Miriam* analysis. Possible corroborating witnesses not interviewed. Appellant not interviewed. In re Michael D., January 9, 2009.

Female teenager made allegations of sexual abuse against her stepfather, the Appellant, after her mother and Appellant separated and divorce proceedings began. Substantiation reversed under analysis in State v. Merriam, 264 Conn. 617 (2003). Disclosure not spontaneous and there was a motive to fabricate. Several third parties provided information that mother coached daughter and this was planned so mother could keep the house. Sexual abuse reversed. In re Benedict S., December 12, 2008.

Sexual abuse reversed where the nature of the allegation is suspicious and details that could have been verified were not. In re Rashida S., November 18, 2008.

Sexual abuse reversed where victims' disclosures are inconsistent. Hearing Officer finds that Appellant smacking kids on the butts and telling them to get back to work is not sexual contact for purposes of sexual gratification. In re Benjamin C., October 2, 2008.

Sexual abuse reversed where child is mimicking mother's statements, but denies sexual abuse in independent interviews. In re Errol G., September 17, 2008.

Sexual abuse reversed where child's disclosures contain several inconsistencies; the forensic interviewer had concerns regarding the child's reliability and school indicated concerns with child's credibility. In re Kevin S., September 2, 2008.

Allegations of sexual abuse reversed where child's injuries (which she said were the result of the Appellant's assault on her) are not consistent with her allegations, the Appellant denies the

allegations, and the child has a motive to fabricate against the Appellant. In re Donald B., July 14, 2008.

Allegations of sexual abuse dismissed (Directed Verdict) where the Department fails to establish sexual contact or grooming behaviors. Likewise, physical neglect reversed, because inappropriate comments are not evidence of physical neglect. Such comments might have been evidence of emotional neglect, but the Department did not allege emotional neglect. In re Phillip B., July 3, 2008.

Sexual abuse reversed where the child's statements are inconsistent, and witnesses who were in the foster home at the time deny statements by the alleged victim. In re Patrick M., June 27, 2008.

Sexual abuse reversed where there are too many discrepancies in the child's statements, and the child's therapist believes that the child may not have been abused. In re Carlos V., June 9, 2008.

Sexual abuse reversed where child admits that she made up the allegations, and the child's therapist determines that the child is not credible. In re David S., May 28, 2008.

Emotional abuse due to alleged threats of additional sexual abuse reversed where the Appellant denies the threats, the child is not credible, and there is insufficient evidence to establish that the child was in fact sexually abused. In re David S., May 28, 2008.

Sexual abuse cannot be upheld at the higher burden of proof (fair preponderance of the evidence) required at an administrative hearing, where the Appellant denies a child's statement, his wife provides credible testimony that the child was not alone with the Appellant, and the allegations are investigated by a different investigator and not substantiated. In re Mark B., April 24, 2008.

Sexual abuse reversed where initial disclosure is made to mother during contested divorce, and the substantiation is based on therapist's opinion, without a specific disclosure. Hearing Officer notes that the Department had reasonable cause to substantiate, but that the evidence did not meet the higher standard required at the hearing level. In re Timothy A., April 17,2008.

Sexual abuse reversed where the child's statement is vague, the Appellant offers credible denial, and has two witnesses to support his position. In re John C., April 15, 2008.

Sexual abuse reversed where Appellant denies allegations, the child's story is inconsistent with her mother's initial report, and the report comes in the middle of a divorce. In re Todd A., March 18, 2008.

Sexual abuse reversed where there is inconclusive evidence to support children's vague statements, and it appears that mother may be manipulating the situation. In re Joseph P., February 19, 2008.

A child's sexual abuse disclosure is not credible when the details change, she frequently recants and denies her allegations. The child's credibility is further weakened when she reports that a sibling was also abused, and the sibling denies it. In re William F., February 4, 2008.

A child's isolated allegation of inappropriate touching does not support a sexual abuse finding when the child makes no similar claims during two previous discussions regarding sexual abuse, and the Appellant credibly denies the claim. In re Edward C., December 11, 2007.

Sexual abuse reversed where there is neither evidence of sexual abuse nor disclosure to expert investigative staff. In re Brenda P., September 13, 2007.

Sexual abuse reversed when it was not possible to determine if child's emotionally disturbing behavior was a result of sexual abuse by Appellant or other stressors in her life. Viable evidence was presented to support a finding that if the Appellant touched the child it was in the context of toileting assistance. In re Jason C., August 17, 2007.

Sexual abuse reversed when child recants disclosure that Appellant touched him inappropriately. During the investigation, the Appellant was not interviewed and the initial context of the child's disclosure was not investigated. The child later recanted. The Appellant denied the allegations and no corroborating evidence was presented to support the child's disclosure. Sexual abuse reversed, registry reversed. In re Jeremy K., July 30, 2007.

Sexual abuse reversed when evidence of sexual gratification is lacking and the action could have been inappropriate horseplay. In re Fritz J., July 5, 2007.

There was credible evidence that the child's disclosures were made in retaliation for the Appellant attempting to set limits at home. The court ordered evaluator did not find inappropriate intent on the part of the Appellant. This weighed in favor of bad judgment, as abused to sexual abuse in the Appellant reciprocating when the child place her hand over his breast and squeezing his torso during a pillow fight. In re Fritz J., July 5, 2007.

Appellant caught step-daughter having sex in her bedroom. Stepdaughter later accuses stepfather of inappropriate comments, touching and kissing her and then recants. St. Francis interview would have been helpful, but was not scheduled. Sexual abuse reversed. In re Pedro A., May 11, 2007.

Sexual abuse reversed when a child's statements regarding the abuse were inconsistent. Child is medicated and has a long history of lying, emotional and psychological issues. Child may have been motivated by jealousy of the Appellant. The Hearing Officer also considered that there was a lack of corroborating evidence available including the presence of drugs in the home which the child claimed existed and the fact that the child's sibling did not witness any inappropriate touching. Accordingly, the registry component was reversed. In re Patrick S., March 12, 2007.

Initial disclosure was that the abuse was perpetrated by someone other than the Appellant. Two other children in the home were not asked to confirm their whereabouts. No medical evidence was admitted. Sexual abuse reversed. In re Michael F., February 23, 2007.

Sexual abuse reversed when evidence indicated youth initiated sexually explicit conversation and Appellant attempted to have youth removed from his presence. In re Spencer M., January 2, 2007.

Investigator is unable to talk with Appellant prior to close of her investigation due to request from police. Subsequent information from police indicates allegations cannot be supported and sexual abuse reversed. In re Elliot V., November 6, 2006.

Sex abuse not found when 2 investigative interviews concluded that it was hard to say if there was fondling or sex abuse. In re Donald T., October 26, 2006.

Mother and father were in a heated divorce. Mother alleges father molested their 3 year old daughter. Forensic interview completed and father unsubstantiated. Child goes to therapy and therapist believes that the child was sexually abused but did not have an opinion if it was father. Sexual abuse substantiation reversed. In re Richard R., October 19, 2006.

Child's initial disclosure of sexual abuse was unreliable. The timing and location of the second interview further detracted from the dependability of the child's statements. Sexual abuse was reversed. In re Luke F., August 18, 2006.

Teen son reported to his mother that he washed a woman's back while Father/Appellant and girlfriend were home. Teen told his mother he had a bump on his penis and that woman performed oral sex on him. He had a bacterial infection. Child gave inconsistent versions of what occurred. Department failed to prove that woman engaged in oral sex with teen as the day and time was not reported, nor was it known if anyone else was at the home. Without some supporting evidence, it was not shown that a twenty year old woman performed oral sex on a fourteen year old boy. Physical neglect reversed. Central Registry denied. In re John A., May 10, 2006.

Both the court ordered evaluator and the child's guardian ad litem believe that the child was likely coached to make allegations of sexual abuse against the father by the mother as part of an on going war between the father and the mother in family court. Sexual abuse and emotional abuse reversed. In re Garrett S., February 14, 2006.

Child claimed a staff member at a therapeutic after-school program touched him in a sexual manner. The Appellant cooperated with a sexual offender evaluation. The evaluator found that it was unlikely that the Appellant committed the acts. In addition, there was no corroborating testimony or physical evidence. The substantiation was reversed. In re Horace C., December 19, 2005.

Teenage child claimed her step-father sexually abused her. The child was sexually active and also engaged in attention seeking behavior. The police officer felt the child was lying and the emergency mobile psychiatric services had doubts about the child's credibility. The sexual abuse substantiation was reversed as there was not sufficient evidence to determine that the stepfather sexually abused the child. In re Khemraj S., November 21, 2005.

The Department substantiated sexual abuse based solely on the child's statements. The investigation did not crosscheck the surrounding information to verify the reports of the victim and the accused. The investigation did not crosscheck the allegations or address the inconsistencies in the reports. The child had been sexually abused in the past. The child has serious mental health issues. There was no information to corroborate the child's report. The substantiation was reversed. In re Albert T., November 3, 2005.

16 year old alleged that stepfather kissed her, touched her breasts and buttocks, and rubbed up against her. The child indicated that a sibling had seen one of the incidents. The sibling did not affirm any of the alleged victim's claims. It could not be found that the Department had proven that the stepfather engaged in sexual contact with the child. In re Thomas L., September 20, 2005.

Sexual abuse reversed as the sixteen year old victim indicated that incident occurred at 3:00 in Massachusetts. Witness saw the Appellant at a birthday party at 3:15 in East Hartford and a school security guard saw the Appellant at 4:00 in West Hartford. In re Kevin B., September 13, 2005.

Three and half year old boy disclosed to therapist that father does a penile hug with his mouth and hand in the bathroom with the child watching. During the forensic interview the child stated his mommy made him talk to the therapist and later when asked if he saw a "penie hug" with his own eyes, he shrugged and stated he thought his mommy knew. Sexual abuse substantiation was reversed as there was not reliable evidence that this child had been exposed to sexual behavior or indecent exposure. In re Sebestiano B., August 24, 2005.

Sexual abuse was reversed due to the girl's inconsistent statements to police and the Child and Family Agency as well as contradictory information received by others. The girl's statements alone are not sufficient to find a fair preponderance of the evidence. Child has a history of lying and corroborating facts were needed. In re Jaime C., July 14, 2005.

DCF substantiated sexual abuse against the father and father's girlfriend based on the daughter's disclosures to her mother, daycare worker, forensic interviewer and based on the physical evidence. Hearing officer applied the analysis set forth in State v. Merriam, 264 Conn. 617(2003) and concluded that the father and girlfriend sexually abused the daughter. Sexual abuse affirmed. In re Timothy and Jessica B., June 30, 2005. (Reversed by DCF after appeal and remand.)

Allegations of sexual abuse credibly denied and corroborating evidence missing. Appellant was not arrested and Detective testified that many details were missing and the accusations were not consistent. Sexual abuse reversed. In re Jimmy M., June 29, 2005.

Children made consistent statements of abuse by their father. However, the statements were made after a motion was filed in a heated divorce case. DCF failed to obtain medical records that would have proven or disproven allegations that child would require reconstructive surgery on her vagina. DCF did not present corroborating evidence and Sexual abuse reversed. In re Michael Q., June 14, 2005.

Hearing Officer found that the credibility and reliability of alleged victim was questionable, as a result of repetitious and leading questions, the surrounding custody battle and evidence of coaching by adults. Sexual abuse and physical neglect reversed. In re Joseph G., June 6, 2005.

Evidence presented was extremely vague. It is possible that father tickled this daughter on her inner thigh and made contact with her vaginal area. The forensic interviewer did not distinguish between appropriate father/daughter contact and sexual abuse. Sexual abuse reversed.
In re Jaime C., April 4, 2005.

Sexual abuse allegation reversed as the evidence supports that the Appellant kissed the nine year old child as part of morning ritual. No evidence was presented about how long the kisses lasted, how many times it occurred, whether the mouth was open or closed and whether the Appellant touched the child in any manner during the kisses. More is needed than the child's statements that she thinks the kisses are disgusting. The evidence also does not indicate that the Appellant was kissing the child for sexual gratification purposes. In re David G., March 17, 2005.

Child's credibility questioned as she made allegations, denied the allegations and two days later admitted she had not been honest. In addition there was a lack of detail concerning the incident, the child did not like living with her relatives and the child had a history of lying. Sexual abuse reversed. In re Paul D., March 17, 2005.

Sexual abuse substantiation reversed, as the child's statements to the therapist and forensic interviewer are inconsistent and the child's sister does not corroborate the child's allegations. In re Timothy C., March 17, 2005.

Appellant denies confessing to having sexual relations with mentally retarded minor in the presence of his children. The alleged confession is not memorialized in writing. Appellant is acquitted in criminal trial. Victim filed civil suit against Appellant and later sent an e-mail indicating that she made it up and wanted the insurance money. Sexual abuse reversed. In re Eligio V., January 11, 2005.

Sexual abuse reversed, as there are inconsistencies in the child's report that the grandfather walks around naked. Alleged victim denies that his head was near his grandfather's "winkie." Testimony of other members of the household support Appellant's claim that he does not walk around naked and there was no sexual contact. In re Nathaniel M., January 3, 2005.

Fifteen year-old alleged rape by her brother in law. She did not report the incident until six months later and she had a motive to fabricate. Teen unhappy living with sister and brother-in-law. Appellant was not arrested and underwent an evaluation that determined his emotional characteristics were inconsistent with those of a rapist. Sexual abuse reversed and physical neglect based on the sexual abuse also reversed. In re David G., November 15, 2004.

Teacher observed what she thought was Appellant engaged in inappropriate activity with two year old child. Appellant provided plausible explanation for his activity, Department did not meet higher burden of fair preponderance of the evidence. In re Patrick K., October 22, 2004.

Sexual abuse by foster brother reversed when alleged victim has serious mental health issues, and there is significant evidence of credibility problems with her reports. Also, child had accused multiple people of sexual abuse prior to this report. In re David B., October 18, 2004.

Child disclosed her father touched her private parts. Medical exam found no evidence of abuse. No evidence of inappropriate touching, Appellant admits to child-care tasks including bathing and wiping the genital area of his daughter, who was being potty trained. Sexual abuse reversed. In re Anthony C., October 18, 2004.

Sexual abuse of special needs child reversed when the Department fails to establish any supporting facts or details to child's vague statements that his father touched his penis which the Appellant denied. In re Wilson, R., October 14, 2004.

Nine year old girl makes disclosure during class discussion about sexual abuse that her uncle touches her inappropriately. Child said uncle touched her vagina while her clothes were on. This was only statement from child. Uncle lives with girl's grandmother. Uncle was not interviewed by police or by Department. Sexual abuse reversed when the investigation fails to elicit any corroborating evidence or information, and the Appellant credibly denies the allegation.
In re Hector C., July 30, 2004.

Appellant made repeated unsubstantiated referrals regarding sexual abuse of their children by father. All three girls were interviewed by police, DCF and their GALs. They were examined by pediatricians and emergency room staff. Not once during these interviews or examinations did the girls disclose abuse by their father. Father does admit to enjoying unconventional sexual activity but mother's concern has gone beyond legitimate and she has made her daughters fearful of their father. Due to repeated exposure to investigations, examinations and re-enactments, Emotional neglect of girls by mother upheld. In re Bekki S., July 30, 2004.

Child disclosed fondling in a forensic interview. Department had reasonable cause to substantiate. However, her initial disclosure was made to a sixteen year-old aunt, who asked child if Appellant had ever touched her. Child said no and aunt told the child that she would "beat the crap out of her" if she wasn't telling the truth. Child then disclosed over the clothes fondling. There were also additional factors that raised questions of the reliability of the report as the collaterals not interviewed. Sexual abuse substantiation reversed. In re John P., July 21, 2004.

A child's statement that she was touched on her vagina while clothed is not consistent with her statement that she was touched inside her vagina. When a child's statement has relatively few details, and they are not consistent, sexual abuse is reversed. In re Jose G., May 25, 2004.

When a child's statement has relatively few details, and they are not consistent, sexual abuse is reversed. In re Edwin G., May 25, 2004.

Sexual abuse is reversed when the child's statements are not consistent, and her demeanor (boredom and inconvenience) as well as her admissions that she may have dreamed some of the incidents, suggest that her allegations are unreliable. In re Mark W. , April 6, 2004.

The Department cannot prove sexual abuse by a preponderance of the evidence when the child recants his statements of abuse, and none of the other alleged witnesses corroborate his claims. In re Jessica S., April 2, 2004

Child's reputation as "troubled" and her history of having to be checked on a daily basis by school nurse for use of substances goes to her credibility as a witness, especially when she does not wish to discuss allegations and there are discrepancies between her report and the Appellant's credible testimony. Sexual abuse, emotional and moral neglect all reversed. In re Angelo M., March 22, 2004.

Inconsistent allegations, erroneous details and credible denials by the perpetrator require a reversal of sexual abuse. In re Nelson R., February 17, 2004.

When a child's statements are inconsistent, and then she refuses to discuss sexual abuse allegations, and ultimately recants the allegations, her credibility is a problem. In re Angel R., January 22, 2004.

Sexual abuse reversed when the alleged victim's stories are inconsistent, and the alleged witness is unable to recall any of the alleged events. In re Hector S., January 2, 2004.

Sexual abuse reversed when child's statements change in allegations from skin to skin contact to horseplay between the Appellant and child that makes the child uncomfortable. Appellant also puts forth a motive for child to fabricate, in that child had recently been disciplined for sexual activity with her boyfriend. In re James D., December 22, 2003.

Sexual abuse and emotional neglect against grandfather reversed when child's credibility is extremely damaged by prior allegations and inaccurate facts in her statements. Physical and emotional neglect against grandmother reversed as there is no finding of abuse, and therefore, no finding that grandmother failed to protect. Also, while there is evidence that grandmother did not believe the child, there is no evidence that the grandmother did not support the victim, or that the victim was aware of her caretaker's beliefs. In re Maurice and Mary Ann S., December 19, 2003.

Sexual abuse reversed when the child's disclosure is inconsistent, made during the context of a custody dispute, and there is no prior history of abuse by the Appellant father. In re Jeffery N. W., November 7, 2003.

Sexual abuse allegations reversed when the seventeen year old complainant has credibility issues regarding the three year old allegations. The details, including where the abuse occurred, were inconsistent, and she failed to make any allegations during the three intervening years, despite being in therapy. In re Mark Anthony C., Sr., November 4, 2003.

Sexual abuse reversed. The child's statements were not consistent with the evidence presented in opposition to them, and there were concerns noted by the hearing officer as to the methods used by the child's mother to elicit the initial disclosure of abuse. In re John L., October 22, 2003.

Sexual abuse reversed. The Department failed to meet the burden of proof, as the child's reports regarding the timing of the incident were inconsistent with other factual evidence. In re Jayson T., September 29, 2003.

Sexual abuse against school bus driver reversed when there is inadequate evidence to support the child's allegations against school bus driver, the disclosure itself is suspect, due to the questioning by the child's parents, and the Appellant's story and time frames are supported by the evidence. In re Cirilo R., August 5, 2003.

Appellant demonstrates that the allegations were made the day after Appellant has the victim's father arrested, in front of the victim, for threatening and harassment. There is an issue with the child's credibility, and his statements are not detailed. The investigator never interviewed the

Appellant, although hearing officer notes that policy requires that the Department interview the alleged perpetrator. Sexual abuse reversed. In re Cindi M., July 16, 2003.

Sexual abuse reversed when child's statements are not corroborated by another source, and conflict with other available evidence. In re Alan S., June 23, 2003.

Sexual abuse reversed when two allegations of touching are found not to rise to the level of abuse, and two other instances are found to lack evidence that they were anything more than Appellant's inadvertent contact with complainant. In re Steven K., June 19, 2003.

Sexual abuse reversed when adult child recants eleven year old allegations against her father, and reports that the man she wanted to date at the time forced her to make up the story. In re Raymond C., May 9, 2003.

Sexual abuse reversed as to father due to credibility issues of the child, and inconsistencies with her story. In re Lillian and German C., May 8, 2003.

Sexual abuse reversed when the child does not disclose for nine years, but disclosed immediately against another person, and there are inconsistencies about where the incident occurred.
In re Scott S., April 17, 2003.

Sexual abuse allegation against foster father reversed when there is insufficient evidence to support it. Hearing officer found that investigation was lacking in that investigator failed to interview the alleged perpetrator, and reconcile differences between the allegations and available evidence. Physical neglect reversed against foster mother for not keeping foster father out of the home indefinitely, following the police department's decision to not arrest foster father. In re Keith and Malissa M., April 10, 2003.

Sexual abuse allegation against mother and her boyfriend reversed when court ordered evaluator finds no evidence of sexual abuse. Physical neglect allegation against mother reversed as there is no evidence that she permitted her daughter to live in conditions injurious (sexual abuse by boyfriend.) In re Crystal K. and Robert S., March 17, 2003.

Appellant's sixteen year old granddaughter accused him of sexually abusing her when she was 5 or 6 years old and again when she was eleven years old. The sixteen year old is found not credible given the testimony presented by the Appellant, including his admission of sexually abusing his own child; the adult victim of the Appellant; the Uncle who was also accused of sexual abuse; and the grandmother, Appellants' wife. All testified that the Appellant was never alone with the children given his history with his own child. The adult victim testified that she never observed anything inappropriate between the Appellant and the 16 year old, contradicting the sixteen year old's claim to the contrary. Sexual abuse reversed. Physical neglect reversed. In re Omer B., July 31, 2002.

Teenager alleges stepmother sexually abused him. The teenager's inconsistencies in disclosing and then recanting on multiple occasions, his own history of fabrications and manipulations, and his long-standing anger toward his stepmother as a reason for making these allegations leads to reversal of substantiation. Sexual abuse reversed. In re Mary A., May 31, 2002.

The same allegations of sexual abuse by a foster parent to a foster child are made on two separate occasions. The first investigation was unsubstantiated. During the first investigation, it was the consensus of the professionals involved with the child that she had an extensive history of lying and was extremely manipulative. The second investigation led to a substantiation of sexual abuse. The hearing officer determined that the child was still not a reliable reporter, as there were significant inconsistencies in her report from the first investigation to the second investigation. Sexual abuse reversed. In re Rodney V., April 22, 2002.

Child care worker in short term alternative residential detention facility which houses approximately 15 to 20 adolescent males who are charged with delinquent acts is accused of sexually abusing some of the residents. The opportunity for the abuse was limited. Appellant gives credible testimony consistent with her prior statement that these things did not occur. Two criminal cases against the Appellant were dismissed. Sexual abuse reversed. In re Corrie M., April 16, 2002.

In a residential facility, allegations are that there are multiple witnesses/victims. Many of them deny witnessing or experiencing abuse. Two children who allege first hand knowledge of oral sex were roommates, were no longer at the program and were cousins. Their stories are not credible. Appellant gives credible testimony consistent with her prior statement that these things did not occur. Two criminal cases against the Appellant were dismissed. Sexual abuse reversed.
In re Corrie M., April 16, 2002.

Three girls (two aged eleven and one age twelve) alleged that the school janitor would give them hugs, while letting his hands drop to their posterior and gently squeezing. Allegations were made the same day the janitor yelled at them for playing in a room where chemicals were stored and replaced them as help in cleaning tables at an after school program. The girls admitted that they were upset and saw it as punishment that they could no longer assist the janitor. The janitor did not cooperate with the DCF investigation on the advice of counsel. Janitor's testimony at hearing was equally credible as that of the children leading to reversal due to higher standard of proof at hearing. The hearing officer found that the children had motivation to fabricate the allegation. Sexual abuse reversed. In re John A., October 2, 2000.

SEXUAL CONTACT

Sexual abuse upheld against mother's boyfriend's brother, who is frequent visitor to the home, when he gets on top of sleeping child and presses his genitals into her open legs. In re Michael F., January 24, 2011.

Central Registry upheld as sexual abuse was upheld and evaluations indicate that Appellant should not be in position of authority over minors. In re Michael I., November 3, 2010.

Sexual abuse upheld when Appellant's nephews disclosed that Appellant had anally penetrated them. In re Pedro R., September 8, 2010.

Sexual abuse, physical and emotional neglect upheld where a teenager credibly disclosed that the Appellant sexually abused her when she woke up to find him on top of her, touching her breasts, upper and lower body and vagina. The child disclosed it to her mother immediately after it

happened. The child was afraid to disclose because she was afraid the Department would remove her younger siblings. The child also disclosed that she did not trust anyone anymore.
In re Paul S., July 21, 2010.

Sexual abuse upheld where child discloses acts of intercourse and oral/genital contact, and the Appellant admits to fondling the child. In re Christopher C., April 7, 2008.

Three year old's disclosure that the Appellant touched and hit her vagina was spontaneous as well as being consistent in her statements. The Appellant's contention that he only wiped the child after she went to the bathroom was not credible. Sexual abuse was upheld. In re Andrew W., May 12, 2010.

Sexual abuse was upheld as the Appellant's conduct that involved kissing with a tongue, teaching and allowing the four year old boy to apply the massager to his penis, and exposing him to pornography is within the policy definitions of sexual abuse. In re William P., April 7, 2010.

Sexual abuse upheld where the Appellant engaged in vaginal intercourse with his five year old cousin after promising her he'd give her a pony if she complied with his sexual demands and instructed her not to tell anyone their "secret." The Appellant's actions were intentional and he seriously disregarded his young cousin's wellbeing, resulting in his placement on the Central Registry. In re Joseph L., February 19, 2010.

Sexual abuse upheld where the Appellant tried to engage in sexual acts with his live-in girlfriend's daughter on two separate occasions. In re Harlee S., February 4, 2010.

Sexual abuse, physical abuse and physical neglect upheld where the Appellant engaged in sexual acts with his daughter and girlfriend's daughter over a period of years. The Appellant lived with the children and was in a supervisory position over them. The girls disclosed he repeatedly engaged in oral sex and other sex acts with them. He also took nude pictures of the girls, some of which were discovered by the police upon execution of a search warrant of his residence. Physical abuse upheld because the Appellant attempted to penetrate one of the young girls vaginally, causing her to cry out in pain. He also forced her to perform oral sex on him, ejaculating in her mouth, causing her to gag and spit it out. In re Frank H., January 29, 2010.

Sexual abuse upheld where Appellant mother digitally penetrated the child. Such conduct is also physical abuse and physical neglect. In re Nina M., October 15, 2009.

Sexual abuse against Appellant stepfather upheld under *Merriam* analysis when the child is consistent, has no motive to fabricate, her behaviors were consistent with victims of sexual abuse, and inconsistent with the Appellant's claims that the child was manipulative and retaliatory.
In re Stephen S., October 13, 2009.

Sexual abuse/exploitation upheld where Appellant fondled child in two separate incidents: once he pulled down her pants while she was asleep and another time, he got on top of her while she was lying on the couch, touching her breasts and vagina over her clothes. Child's female friend disclosed that she, too, felt uncomfortable around the Appellant and that he also inappropriately

touched her. Mother of second child confirmed that the Appellant behaved inappropriately with her daughter. In re Tuoc P., August 11, 2009.

Sexual abuse upheld, Central Registry recommendation upheld where nine year old girl reports that mother's friend who acts as an intermediary between divorcing parents put his hands down her pants and moved his fingers around while she was sitting on his lap. Forensic interview conducted and child consistent in disclosures. Under *Merriam* analysis, child found to be credible. No motive to fabricate and no history of lying. In re Michael M., April 22, 2009.

Sexual abuse and physical neglect upheld where the Appellant inappropriately touched child sexually by rubbing his penis against the outside of her buttocks and fondling her while the child's mother was away at work. Child disclosed the sexual abuse credibly and consistently when she was safe in foster care. In re Darryl I., April 7, 2009.

Sexual abuse reversed where victims' disclosures are inconsistent. Hearing Officer finds that Appellant smacking kids on the butts and telling them to get back to work is not sexual contact for purposes of sexual gratification. In re Benjamin C., October 2, 2008.

Sexual abuse upheld where son makes a disclosure that his father, a convicted sex offender, molested him a number of years earlier, and the child is credible and consistent. In re Albert T., September 16, 2008.

Sexual abuse allegation upheld where the Department establishes that the child is credible, consistent, and had no motive to fabricate the allegations. In re Rafael R., June 6, 2008.

Sexual abuse upheld where child makes consistent disclosure, the Appellant acts defensively prior to learning of the allegations, and child and her mother have no motive to fabricate. In re Carlos R., April 24, 2008.

Appellant is a person responsible for the child's care when he is a clinician at a residential treatment facility during the relevant time period and admits to counseling child but was never assigned as her clinician. Although child has a history of lying, her claims of sexual abuse are credible when strong corroborating evidence exists to support the allegations. Physical and emotional neglect upheld when the Appellant's sexual relationship with the child causes her to lose her placement, prevent her from receiving supporting services and treatment and puts her at risk for physical and emotional consequences. Registry upheld. In re Maximo D., November 26, 2007; appeal dismissed.

The Appellant is the uncle of his teenaged niece, responsible for her care when he takes her on vacation as a babysitter for his children. The child had a clear disclosure of sexual abuse, including a detailed account of the events. The finding was corroborated by expert evidence and the child's disclosures were consistent with a girl who has been sexually abused. The Appellant's taped apology further supported the conclusion. Appellant threatened the child to not disclose that he sexually abused her. Sexual abuse and Physical neglect upheld. In re Jason D., November 23, 2007;appeal dismissed, July 15, 2009.

Appellant becomes legal guardian of his half sister after their mother dies. Appellant attempted to kiss half sister on the lips and put his tongue in her mouth. Sister refused appellant left the room and later apologized. Incident occurred nine years prior to hearing. Appellant remorseful and knew what he did was wrong and was willing to receive help in dealing with incident. Appellant submitted a psychological evaluation which indicated he should not be identified as a sexual abuser. Sexual abuse upheld as definition of sexual abuse met. Registry recommendation reversed as isolated incident which happened nine years ago. Also, lack of serious contact, lack of grooming or planned behavior, Appellant determined not to be a risk to children. In re Patrick G., November 16, 2007.

Child's disclosures that the Appellant sexually abused her were consistent in spite of being nine years apart. Also, an important component in this decision was the corroborating evidence which included the child's possession of money which she claimed the Appellant gave her to keep her from disclosing the sexual abuse. In re Jose L., August 1, 2007.

Seventeen year old male foster child discloses several incidents of consensual sexual activity between him and foster parent. Foster child found to be credible based on details of incidents, conversations and circumstantial evidence (suggestive photos sent to foster child by foster parent) Sexual abuse upheld, Registry recommendation upheld. In re William J., July 26, 2007.

Sexual abuse upheld when child makes consistent, credible disclosures and prior reports by this child of physical abuse have been substantiated, lending to child's credibility. Placement on central registry upheld when Appellant has extensive history with the Department for physical abuse, emotional neglect due to severe domestic violence, as well as current substantiation for sexual abuse. In re Dashan R., May 10, 2007.

The child told her mother, the police, and the forensic interviewer that the Appellant touched her vagina while they were in the basement. Additionally, none of the factors that sometimes cast doubt on sexual abuse allegations were present. For example, the child had not recently been disciplined, there was no discord between the Appellant and other family members, and there was no history of false or ambiguous allegations by the child or adult family members. Finally, the child disclosed that the Appellant told her not to tell anyone about the touching and that it was their "secret." Such statements are commonly found in sexual abuse cases. Given that the child felt comfortable disclosing to her mother soon after the incident, there is little, if any reason, to think she made up these statements. Sexual abuse upheld. In re Everett F., December 12, 2006.

Father was intoxicated and lifted up his daughter's skirt and rubbed her buttocks. He also kissed her on the mouth and put his tongue in her mouth. The child was crying and scared. He also rubbed his son's inner thighs under his pants. Sexual abuse was upheld. Central Registry upheld. Therapist stated that children do not feel safe to be left alone with him. In re Joseph K., August 25, 2006.

Child had not seen her father for several years. At the time of disclosure, the child had no reason to fabricate the allegations that her father had sexually abused her. She recently moved to the town where her father lived and was fearful that she would run into him. The allegations came directly from the child to her therapist. The child's disclosure was clear, coherent and consistent

with the statements that she made to her therapist. Sexual abuse upheld. In re Robert M., April 3, 2006.

Appellant's argument that the sexual abuse allegations against the uncle were fabricated is not persuasive. Child disclosed abuse to her mother before she learned of her aunt and uncle's marital difficulties and before learning that the uncle's daughter did not wish to visit with her. In addition, there was independent evidence that corroborates both the timing of the allegations and the details of the allegations. Sexual abuse upheld as the Department has met its burden and established that the Appellant fondled his niece's genital area. In re Richard W., March 9, 2006.

Evidence presented was extremely vague. It is possible that father tickled this daughter on her inner thigh and made contact with her vaginal area. The forensic interviewer did not distinguish between appropriate father/daughter contact and sexual abuse. Sexual abuse reversed.
In re Jaime C., April 4, 2005.

Sexual abuse reversed, as there are inconsistencies in the child's report that the grandfather walks around naked. Alleged victim denies that his head was near his grandfather's "winkie." Testimony of other members of the household support Appellant's claim that he does not walk around naked and there was no sexual contact. In re Nathaniel M., January 3, 2005.

Back rubs by father that made the Appellant's daughter uncomfortable, is not sufficient to sustain a finding of sexual abuse. In re Thomas D., March 11, 2004.

Five year old child consistently describes sexual contact between herself and Appellant, her fourteen year old babysitter. Although the Appellant denied the contact, his version of the games they played were consistent with the detail provided by the victim and her eight year old brother.
In re Joseph S., July 8, 2004.

Sexual language directed at a child is not necessarily sexual abuse as it is not sexual behavior. In re Andrew F., January 13, 2004.

Sexual abuse upheld when child is consistent, credible and has no motivation to fabricate. In addition, Appellant's children's statements that they saw the child go into a bedroom alone with Appellant, during the time frame in question, lended credibility to the victim's allegations. In re Ralph G., November 28, 2003.

Sexual abuse upheld when four year old child makes consistent, repeated disclosures, with lots of details, in spite of the fact that she still cares for the Appellant. In re Robert R., October 21, 2003.

Sexual abuse upheld. Child's statements remain consistent, and contain a lot of detail, specific to the many moves the family made, and where the abuse occurred. Although some of the details regarding the timing of the abuse were somewhat off, this did not detract from the child's credibility, and lack of any evidence of motive to fabricate the story. In re Ronnie H., October 17, 2003.

Sexual abuse upheld when child's statement remains consistent over time that his uncle anally penetrated him, even though his family severs all ties with him after the allegations, and the statements cause him great loss. In re Joseph A., October 9, 2003.

Sexual abuse reversed when father pinches his daughter's breasts. Hearing officer finds that the act was inappropriate contact, but did not rise to sexual behavior. In re Lawrence A., September 12, 2003.

Sexual abuse upheld when child freely discloses, without coaxing, that her uncle spanked her with her pants down, and put his fingers "inside" her. In re Christopher S., June 14, 2003.

Sexual abuse upheld when child's statements to different people are consistent, and Appellant's conduct (contacting her attorney before even being confronted with the allegations) suggests that her version of the events is not accurate. In re Helen K., April 4, 2003.

Child disclosed to his Aunt that Appellant had been sexually abusing him. Mother corroborated the information that Appellant spent a lengthy period of time alone with child, as well as checking on him in the shower, during the visit at her home. Two other witnesses corroborated that Appellant spent a very long period of time alone with child, and the Appellant used to sleep in the same room as child until the extra bed was removed. Child also disclosed the sexual abuse when questioned by DCF. Sexual abuse upheld. In re Sherry D., August 19, 2002.

SEXUAL OFFENDER

Sexual abuse reversed against older half brother, who is a registered sex offender, when his younger sister enters his bedroom and sees him naked. In re Daniel R., January 24, 2011.

Sexual abuse upheld where son makes a disclosure that his father, a convicted sex offender, molested him a number of years earlier, and the child is credible and consistent. In re Albert T., September 16, 2008.

Sexual abuse reversed as to child's much older boyfriend. Hearing Officer finds that the boyfriend is not a "person given access" because there is no "control or authority" in the relationship. The definition of person given access must be read in the context of other statutory language for person responsible and person entrusted, in that there must be some duty/responsibility for the child for the definition to be met. In re John V., August 28, 2008.

Appellant has prior substantiation for sexual abuse. Appellant was arrested and convicted based on the sexual assault. Hearing dismissed. In re Edgar B., July 25, 2007.

Father substantiated for sexual abuse of his stepdaughter and mother signs a service agreement that she not allow unsupervised contact between father and his five year old son until the case is closed. Mother later resumes visits between the son and the father. Mother and father's divorce is finalized and the court grants father regular visitation with his son, including overnights. During a subsequent investigation there is no evidence that father posed a risk to his son. Physical neglect reversed. In re Amy L., June 25, 2002.

SHAKEN BABY

Relative caretaker asked husband to feed three month old niece with reflux and feeding difficulties. Husband left room and allowed his six year old to give bottle to the infant. Infant vomited and six year old called for parents. Husband noticed infant stiffening; at hospital infant presents with subdural bleeding. Shaken baby syndrome or blunt trauma suggested by different physicians. Physical neglect of an infant may be upheld when the infant receives an injury, which could not, in accordance with the child's developmental abilities, have been self inflicted. Physical neglect upheld due to child's feeding issues and father left her to be fed by a young child. Physical abuse of child by her caretakers is reversed when there is no proof that either caused the injury and there is a potential intervening cause that may have contributed to the injury. Physical neglect of the older child due to holding her responsible for the care of children beyond her abilities is reversed when both parents were home, although out of the room, and available to both children. Physical neglect of (infant) upheld. Physical neglect (of six year old) reversed. Physical abuse (of infant) reversed. In re Wayne and Shanda P., September 22, 2000.

SHELTER

Physical neglect reversed where Department proves that there is a difference in temperature between the living area and the child's bedroom but did not demonstrate that there was an adverse impact on the child or so cold to be considered a serious disregard for child's welfare. In re Judith V., July 21, 2009.

Legal guardian allowed children to return to their mother's care while mother resided at a shelter. Allowing the children to return to the mother's care and reside at a shelter designed to house families does not amount to circumstances injurious to their well being. Physical neglect reversed. In re Marjorie M., June 29, 2005.

SHOPLIFTING

Moral neglect upheld against foster mother who shoplifts in the presence of foster child. In re Debbie M., March 28, 2011.

Appellant, her daughter and daughter's friend were arrested for shoplifting at Kohl's. Appellant denied being in on it but security tape indicated otherwise. Moral neglect upheld, Registry recommendation reversed as this was an isolated incident. In re Elaine C., October 15, 2007.

Moral neglect upheld when an Appellant encouraged her child to engage in illegal activity by shoplifting in her presence and failing to make an effort to prevent her daughter from shoplifting. The Appellant also subjected her daughter to possible police involvement and additional scrutiny by the court (child was previously arrested for shoplifting). Appellant and her daughter were arrested and her daughter was placed on probation. Moral neglect upheld. In re Sally M., September 24, 2007.

SHOWER

Physical neglect upheld when Appellant refuses to allow teenage stepdaughters to shower at the home, requiring them to shower at school or the community pool. Physical neglect also upheld as

Appellant refuses to do girls' laundry or to drive them to the laundry mat. In re Jill F., October 12, 2007.

Children not allowed to shower or only allowed to shower once a week. Children also reported Appellant hit the children. Physical neglect and Registry recommendation upheld. In re Marie G., October 3, 2007.

SIBLINGS

Physical neglect reversed where Department is unable to establish that Appellant mother knew or should have known that her two year old had a propensity to injure her four year old. Parents cannot directly supervise their children's activities every minute of the day. In re Felicia M., May 28, 2008.

Appellant becomes legal guardian of his half-sibling after their mother dies. Appellant attempted to kiss half-sister on the lips and put his tongue in her mouth. Sister refused, Appellant left the room and later returned to apologize. Incident occurred nine years prior to hearing. Appellant remorseful and knew what he did was wrong and was willing to receive help in dealing with incident. Appellant submitted psychological evaluation which indicated he should not be identified as a sexual abuser. Sexual abuse upheld as definition of sexual abuse met. Registry recommendation reversed as isolated incident which happened nine years ago. Also, lack of serious contact, lack of grooming or planned behavior, Appellant determined not to be a risk to children. In re Patrick G., November 16, 2007.

Physical neglect reversed when an Appellant's out of control son hits his sister while the Appellant takes a shower. There is a history of such attacks on the sister. The Hearing Officer considered that the Appellant took safety measures at the time, including having another adult in the home. In the past, the Appellant sought mental health treatment for his son and stopped him from hitting his sister. Physical neglect reversed. In re Justin B., November 1, 2007.

Physical abuse reversed when the Appellant mother threw a shoe at her son and it is not determined that the injury was either significant or intentional. Second investigation of physical abuse reversed when the child's disclosure of the injury is inconsistent and is not corroborated by siblings. In re Tina and David S., July 11, 2007.

Appellant's wife screams and yells at her special needs child to such an extent that he became "scared his wife would hit him". The Appellant also stated that his wife "just snapped" and "went nuts". He failed to intervene and as a result the child left home without any clothing, accepted a ride from a perfect stranger, and was at risk of serious harm. The other children present witnessed the mother's tirade. Evidence does not support a finding that the Appellant neglected the other children's physical wellbeing. Physical neglect reversed. In re Tina and David S., July 11, 2007.

Based upon the children's statement that one child is treated differently, as well as the Appellant's admissions about his state of relationship with this child, emotional neglect is upheld. A child's refusal to have any contact with his or her parent may be sufficient to demonstrate the severity of the parent's neglectful conduct, and may be relied upon as support for a neglect substantiation.
In re Jose B., March 28, 2007.

Clearly it was not appropriate for the Appellant to grab her brother by the throat, but it has not been shown that her actions failed to provide or maintain adequate safety for the child. Physical neglect reversed. In re Ketcria L., December 1, 2006.

Child is a very disturbed young woman and parents left here in charge of siblings. This placed the siblings at risk, given the child's history of suicide and suicidal ideation. Parents also left child alone with sibling who previously assaulted her. Physical neglect upheld as to parents. In re Amy and Edmund G., January 27, 2006; appeal dismissed.

Appellants were substantiated based on the children's mental health issues and the son's victimization of his three siblings. The parent's decision to allow the son some responsibility for childcare, in light of his improved behavior, is not sufficient to support a finding of physical neglect. In re Amy and Edmund G., January 27, 2006.

SOAP

Putting soap in the child's mouth is not physical or emotional neglect. In re Sheree D., March 15, 2007.

SPECIFIC STEPS

Legal Guardian allowed mother unsupervised contact with child even though specific steps ordered that mother have no unsupervised contact with the child. The Hearing Officer concluded that the specific steps were directive to mother and this is not per se neglect. Physical neglect reversed. In re Rudy D., August 2, 2006.

STRIP SEARCH (SCHOOL)

Emotional neglect reversed where the strip search of a high school student was conducted by the Appellant at the directive of the school's principal. In re John P., July 8, 2009.

Emotional neglect reversed where Department is unable to demonstrate adverse emotional impact to student who was searched by school personnel; search included having to drop his jeans. Principal's action of directing the search be completed did not demonstrate serious disregard for student's emotional wellbeing as she took all possible steps to minimize embarrassment, including explaining process to student and informing him he had the right to refuse the search. In addition, Department did not find neglect in regards to four other students who were searched in similar manner. In re Patricia N., August 26, 2009.

SUBSTANCE ABUSE

Emotional neglect upheld where the Appellant, who has a history of alcoholism and substance abuse, engaged in erratic behavior while caring for her son. The child witnessed the Appellant and her boyfriend use drugs before the boyfriend overdosed and died while the child looked on. Distraught after witnessing the events that lead to the death, the boy said he did not trust his

mother. He also requested to be placed in his father's custody, no longer wanting to live with the Appellant. In re Stephanie B., March 16, 2012

Physical neglect reversed where there was no evidence in the record that the Appellant's alcohol and occasional marijuana use resulted in erratic and/or impaired behavior that negatively impacted the children physically or constituted a serious disregard for their welfare. In re Kevin S., February 27, 2012

Physical neglect upheld where the Appellant, dually diagnosed, has a history of substance abuse, unaddressed behavioral health problems and exposing her children to domestic violence. The Appellant also had difficulty providing stable housing for her four children, permitting them to live under conditions, circumstances and/or associations injurious to their well-being. In re Jacqueline H., October 20, 2011.

Physical neglect upheld when the Appellant is intoxicated and passed out while in a hotel room with five week old infant and 6 year old son. The boy had to request assistance from the front desk to contact his father to come care for him and his sibling. In re Emma R., October 14, 2011.

Physical neglect upheld where the Appellant was found by the police extremely intoxicated and unable to care for his grandchildren. The Appellant contacted the police because he wanted to leave his young grandchildren alone and without adult supervision. He wanted to go to a bridge game. The police responded to the Appellant's home to discover the children playing with knives and having easy access to three unlocked and unsecured rifles. The Appellant was arrested and pleaded guilty to Reckless Endangerment and Resisting Arrest. In re Donald F., September 20, 2011.

Physical neglect upheld when, on two separate occasions, while the Appellant is sole caretaker of the children, she drinks to intoxication, passing out and leaving two very young children without supervision. In re Rosanne F., August 19, 2011.

Emotional neglect reversed when there is no evidence that mother's chronic substance abuse has had any adverse emotional impact on her young daughter. In re Amirah A., August 2, 2011.

Emotional neglect upheld when Appellant has a history of drinking to intoxication and teenaged son is able to verbalize his concern that Appellant has issues with drinking and anger management.
In re Felix V., June 30, 2011.

Physical neglect reversed when evidence does not support children's report that father smokes marijuana in their presence during court ordered visits. Parents are involved in custody battle and mother has history of making false allegations against Appellant. In re Jason G., March 24, 2011.

Physical neglect upheld when Appellant acknowledges daily substance abuse while caring for her children. Appellant was passed out in car with her toddler while the child's father was purchasing illegal drugs. Appellant was unable to provide adequate supervision due to substance use.
Registry upheld as Appellant had a pattern of prior substantiations due to drug use.
In re Jacquelynn R., February 23, 2011.

Physical neglect reversed where the Department was unable to prove the Appellant's daughter was impacted physically by her acknowledged substance abuse. The Appellant moved out of the home to get treatment, leaving the child with her father who provided appropriate and adequate care. In re Kelly F.,December 10, 2010.

Physical neglect and Central Registry reversed where the Appellant placed her three infant children with maternal grandmother while she drank a significant amount of alcohol. The Appellant, her young family's sole financial resource, drank the alcohol specifically to be admitted into an alcohol detoxification program to speed up approval for social security benefits. The children were with maternal grandmother and were not physically impacted. Their well-being was safeguarded by maternal grandmother. Central Registry recommendation reversed given the reversal of the underlying substantiations. In re Melissa G.,December 6, 2010.

Physical and emotional neglect upheld when Appellant has ongoing substance abuse issues which impact her ability to parent her children and the children are fearful for the Appellant's safety. neglect petitions are filed on behalf of child and the children are adjudicated neglected. In re Carol K.,December 22, 2010.

Emotional neglect upheld when the Department is able to establish that the children curtail their behavior when their father is intoxicated, and that they are fearful of his responses when he drinks. In re Kevin C.,November 18, 2010.

Physical neglect was upheld when the aunt who provided care for her sixteen year old niece since the child was one and then let her go live with the child's father's adult daughter who was using substances and locking the child out of the house. In re Damonne J., November 2, 2010.

Physical neglect upheld where Appellant, an alcoholic with mental health disorders, threatened to drive herself and her infant child into a utility pole while driving. In re Jennifer B., October 29, 2010.

Emotional abuse upheld when the Appellant's eight year old daughter was so concerned about the Appellant harming himself with the swords that she knew were in the home that she did not want to go home. It is clear that the girl's concern about her father's safety came from the Appellant's conduct. She was concerned about his frequent, excessive consumption of alcohol. She had witnessed him fall down and not be able to put himself to bed. In re Gilberto L.,October 27, 2010.

Emotional neglect upheld on one child, Bailey, who was overwhelmed with the responsibility of taking care of her younger sister when the Appellant was not available due to her repeatedly being intoxicated. The child bore the brunt of the Appellant's behaviors when she was intoxicated; the Appellant often called the girl a "bitch." The child also suffered from Depression and saw a therapist for extended services due to wanting to hurt herself. In re Noelle H., October 18, 2010.

Physical neglect reversed where there was no evidence that the Appellant's alcoholism placed her children in danger of being physically injured. The Appellant's husband hired a babysitter/nanny to take care of the children, especially when the Appellant was drinking. In re Noelle H., October 18, 2010.

Emotional neglect and physical abuse upheld where Appellant hit his son and daughter, causing them injuries, after one of many domestic altercations in the home. Appellant abuses alcohol and refuses to admit it. He also refused to enter into a recommended alcohol treatment program. The children ran from the home and feared returning due to the Appellant's physically abusive behavior. In re Hassan L.,October 7, 2010.

Physical neglect and emotional neglect upheld where the Appellant actively sold and used heroin in her children's presence along with her boyfriend, a known convicted child molester.
In re Domingo M. and Blanca M., September 10, 2010.

Emotional neglect and physical neglect reversed after Department substantiated as to unnamed children, despite statutory and regulatory prohibitions against substantiating against unnamed children. In addition, the Department was unable to demonstrate physical or emotional impact due to Appellant's alleged rudeness. Day care workers said they disregarded the Appellant's directive anyway. In re Penny S., September 10, 2010.

Emotional neglect upheld where Appellant repeatedly drank wine and made herself unavailable to her daughters. Appellant told a daughter that she was her worst child, reducing the girl to tears. Both girls said they were sad because the Appellant would not stop drinking. In re Melissa P., September 1, 2010.

Physical neglect upheld where mother was daily picking up her six year old and one year old children, taking them home, and consuming a six pack of beer and three nips of vodka. In re Jan S., August 12, 2010.

Physical neglect reversed where the child was not placed in circumstances to be physically injured due to mother's drinking at home. Child's father and maternal great aunts were present and there was no evidence that Appellant was unable to provide adequate supervision. In re Denise G., August 10, 2010.

Physical neglect reversed when evidence did not show erratic or impaired behavior by Appellant that impacted either child or was a serious disregard for their welfare. In re Deborah S., July 1, 2010.

Physical neglect upheld when the Appellant did not provide adequate safety for her seven year old son. The Appellant was intoxicated, tried to pick up her son and leave a school concert with him when she knew that the father had obtained temporary physical custody of him and she was not permitted to do so. The Appellant dropped the child and school personnel prevented her leaving with the child. In re Deborah S.,July 1, 2010.

Emotional neglect was not proven when there was not any evidence if the two children were present or impacted by the Appellant's substance abuse. In re Deborah S.,July 1, 2010.

Emotional neglect was reversed when the child was not aware that the cigarettes her mother was rolling were marijuana and also did not know that her mother used the illegal substance.
In re Alma N., July 1, 2010.

Physical neglect was upheld when the newborn's meconium tested positive for amphetamines. In re Tiffany R.,June 23, 2010.

Physical neglect upheld when step father smokes marijuana in the home frequently and it adversely affects child with asthma. Mother is aware of smoke in the home and allows it to continue. In Thelma and Kenneth K., June 2, 2010.

Physical neglect upheld when Appellant contacts police to report that she is physically unable to care for teen age son. Parent's inability to provide care is result of unaddressed psychological and substance abuse issues. In re Sarah M., May 25, 2010.

Physical neglect upheld where the Appellant pricked daughter with an intravenous needle she used to inject drugs. The daughter was transported to the hospital for testing and treatment for possible blood borne diseases. The Appellant's five year old son disclosed the Appellant hurt him and does not care for him and his sister because of her substance abuse. In re Cathy G., April 30, 2010.

Physical neglect and emotional neglect reversed when Appellant realizes she is having a reaction to medication and contacts relatives for assistance for her children and herself. In re Quettcy G., March 1, 2010.

Physical neglect upheld when mother has blood alcohol level of .216 at 10:00 a.m. on a Sunday morning and cannot care for her ten year old triplets. The children were put in a position where they had to provide physical care for mother and mother was admitted to the hospital for seven days of detoxification. In re Cynthia C.,January 28, 2010.

Emotional neglect reversed where children did not observe substance abuse and felt safe and secure in the care of the Appellant. No adverse impact on emotional development while in care of the Appellant. In re John M., January 26, 2009.

Physical neglect upheld where Appellant openly used illegal drugs in child's presence and where child suffers from asthma and had to leave home and cope in other ways because of the Appellant's drug use. In re Pablo O., March 23, 2009.

Physical neglect reversed where Appellant admits using marijuana but evidence supports finding that she does not do so around the children. In re Kimberly B., April 22, 2009.

Physical neglect reversed where the evidence did not support finding that the Appellant used heroin in the presence of children, or that he ever used heroin. Toxicology tests were negative for heroin use. Also, despite police report, substance abuse evaluation found no evidence of injection track marks on the Appellant's arms. In re Robert A., June 16, 2009.

Physical neglect upheld where Appellant abused drugs during two pregnancies in 1988 and 1990 and both children were born with positive toxicology. Appellant continued using drugs after the children were born. Appellant then became sober for several years, had a relapse but has been drug free since 2007. In re Mary J., July 1, 2009.

Physical neglect reversed where Appellant is substantiated as a result of concerns regarding on-going substance abuse issues, but no neglectful behavior or adverse impact is noted in the Protocol. In re Mary P., August 25, 2009.

Physical neglect reversed where there is no proof that use of cocaine by Appellant occurred in presence of the child. In re Susan P., October 30, 2009.

Physical neglect upheld due to Appellant's use of cocaine and other substances while pregnant with her son, who had to be placed on a withdrawal protocol upon birth. Appellant was not able to care for her newborn son because of continued substance abuse and mental health disorders. In re Shannon P.,November 24, 2009; remanded for new hearing March 2010.

Physical neglect due to substance use/abuse will not be upheld where there is no evidence of adverse impact, and the Appellant did not seriously disregard the child's well being. In re Dennis P.,February 1, 2008.

Physical neglect due to domestic violence and substance abuse upheld where Appellant father seriously injures mother in front of children, and there is evidence that the children attempted to intervene. Appellant demonstrated serious disregard for children's well being. In re Jacob R., April 23, 2008.

Appellant mother's admissions of substance abuse are not sufficient to sustain physical neglect allegation where the Department does not present evidence of adverse impact or serious disregard for the Appellant's children. Substance abuse is not per se neglect. In re Terry M.,April 16, 2008.

Emotional neglect upheld where the Department establishes that Appellant father repeatedly threatens mother and child when he is drinking, and the child is afraid of the child when he drinks. In re Frank R.,April 17, 2008.

A child's access to alcohol at a home party is not evidence of the parent's physical neglect unless the parent knew the child took the alcohol, or was likely to take the alcohol. In re Julie F., May 12, 2008.

Appellant mother's substance abuse results in physical neglect where the mother attempts to crash her car into her husband's car in the presence of the child. In re Virginia F.,May 13, 2008.

Emotional neglect upheld where an older sibling tells the investigator that the younger sibling acts out when the mother is drinking, and the mother's testimony confirms that the younger child acts inappropriately. In re Virginia F., May 13, 2008.

Physical neglect due to Appellant father's intoxication reversed where the Department fails to establish any adverse physical impact to three week old child from his conduct. In re Stephen S., May 28, 2008.

Physical neglect reversed where the Department alleges Appellant father drove his sixteen year old to the doctor after consuming alcohol, but did not present any evidence that father was impaired, or that there was adverse impact or a serious disregard for the child's well being.

In re Patricia K. and Thomas K., May 16, 2008.

Physical neglect reversed where the Department cannot establish that the parent's decision removing the child from his medication is the cause of their child's substance abuse and behavior problems. In re Patricia K. and Thomas K., May 16, 2008.

Long history of substance abuse, coupled with neglect adjudications and termination of parental rights supports registry recommendation. In re Melanie G., June 20, 2008; appeal dismissed as untimely October 30, 2008.

Physical and emotional neglect upheld where Appellant mother's substance abuse and mental health issues result in a parentified child who has to attend to mother's emotional needs.
In re Lori C.,June 18, 2008.

Appellant's failure to complete a substance abuse evaluation in a timely manner is not evidence of physical neglect of her child. In re Lynn G.,June 27, 2008.

Emotional neglect upheld where child locks herself in the bathroom to avoid her mother's drinking, Appellant screams at the child, and then wakes her up in the middle of the night to apologize for her behavior. Child no longer wanted to live with her mother because of mother's conduct.
In re Meredith F.,June 18, 2008; appeal dismissed February 25, 2009.

Emotional neglect upheld where children avoided going home and sometimes getting into motor vehicle because the Appellant was drunk and/or combative and/or driving. All children were upset that the Appellant drank and fought and wished she'd stop; she would not. In re Denise C., September 16, 2008.

Three teenage foster children all report foster mother knows and allows them to drink alcohol in the home. Appellant admitted to investigator that she allowed the children to drink alcohol on special occasions. Physical neglect and Registry upheld. Appellant demonstrated serious disregard and allowed this to happen on more than one occasion. In re Wendy C., September16, 2008.

Physical and emotional neglect upheld where Appellant grandfather (legal guardian) demonstrates a pattern of drinking on a daily basis and yelling at and fighting with household members when intoxicated. Children report being afraid of grandfather when he is drinking and leave the home for extended periods of time to remove themselves from grandfather's presence and violent behavior.
In re Francisco S., September 24, 2008.

Physical neglect reversed where Appellant stepmother threatens to pull out the child's earrings when frustrated or to push her off the edge of the tub. No adverse impact, and insufficient evidence to establish serious disregard for the child's welfare. In re Kimberly A., October 1, 2008.

Physical neglect upheld where Appellant mother's ongoing substance abuse issues prevent her from provided shelter and adequate supervision of her children. Mother had a twenty year history of substance abuse and had been involved with the Department for over ten years as a result of unaddressed substance abuse and mental health issues. In re Dawn B.,October 23, 2008.

Physical neglect upheld where Appellant mother leaves her two children with maternal grandmother, while she goes on three day drug binge. Maternal grandmother had no way to contact mother, and did not have the means to support the children. In re Tammy D.,December 9, 2008.

Physical neglect upheld when Appellant, in the throes of drug addiction, left her children unsupervised and unfed. However, a second allegation of Physical neglect reversed where she finally delivered custody of her children to the good care of her great aunt while on a drug binge. In re Wanda D., November 16, 2007

Central Registry placement is appropriate when mother's substance abuse results in child's placement in care. Prior to placement, the child often was left alone for long periods, and did not have meals. Substance abuse was chronic, and the impact to the child was serious. In re Cari M., October 12, 2007.

Father's erratic behavior, while intoxicated, supports finding of Physical neglect when it results in physical tug of war over child. In re Brian K., October 3, 2007.

Evidence of substance abuse is not evidence of neglect unless there is adverse impact to the child, or the Appellant's conduct demonstrates a serious disregard for the child's well being. In re Lauren G., September 5, 2007.

There is no evidence that the Appellant failed to provide and maintain adequate safety for her children, although it is more than likely that she was intoxicated on three separate occasions. On one occasion, the Appellant was in a car but it was not proven that she was driving. In the second instance, the Appellant attended a parent-teacher conference, but the children were not present. In the last report, the Appellant came to a doctor's office with the child, but staff stated that the Appellant seemed alright to drive the child home. Physical neglect reversed. In re Dina E., August 6, 2007.

Physical neglect upheld when an Appellant was intoxicated while driving with a fifteen year old child as a passenger and they were involved in a car accident. The girl was living with the Appellant and she had assumed responsibility for the care of the child. In re Dina E., August 6, 2007.

Appellant was babysitting for girlfriend's two year old son for the day. Appellant receives his disability check and meets drug abusing friends. Appellant does not pick up girlfriend after work but continues to smoke crack at friend's home until early the next morning. Child had cocaine in system from extended exposure to smoke. Appellant demonstrated serious disregard for child's safety. Physical neglect and registry recommendation upheld. In re Walter J., June 13, 2007.

Claims of substance abuse not corroborated by drug screenings and without evidence of adverse impact are not sufficient to support emotional and Physical neglect findings. In re Dawn T., May 14, 2007.

Physical neglect upheld where Appellant's motor vehicle was stopped more than once for DWI while children accompanied her. Another time, Appellant was admitted to hospital due to a drug overdose while caring for her children. The Appellant suffers from chronic alcoholism.
In re Susanne R., May 10, 2007.

Appellant returned to shelter in such an intoxicated state that the shelter called the ambulance. The children were adversely affected by their being afraid and crying. The result was the family was removed from the shelter. Emotional neglect and physical neglect upheld. In re Marcie W., May 10, 2007.

Children did not want to stay in the home due to alcohol abuse and frequent verbal disputes. This amounts to emotional neglect. In re William F. & Kelly R., Mar. 19, 2007.

A parent's substance abuse will support findings of physical and emotional neglect when the Department is able to establish that the parent is leaving her children unsupervised for long periods of time while she is using. In re Sharon B., March 5, 2007.

Continual substance abuse is physical and emotional neglect when it leads to the thirteen year old becoming involved in using illegal substances. In re Steven & Christine B., March 2, 2007.

Mother is intoxicated and assaults driver of the vehicle she and her children are riding in. Mother's actions demonstrated serious disregard for children's welfare. Physical neglect upheld.
In re Allison C., December 13, 2006.

Appellant demonstrated a serious disregard for the welfare of the children when she used crack cocaine one to two times a week while at home providing supervision and safety for the children. She could not properly do so when she was high. In re Brenda T., December 7, 2006.

Drinking almost every night with some bizarre behavior alone is not denial of proper food, clothing, supervision and/or safety. There must also be evidence that the bizarre behavior has an adverse physical or emotional impact on the child. Physical neglect and emotional neglect reversed.
In re Robert H., November 8, 2006.

Mother used cocaine and becomes paranoid about someone chasing her and calls her children to leave the house and then she needs to be hospitalized. Emotional neglect upheld, physical neglect reversed. In re Victoria S., October 19, 2006.

Mother consumed alcohol daily, and tested positive for marijuana and cocaine. Mother's substance abuse negatively impacted the child as the child was crying and upset at school and the guidance counselor stated the child is struggling and appears depressed. Emotional neglect upheld. In re Shona M., August 10, 2006.

Emotional neglect was reversed as DCF did not establish that Mother's alcohol consumption constitutes a substance abuse problem. Child had lost her father due to alcoholism. When mother became aware that her alcohol consumption was impacting her child, mother responded immediately and effectively. In re Betty B., August 1, 2006.

DCF substantiated the Appellant as a perpetrator of physical neglect of her eleven year old son as she allegedly drove him approximately three miles to her job while intoxicated. A co-worker drove them home. Appellant denied drinking, yet her sister subsequently found her drunk again. Such conduct is failure to maintain adequate safety and although no physical impact, single incident demonstrates serious disregard for child's welfare. Physical neglect Upheld. In re Nancy M., June 26, 2006.

Mother passed out on motel bed with newborn lying next to her while father of child appeared intoxicated. Officer believed father was unable to care for infant, even though father was noted to feed, hold and place child in car seat. Department failed to demonstrate by a fair preponderance that father acted impaired, erratic or that he failed to provide for infant's safety. Physical neglect reversed. In re James M., June 23, 2006.

The Department substantiated the Appellant as a perpetrator of Physical neglect of his 3 grandchildren as he allowed the mother, a heroin addict, to live in his home and the upstairs' clutter posed a safety risk. It was not shown mother was using illegal substances while caring for or being around her children or that such use adversely impacted them. Nor has it proven the condition of the home was unsafe. Adverse physical impact was not proven. Physical neglect reversed. In re Frank H., May 15, 2006.

Appellant was intoxicated and drove erratically while her children were in the car. The Appellant was so intoxicated that she could not sign the bill at a restaurant and was almost incoherent. She failed to maintain adequate supervision of her children. Although there was no adverse impact, there was a single incident that demonstrated a serious disregard for the children's welfare. Physical neglect upheld. In re Kathryn B., May 2, 2006.

Department substantiated physical and emotional neglect based on the father's unavailability to his children and his unaddressed alcohol issues and also because the mother has a medical condition and spends the majority of her time in bed. Physical neglect and emotional neglect reversed.
In re Dorene and John P., March 3, 2006.

Mother had an alcohol problem and father took her keys away and emptied bottles of alcohol in the home. Just because a person is an alcoholic does not by itself mean that the person is denying her children proper care and attention. Although the drinking and the arguing may have contributed to the children's difficulties, the child's behavior is best seen as a result of ongoing family issues. In re Vincent and Rosemary C., March 29, 2006.

Appellant became increasingly concerned about his wife's drinking problem in the two months prior to the substantiation. On one occasion, he came home and found his wife passed out with the dinner burning in the oven. From that day forward, the Appellant called home everyday to check on the welfare of the children. If the mother was sleeping when the children arrived home from school, the children were able to care for themselves until the Appellant arrived home one hour later. Physical neglect reversed. In re John B., March 17, 2006.

Appellant acknowledged his substance abuse history, but denied any impact on his son, as he and the mother engaged in illegal activity outside the presence of the child. Although he admitted that his son needed to be elsewhere while his wife sought treatment, these admissions are insufficient

to establish that the Appellant's substance abuse impacted the child. Physical neglect reversed. In re Obadiah M., January 5, 2006.

Mother was drinking alcohol. Child was upset because her father was arrested and incarcerated for vehicular homicide as a result of drinking and driving. Mother was not neglectful and the emotional impact on the child was linked to the father's actions. In re Susan C., December 29, 2005.

Mother tested positive for heroin in March 2004. Mother gave birth to her child in June 2004. Mother and child tested negative for substances at the time of the birth. The child did have withdrawal symptoms related to heroin and methadone. The child remained in the hospital for three weeks due to the symptoms. The child had no symptoms or medication upon discharge. It was held that this was not neglect and that there was no physical impact to the child as result of the substance abuse except the withdrawal symptoms which had no lasting effect. In re Erin C., November 10, 2005.

Mother had a possible addiction to painkillers and was emotionally unstable. However, there was no impact on the infant child and this was not a serious disregard for the child's welfare. Father was also in the home. In re Lisa F., November 9, 2005.

Parents were actively using drugs. However, as in In re Sarah T., October 9, 2001, a parent's substance abuse alone is not per se child neglect. The parent must demonstrate erratic or impaired behavior, or there must be documented impact to the child. In this case, there was no impact to the child and substantiation was reversed. In re Allen J., September 7, 2005.

Appellant-Mother tested positive for marijuana and cocaine. The children said they never saw mother using drugs and no evidence that her drug usage affected mother's care for the children. Positive drug screen is not per se neglect. In re Tammy Y., August 15, 2005.

All three children were upset by mother's drug use and did not feel safe with the mother. Mere discomfort or disturbance is not enough to establish adverse impact. Emotional neglect reversed. In re Judith H., May 25, 2005.

Claims that mother drives children to school while under the influence of marijuana, as well as evidence of fear, escalating violence and intimidation support the substantiation. Physical neglect upheld. In re Charles T., April 25, 2005.

Appellant has an alcohol problem but does not drink in the home or in front of the children. Children observed the Appellant intoxicated in the home, but mother appropriately isolated the children and took them to a relative. Mother obtained a restraining order and allowed the Appellant into the home while the restraining order was in place. She did not, however, leave the children alone with the Appellant and there was no adverse impact to the children. Physical neglect reversed. In re Brian E.,, February 28, 2005.

Although there was an incident involving alcohol abuse, the children were not privy to the incident and there was insufficient evidence to establish that this type of behavior was routine in the household. In re Kristi T., February 10, 2005.

Appellant allegedly drove intoxicated with children in car. No evidence to indicate Appellant over blood alcohol limit. No evidence that Appellant drove dangerously. Emotional neglect reversed when the Department fails to present specific evidence of neglect due to substance abuse and verbal fighting. In re Andrew F., October 14, 2004.

Although Appellant exercised poor judgment when she drank alcohol in front of her daughter who was in treatment for substance abuse and upset by this incident, she did not emotionally neglect her and so the finding is reversed. In re Roberta M., September 28, 2004.

Evidence of illegal drug use is not necessarily evidence of neglect. Since there was no evidence of impact to the child from her parents' marijuana use, Physical neglect reversed. In re Lisa Z. and Joseph W., September 23, 2004.

Drug use (marijuana smoking) by the Appellant is not sufficient to support the allegations, in that the Department proved no adverse impact to the children, and there is no evidence that Appellant's actions constitute a serious disregard for the children's well-being. In re Kevidous M., August 31, 2004.

Appellant did not physically neglect his daughters by consuming alcohol during his visit with them. Children were concerned about their father's drinking but no adverse impact on children. In re Gregory B., July 2, 2004.

Mother's intoxication is insufficient to establish that she is providing inadequate supervision to her sleeping children. In re Rachel S., January 20, 2004.

Father leaving fifteen year old alone is not neglect. Although father aware of child's substance abuse problems, father also knew that boy was being drug tested by his probation officer, and did not believe that the boy would use drugs while left alone. In re Brian G. January 20, 2004.

A pattern of erratic and impaired behavior by mother, which results in mother yelling at child and dragging him into his bedroom when she is intoxicated, supports a finding of conditions injurious and Physical neglect upheld. In re Laura O, January 9, 2004.

Physical neglect reversed when Department fails to prove either inadequate supervision or conditions injurious due to Appellant's boyfriend's substance abuse, and loud verbal fighting between Appellant and boyfriend. Hearing Officer finds insufficient evidence that children impacted by the relationship, and no single egregious incident from which to infer impact. In re Millie W.-S., November 4, 2003.

Physical neglect upheld when father drives children home after being warned by the police not to drive, due to his intoxication. Father was very agitated, and the decision to drive with the children in his car was reckless and unnecessarily exposed the children to risk. Emotional neglect upheld when the children express fear of their father after witnessing domestic violence between father and step-mother. In re Gregory B., October 20, 2003.

Physical neglect reversed. Although mother's drug relapses presented an at-risk situation for her child, there was no evidence that he had been physically neglected while mother actively sought treatment for mental health and substance abuse issues. In re Caron S., September 11, 2003.

Physical neglect upheld when mother's ongoing alcohol abuse results in child's self mutilating behaviors. The children in the home both agreed that the only problem in the home is mom's drinking, and mom admitted that her drinking is causing the family to "fall apart." In re Malin D., June 19, 2003.

Educational neglect reversed when father attempts to get child to go to school, and is working with others to ensure his son's participation. Physical neglect reversed because father is caring for his children in mother's home after she fails detoxification. There is no evidence in the record to support the finding that mother's behavior is conditions injurious to the children. In re Brian K., June 12, 2003.

One allegation of neglect in old case is reversed, when the only allegations are abuse, and there is no evidence of abuse of that child. However, allegations of abuse of other children are upheld due to children's consistent statements, and evidence of injuries. Allegations of emotional neglect upheld when child is afraid to speak openly to statutory parent (DCF) about allegations of abuse and neglect due to her fears that foster mother will be angry with her. In re Gloria B., April 14, 2003.

Physical neglect reversed after child finds mother's boyfriend's used hypodermic needle under mother's bed. Mother did not knowingly create or ignore a dangerous situation for her child. In re Angela S., March 24, 2003.

Physical neglect upheld when children cannot wake their mother up due to her intoxication. Children both reported that mother sleeps a lot because she has the flu. In re Kathleen H., March 17, 2003.

Neglect finding reversed when there is evidence of ongoing substance abuse, but no evidence that there was any negative impact to the child. In re Jessica B., March 13, 2003.

Physical neglect reversed when mother leaves children with boyfriend who is on drugs and intoxicated, because there is no evidence of impact on the children. In re Andrea M., March 3, 2003.

One allegation of Physical neglect reversed; two subsequent allegations of neglect upheld when foster mother's use of legal and illegal drugs results in child's poor school performance, and a car accident in which one of the foster children is injured. In re Tammy B., February 18, 2003.

Appellant is the mother of two young girls, (age four) and (age twenty three months). Appellant developed an addiction to Gamma Hydroxy Butyrate (GHB) after her husband introduced her to the substance to help her with her energy level and to lose weight. Appellant experienced several bouts of losing consciousness in which she could not be roused, while she was taking care of her children. During one occasion, she was driving with the children in the car and struck some

bushes and trees at her mother's home. On another occasion, father called an ambulance. During the course of the investigation, mother attempted to commit suicide and was hospitalized. Mother researched the drug while the investigation was ongoing, learned of its serious side effects, and continued to use it. Mother's actions placed her children at serious risk of harm. Physical neglect upheld. In re Shannon G., November 8, 2002.

Father smokes marijuana a few times per month. The children were suspicious and confronted their mother. One child located the drugs and a scale and called police. Father did not use in his children's presence and there is no evidence that the children were impacted by his use. Emotional neglect reversed as to Father. In re Maureen B. and Richard B., July 31, 2002.

Appellant's 13 year old daughter was living with a family friend in a home that was very dirty. The child did not want to return to her mother as both parents drank to excess on a regular basis and argue frequently. Appellant and her family had moved out of the neighborhood, but the child refused to move with them. The child reported seeing her mother the day before meeting with the DCF Investigator and mother was drunk. Mother failed to provide adequate shelter by allowing her child to live in such a dirty home. Mother's behavior created an intolerable home situation thereby denying her child proper care and attention emotionally. Emotional neglect upheld. Physical neglect upheld. In re Patricia H., July 31, 2002.

Although Appellant slurred her words and was unsteady on her feet, there is no evidence of erratic or impaired behavior. Physical neglect reversed as to both Appellants. In re Ruth S. and Pamela S., December 3, 2002.

Appellant is an alcoholic who suffers from major depression and anxiety and takes medication. Appellant was displaying bizarre behavior; however, he was only alone with the children for one hour and there was no apparent harm. On another occasion, father showed up at the home, drunk, demanding to be let in. The police were called and brought father back to the YMCA where he was staying. Physical neglect reversed. In re Jonathan W., October 25, 2002.

Mother of infant uses drugs outside of home while father watches child. Mother later goes to hospital because she had been vomiting. At the hospital, the mother's breasts were engorged and the father requested that she be able to use a breast pump. There is no evidence that the breast milk was ever fed to the infant. Physical neglect reversed. In re Tina C., June 25, 2002.

Classic case of a child of divorced parents trying to please each parent individually. Even if the child were afraid to go with her father in the past, that alone does not mean that the father has been neglectful, absent some evidence of improper care of the child. Father's refusal to follow recommendations of the Department, including a substance abuse evaluation and counseling with the child is not neglect. Emotional neglect reversed. In re Gary N., June 18, 2002.

Foster father consumes a few beers while watching softball games and then drives a foster child home. Drinking and then driving, in and of itself, is not enough to support erratic and impaired behavior. There needs to be evidence of intoxication while driving the child. Physical neglect reversed. In re Richard L., February 7, 2002.

As a result of return to alcoholism, father behaved erratically, and verbally abused mother in front of children, and threatened to kill himself in front of children. Emotional neglect and Physical neglect upheld. In re Cliff J., December 6, 2001.

Although father has a substance abuse problem, the father contacted the mother to request that she provide care for the mother when the father was intoxicated. Physical neglect and Emotional neglect reversed. In re Dale D., October 25, 2001.

Father's daily intoxication was significant factor in frequent arguments with son and mother, leaving son to fear father. Emotional neglect upheld. In re Robert B., October 24, 2001.

Substance abuse alone, even of crack cocaine, is not neglect absent a showing of erratic behavior or impact on the child. Transient living is not neglectful as long as child remains provided for, and school is not significantly disrupted. Physical neglect reversed. In re Sarah T., October 9, 2001.

Father made children watch violent movies, also waking them up at odd hours. Father often intoxicated and displayed unusual behavior, which is deemed erratic. Child is afraid of father and has significant emotional problems. Physical neglect upheld. In re Craig S., September 10, 2001.

Appellant was driving at high speeds and under the influence with his 3-year-old son in the car. After the arrest, child was found in the front seat unrestrained. Police report contradicted testimony of two witnesses (friend/neighbor and landlord of Appellant) and Appellant's denial of drinking. SW never spoke with Appellant. Criminal charges were nolled. Without a conviction on the DWI charge and absent any independent proof of intoxication, the Department cannot rely on the arrest and police report to prove Physical neglect. Speeding is not proof per se of Physical neglect, although it may be evidence of a child at risk. There was no evidence that Appellant drove with son unrestrained in the car. Physical neglect reversed. In re Michael M., December 18, 2000.

Child reported to school being fearful of mother who drinks often, has late night guests drinking at the home and disciplines her physically (slaps her face) when drinking. After investigation concluded, mother's substance abuse evaluation indicated no evidence of alcohol problem and recommended no treatment services. Additionally, the child recanted her statements, claiming that her paternal grandmother told her to make up the allegations against mother. The Department subsequently submitted a probate study in favor of mother. Emotional neglect reversed.
In re Tammy H., November 9, 2000.

SUICIDE

Emotional neglect upheld when Appellant attempted suicide while sole caretaker of three young children. Appellant was hospitalized following suicide attempt but did not remain for full course of recommended treatment. In re Lauren L., October 6, 2011.

Physical neglect upheld where the Appellant attempted to kill herself by driving into a utility pole. Her four year old son was present in the car. The Appellant suffered from depression and took her son along with the intent to kill herself and the child. In re Shaunette A., September 27, 2010.

Medical neglect, emotional neglect and physical neglect reversed when child does not specifically tell staff she feels unsafe, therefore staff does not implement suicide prevention policy and child cuts wrists. In re Karoline S., May 25, 2010; In re Melonie K., May 25, 2010; In re Sade B., May 25, 2010.

Appellant, mother's boyfriend, has a psychotic episode. He threatens to kill himself in front of the child and has been abusive to mother in the past. Child has witnessed this and is terrified of Appellant. Emotional neglect upheld, registry recommendation upheld. In re Scott V., December 26, 2007.

Emotional neglect reversed when the Appellant attempts suicide on two separate occasions, but not in front of her daughter. In the first attempt, the Appellant arrived home from the hospital before the child and in the second attempt, the Appellant called a neighbor to watch her daughter. Emotional neglect reversed. In re Brenda W., September 27, 2007.

Physical neglect upheld when Appellant attempts to commit suicide by sitting in a running car in the garage, while her three year old child is in the car with her. Although the Appellant ultimately changed her mind, and exited the car, the behavior demonstrated a serious disregard for the child's physical well-being. In re Kay G., September 19, 2007.

Son stated that he wanted to kill himself. ARG LCSW found that the boy thought about it more than normal but did not have a plan. Emotional neglect reversed. In re Edmund C., October 26, 2006.

Emotional neglect upheld when mother holds a knife to herself and threatens to kill herself in front of her three children, even though there is no evidence of adverse impact. Mother's behavior showed a serious disregard for her children's emotional well-being. In re Ileana P., June 17, 2004

Mother's consistent threats that she is going to kill herself, combined with child's response of hiding all the knives in the home, is sufficient to establish Emotional neglect. In re Laura O., January 9, 2004.

Child makes suicidal gesture as a result of five year long custody battle, and fighting between his parents. Emotional neglect upheld. In re Patrick W., July 10, 2003.

TEACHERS

Emotional neglect reversed where there was no evidence that first grade children sustained an adverse emotional impact from being made to lift weights during gym class. Evidence of petechiae on one child's face would demonstrate an adverse physical impact, not emotional impact. In re Sammie S., January 24, 2012

Physical neglect upheld where a school employee assigned to work with a child with special needs, became angry and pushed the child. The Appellant knew the child had special needs and his aggressive act of pushing the child, even though the child was unhurt, demonstrated a serious disregard for the child's welfare. In re Kenneth P.,November 4, 2011.

Physical neglect reversed where the Appellant, a teacher, stepped out of his automotive class to briefly use the restroom and asked another teacher to watch his classroom. One of his students, a teenager, injured himself while attempting to remove a motor from a leaf blower improperly. The teenager did not have any special needs and was instructed by the Appellant to remove the motor with the proper tools. In re Wilbert L., June 2, 2011.

Sexual abuse reversed when the record does not support a finding that Appellant, a teacher, was engaged in grooming activities when texting a student. The record supports a finding that the teacher was attempting to secure substance abuse treatment for the student and that the student deliberately misled the teacher regarding her alleged addictions. In re Sean M., November 18, 2010.

Emotional neglect reversed as teacher was attempting to get help for student. Fact that student felt uncomfortable around teacher after fabricating details of addiction is not evidence of emotional neglect by teacher. In re Sean M., November 18, 2010.

Physical neglect reversed when the record does not support a finding that the teacher's actions texting a student had an adverse physical impact or demonstrated a serious disregard for student's physical well being. Teacher attempted to get treatment for student and discussed situation with school administrators. In re Sean M., November 18, 2010.

Emotional neglect upheld when Appellant engaged in inappropriate texting relationship with student. Texts included references to kissing and personal issues. In re Mario L.,November 3, 2010.

Sexual abuse/exploitation upheld where the Appellant inappropriately touched a female student for whom he provided private piano lessons. Four other girls confirmed that the Appellant also touched them in appropriately. In re Kenton B., September 16, 2010.

Sexual abuse reversed when evidence does not support a finding that child was alone with Appellant or there was any opportunity for abuse to have occurred. Disclosures credited to child were incomplete and substantiation was based on assumptions, not details provided by child.
In re Joseph C., July 21, 2010.

Physical neglect reversed when evidence supports a finding that the Appellant did not demonstrate a serious disregard for her student's physical well being when she had him eat an banana that had been placed unpeeled in the classroom waste basket on top of unused copy paper.
In re Anne O., June 17, 2010.

Emotional abuse upheld when Appellant makes degrading statements to child and pinches child's cheeks and Appellant's behavior has adverse emotional impact on child.
In re Nicholas F., April 30, 2010; appeal dismissed May 2010; appeal to Appellate Court pending 2011.

Central Registry upheld when Appellant has been warned in the past regarding his treatment of students and his name calling is on-going and pervasive in the classroom causing children

emotional distress. In re Nicholas F., April 30, 2010; appeal dismissed May 2010; appeal to Appellate Court pending 2011.

Emotional neglect upheld when child reports being scared when teacher grabs him by the throat and chokes him to prevent him from leaving the classroom. Other school staff members report child was crying and visibly upset following the incident. In re Judith R., April 20, 2010.

Physical neglect upheld as Appellant created unsafe conditions for the child when she grabbed him by the throat and choked him to prevent him from leaving the classroom Child pulled away, fell and hit his head on a sink in the room. While teachers may use reasonable force to promote discipline, child did not pose a risk to himself or others and physical force was not required.
In re Judith R., April 20, 2010.

Emotional neglect and emotional abuse reversed where teacher yells at student, gives him a detention and tries to take his gloves away because actions were intended to correct the deficiencies in his behavior and were not cruel and unconscionable nor denial of proper care and attention. In re Doreatha M., January 7, 2009.

Emotional maltreatment-abuse reversed. Appellant, high school math teacher, makes a dunce cap for a student and takes out duct tape for his mouth after student is repeatedly told to stop singing in class but does not. Appellant alleged this was done as a joke and not to hurt student. Student, when interviewed, talked about the incident and did not verbalize or exhibit any indication of adverse impact. While student may have been embarrassed, impact did not rise to level of emotional abuse. In re Marisa P.,January 20, 2009.

Emotional neglect upheld where Appellant overreacted and slapped child in the face during gym class while child tried to explain that he was not misbehaving. After the incident, the child went out of his way to avoid the teacher, even in passing the Appellant in the hallway. The child also developed headaches and cried uncontrollably when the Appellant returned to school after a leave of absence. In re Robert S.,October 8, 2009.

Sexual abuse reversed after a teacher touches a child on her bare back while in the classroom. Although the Appellant engaged in inappropriate behavior relative to his professional conduct (kissing students on the tops of their heads to praise them) his gestures toward the alleged victim were not sexual in nature. In re Ruperto T., November 3, 2009.

Physical neglect reversed against teacher who hits student on the head with a screwdriver. The hit was a tap, meant to get the boy's attention, and therefore, not a serious disregard for the child's safety. In re Frank R., November 16, 2009.

Physical abuse allegation against Appellant teacher reversed where the student initiates a physical confrontation by punching the teacher, and the student is injured accidentally during the scuffle.
In re Sharisma S., April 11, 2008.

Moral neglect by Appellant teacher upheld where the Department establishes that teacher was grooming the student for sexual abuse. Since it is illegal for a teacher to have sexual contact with

a student, Hearing Officer finds that teacher encouraged illegal activity. In re George F., May 12, 2008.

In order for a school employee to be a person responsible for the child's health, welfare or care, the employee must have some responsibility for the education, counseling, coaching, training, instruction, tutoring, or mentoring of the alleged victim. In re Benjamin L.,June 10, 2008.

A teacher may use reasonable force on a child to discipline and promote safety of the other students in her classroom. *Lovan C.* also applies to teachers. In re Martha D., June 9, 2008.

Physical neglect against teacher reversed after child leaves school without permission on two occasions. Hearing Officer finds that the Appellant was not directly supervising the child when he left school grounds and that once she learned that he was missing, she did not unreasonably delay notifying proper school personnel. In re Sandra C., December 16, 2008.

Physical neglect reversed as record does not support a finding that the Appellant, a teacher/chaperone on an over night field trip, allowed a seventh grade student to stand outside at night clad only in sleepwear. Physical neglect reversed as the record does not support a finding that the Appellant demonstrated erratic and impaired behavior by placing students' personal items outside the cabin in order to get their attention. In re Betty C.-T., December 10, 2007.

A teacher who does not exercise reasonable care in his supervision of children in his classroom may be substantiated for Physical neglect when a child is injured as a result of the lax supervision. In re Jerome B., September 14, 2007.

Emotional neglect reversed when teacher acted in unprofessional manner, but actions were not directed at students. Due to conflicting testimony it could not be determined whether or not the teacher swore at the student. If the teacher had done so, this would be a school issue, not a DCF issue. In re Carolyne F., March 27, 2007.

Allegation of emotional neglect following a teacher's use of physical discipline is reversed when there is no evidence of adverse emotional impact to the child from the physical discipline. The child's allegations that other children feared the teacher were not supported by the other children who were interviewed. In re Sandra F., November 29, 2006.

A teacher's training may be used to demonstrate intent, in that she should have known that her verbally abusive behavior would have an adverse impact on the child. In re Robin H., October 3, 2006 appeal dismissed January 2008.

Teaching assistant allowed three children with special needs to remain in the school van unsupervised during school field trip. The result is that two of the children beat up the third child. Placement on the Central Registry is denied as no intent and the incident did not meet severity criteria. In re John C., August 31, 2006.

Appellant encouraged a fourteen year old student to have sexual contact with another person by grabbing the child's hand and placing it on the other person's penis. The child was found credible.

Moral neglect was upheld. The Central Registry recommendation was upheld due to intent and chronicity. In re William R., August 1, 2006.

High school student reported that teacher made inappropriate comments to her and that he placed her hand on his penis. In addition to student's report of the incident, another student was present and corroborated the allegations. Sexual abuse upheld. In re Joseph A., March 17, 2006;appeal dismissed.

Appellant's actions in the classroom was not so cruel or unconscionable as to be deemed emotionally abusive, even if individual students did react adversely to the Appellant's actions or statements. Although the actions may have been unorthodox, that is a matter to address with the Appellant through either training or discipline. Appellant's actions in redirecting student at the computer by moving her hands; action of showing the child's work to the class and placing a misbehaving child near the teacher's desk and sometimes on the floor is not cruel or unconscionable within the operational definitions. Emotional abuse reversed. In re Betsy P., February 16, 2006.

Appellant was a paraprofessional for a school district and assigned to an elementary school. A nine year old student threw a chair across the room. The Appellant directed the child to leave the room. The child complied but was threatening to kill people, cursing, and yelling. The Appellant and a co-worker directed the child to a time out room. The child refused to go into the room and tried to leave the area. Appellant placed the child in a "hold" and the child sustained a rug burn under his eye. The Appellant was trained in physical holds. The Administrative Hearings Unit has repeatedly held that a teacher has a right to use reasonable physical force on a child to promote the safety of the child or others around him. The Appellant used reasonable force and the substantiation was reversed. In re Pablo R., December 20, 2005.

The Department substantiated emotional abuse against a teacher who physically redirected a child's head during class and yelled at the child. Although the teacher physically turned the child's head, this was not cruel or unconscionable behavior. There was insufficient evidence to establish that the teacher was verbally abusive to the child. There was no evidence that the child had an adverse impact based on the teacher's words. The substantiation was reversed. In re Robin H., November 28, 2005.

Child was in the hallway when she should have been in class. Teacher and student had a brief altercation and teacher grabbed the student's arm and left a mark. It was found that Conn. Gen. Statutes permit teachers and school employees to use some degree of physical force in order to maintain order in the classroom. In addition, an injury that is an unintended consequence of otherwise reasonable physical force is not abuse but rather an accident. The substantiation was reversed. In re Dan B., November 22, 2005.

Six year old child left school and walked home (three blocks away). The teacher did not notice that the child left the room. This was an isolated incident and the child was not impacted. The teacher was not neglectful. In re Marlene F., November 15, 2005.

Teacher called children in his class names and made degrading comments to them. The school's basketball coach heard the teacher call the child in question an orphan. (The child was a ward of

the state). There was insufficient evidence to find that the teacher's conduct was cruel or unconscionable. It was noted the investigation failed to show teacher's conduct had an adverse impact on the child. In re Jonathan B., October 21, 2005.

Teacher grabbed two girls by their arms and forced them to sit down. School Principal observed a little bump on the shoulder of one of the girls but saw no marks. The SW did not see any marks on either of the girls. While teacher was inappropriate it did not rise to the level of cruel punishment. Physical abuse reversed. In re Jalil S., August 9, 2005.

Teacher grabbed fourth grade student and yelled at him. Teacher denied shaking the child and denied that the child was crying. Child had behavioral problems. Several statements from students were submitted. Two boys reported the teacher shook the student and six other statements did not say anything about shaking. Physical abuse and Emotional neglect reversed. In re Cynthia D., July 26, 2005

Nothing in the protocol suggests that the teacher knew or should have known that the children were putting their hands down each other's pants. The fact that these incidents occurred in the classroom is not prima facie evidence of neglectful conduct. It is clear that the students took efforts to hide this conduct from the teacher, including having students as lookouts. Directed verdict granted and physical neglect reversed. In re Margery D., June 21, 2005.

Child was disrupting class and after repeated attempts to ask him to leave, teacher grabbed child by the back of neck to escort him out of the classroom and may have left a scratch mark on his neck. If the scratch did occur, it was incidental to the Appellant's reasonable attempt to restore order to the classroom. Physical abuse reversed. In re Annette C., February 28, 2005.

Department argued that a teacher throwing a notebook at a student is evidence of erratic and impaired behavior. No evidence was presented that the notebook was thrown. The teacher stated that the notebook was slid across the desk. When a teacher attempts to gain a student's attention by sliding a notebook at the student this is not erratic or impaired behavior. Directed verdict on physical neglect allegation. In re Gail D., February 8, 2005.

Birthday ritual took place in the classroom where students would punch the birthday student in the arm once for each year plus a final pinch for good luck. Child's arm was red after the punching and DCF investigator observed black and blue marks on the child's arm. Teacher gave the child a choice whether to continue with the ritual and asked if the child wanted to switch arms. Actions of teacher may be characterized as poor judgment, it is not physical neglect. Physical neglect reversed. In re John R., February 2, 2005; *See also* In re Louise Y., February 2, 2005.

Physical neglect against a teacher who accidentally hits a student while attempting to give him a high five, reversed. In re Neile P., December 10, 2004.

Teacher attempts to separate two fighting students and placed his hands on one student's chest. While school board has no contact policy, state statute permits a teacher to use physical force on a student to promote the safety of the child, or others in a classroom. Physical neglect reversed. In re Gary H., December 1, 2004.

Teacher directed student not to get paper out of a drawer. Student did not listen and went over to the drawer. Teacher kicked a drawer shut not knowing student's hands were in the way, causing an injury to the child. Physical neglect reversed. In re Ann W., November 12, 2004.

Appellant became friendly with child at school. Appellant was not the child's teacher. Appellant does not fit the definition of person responsible for the child's health, welfare or care. In re Matthew B., October 15, 2004.

Teacher hit student several times on face and with a ruler. Other students said they have been hit too. No marks or bruises. Although Appellant's actions were inappropriate, her actions do not rise to level of emotional abuse. Discipline not done in malicious way nor intended to hurt students. Methods may have violated employment rules but his methods of discipline not unconscionable, cruel or unusual to meet definition of emotional abuse. Emotional abuse reversed. In re Babatunde P., August 31, 2004.

Appellant, teacher, engaged in a romantic relationship (even if not sexual) with a student. Student attempted to kill himself in part due to relationship and its termination. Appellant did not allow student to live under conditions injurious nor was he inadequately supervised. Emotional neglect upheld and Physical neglect reversed. In re Allison T., July 30, 2004.

Two students reported to teacher that a student stole money from teacher's pocketbook. Teacher confronted student in front of class and had her searched by other student in lavatory. Teacher may have behaved in way to warrant employment action, her conduct was not neglectful under the Department's old definitions of abuse or neglect. No neglectful conduct found. In re Bonnie B., July 2, 2004.

Scratches to a child's face that occur accidentally when a teacher grabs a child by the face to get her to cease dangerous activity does not support a physical abuse finding. Teachers are authorized to use reasonable force in an effort to protect the children in their care. When a child will not listen, and is doing something dangerous to himself and others, the teacher is justified in using physical force to stop the behavior, even if it results in accidental injury. In re Linda R., June 30, 2004. See also In re Katarzyne K., April 27, 2004.

Physical abuse by teacher reversed when it is apparent that the contact between the child and the teacher that resulted in the injury was accidental. In re Helen M., March 31, 2004; In re Linda R., June 30, 2004.

Physical abuse by teacher may be upheld when the teacher uses unreasonable force to prevent a child from disrupting a class. In re Roxanne R., May 25, 2004 reversed by agreement on appeal.

Physical abuse by teacher reversed when it is apparent that the contact between the child and the teacher that resulted in the injury was accidental. In re Helen M., March 31, 2004

Physical neglect reversed against teacher after one child sexually assaults another in the bathroom. There was no evidence prior to the incident that the child required a higher level of supervision, and Appellant followed all of the school's protocols for supervising her students. In re Christina C., November 18, 2003.

Physical abuse upheld when gym teacher grabs child's arm and leaves bruising that is still evident days later. Physical neglect upheld in that the child is abused. In re Aurelious W., November 14, 2003.

Emotional abuse by teacher upheld when Department proves that teacher made intimidating, threatening and frightening statements to a student, while yelling in his face repeatedly.
In re Robin H., September 5, 2003; appeal dismissed January 2008.

Physical abuse upheld when child's injury is consistent with his statements of abuse by his teacher. It does not matter that the Appellant did not intend to harm the child. He did intend to grab the child. In re Charles S., April 29, 2003.

Allegation of emotional abuse of one child upheld, while allegations of emotional abuse of other children is reversed, when teacher slaps student, throws pencils, threatens to poke the children's eyes, and the child is afraid to attend school. In re Linda S., February 11, 2003.

Physical abuse reversed when teacher escorts a disruptive student to the principal by holding the child's arm. The child attempted to get out of Appellants grasp, and sustains a red mark and a nick on his thumb. In re Reginald W., February 11, 2003.

In order to prove emotional abuse, the Department must prove that the caretaker's actions are cruel and unconscionable, and cause an observable and substantial impairment to the child's well being. In this case, demonstrative teacher made the children uncomfortable. However, his hands on style was not cruel or unconscionable. Emotional abuse reversed. In re Daniel C., January 29, 2003.

The Department failed to prove that the head of Cheshire Academy middle school even knew of allegations that a teacher was inappropriately touching female students. The Department also failed to prove that the headmaster failed to act when he learned of allegations that the same teacher was roughly handling some male students. Decision to substantiate physical neglect reversed. In re Robert B., January 22, 2003.

A teacher's inappropriate conduct as a teacher, is not physical neglect, unless there is adverse impact, or the conduct is egregious. Physical neglect reversed. In re Andrew M., January 14, 2003.

Appellant is a substitute teacher with the Hartford Public School System. Appellant requested that eight year old student give him the toy that he had in his pocket. Child refused and alleged that Appellant grabbed him by the neck and choked him. Appellant claimed that he grabbed child by the collar to keep him from falling, and that another child jumped back hitting the desk when Appellant stomped his foot in front of him. Both boys had marks consistent with their reports of the events. Appellant is found not credible. Physical abuse upheld as to both boys. In re Gerardo G., September 16, 2002.

Three kindergartner boys are allowed to go to the bathroom together at a public school. While there, one of the students suffered anal discomfort as a result of the inappropriate conduct of

another student. Without evidence that this type of behavior is common among kindergarten students or that these particular children have the propensity for this behavior, it is not physical neglect. Physical neglect reversed. In re W. School, April 4, 2002.

Teacher is in charge of twenty children, along with one aide. Neither the teacher nor the aide witnessed an incident where one child is kicked several times in the shin and lower stomach. The incident occurred spontaneously and quickly in one corner of the room. There were no indicators during the event that it was happening. Physical neglect reversed. In re Linda G., March 18, 2002.

Due to their disruptive behavior, a teacher sends three four year old children into the hallway outside of a classroom with the classroom door within close proximity to a public entrance/exit. The children allege that the classroom door was closed and they were unsupervised. The teacher and her mother testify that the teacher's mother supervised the children from the open doorway and that the child farthest from her was approximately six to eight feet away. Physical neglect reversed. In re Lynne C., March 5, 2002.

Difficult five year old child with history of acting out and aggressive behaviors in classroom. During one tantrum, child out of control and a danger to both himself and others in the classroom. Child required intervention. Appellant restrained child and during the restraint, child was injured while he was struggling. Teachers are authorized to use reasonable force in effort to protect children in crisis. The combination of reasonable force and a struggling child may result in injury to both. This is not per se neglect, but rather an accidental consequence of an authorized discipline. Physical abuse reversed. In re Tennille M., January 28, 2002.

Appellant, substitute teacher, was in charge of supervising two students who were suspended. Appellant was not aware that one of the students grabbed the other's breast, flashed his penis, masturbated and ejaculated in front of the other student. There is no strict liability standard. Physical neglect reversed. In re Joanne H., January 23, 2002.

The Department incorrectly held the respondent, a teacher, to a higher standard than if she were being investigated as a parent. The same standard applies to all. physical neglect and emotional neglect reversed. In re Susan A., October 25, 2001.

Child, upset when removed from tricycle, grabbed and bit teacher's leg. Teacher grabbed child by the shoulders with her hands on either side of her neck and shook child, yelling at her to apologize and she should not bite. Another staff removed child from teacher's grasp and took child inside to calm. Child was observed to have red marks. Teacher's use of force left bruises on child. Teacher caused non–accidental injury to child. Physical abuse upheld. In re Carol A., November 9, 2000.

During a school fire alarm, child was acting out and teacher grabbed him to place him in line to exit building. Child either stumbled or fell hitting wall and later noticed a small abrasion, deemed an accidental injury, thus not within the operational definition of abuse. Physical abuse reversed.
In re Stephen S., October 27, 2000.

Physical abuse by teacher reversed when it is apparent that the contact between the child and the teacher that resulted in the injury was accidental. In re Helen M., March 31, 2000.

TEENAGERS - DRUGS IN THE HOME

Physical and emotional neglect upheld against Appellant mother who is unable to care for her son due to substance abuse and exposes the boy to illegal activity such as drug runs and stealing. In re Lisa R., April 2, 2012.

Moral neglect upheld when Appellant's fifteen year old stepson is arrested during raid of home because he is in the same room as Appellant's drugs. Fifteen year old is charged with possession of narcotics in a school zone and intent to sell. No evidence that youth has ever been in trouble before and he denied knowledge of drugs in home. Youth now involved with juvenile probation.
Physical neglect upheld when youth is present during police raid of home. Youth is afraid and hides in sister's bedroom during raid. Raid is a result of Appellant selling drugs out of the home.
Central Registry upheld as Appellant demonstrated a serious disregard for youth's physical well being by selling drugs out of home and his actions resulted in youth's arrest and involvement with criminal justice system. In re James G., November 2, 2010.

The Department substantiated father for physical neglect due to daughter's drug use in the home while on a weekend pass from Riverview Hospital. Physical neglect reversed as father was present in the home, but not hovering over his daughter's activities. Unfortunately, the child exercised poor judgment after numerous safe and successful home passes. In re Craig B., April 8, 2005.

Appellant's drug use and drug sales in the home are conditions injurious and support a finding of physical neglect. In re Floyd J., February 11, 2004.

The Department failed to follow through with contacts/address given for children's location. Physical neglect due to school absences may not be proven by document created six months after the substantiation is entered. The Department must allege educational neglect and not just physical neglect. There was also no evidence in the record that mother was aware of, condoned or encouraged her daughter's drug use to support a finding of emotional neglect. Physical neglect and emotional neglect reversed. In re Carmen G., October 6, 2000.

TEENAGERS - FIGHTING WITH ADULTS

Confronting a teenager with his poor behaviors, and attempting to incite those behaviors so that the police can see what the foster parent is dealing with, does not rise to the level of emotional neglect. In re Billie H., January 31, 2012

Physical Abuse, physical and emotional neglect all reversed in 1997 case, where Appellant father was young, the allegations of abuse did not meet the criteria set out in Lovan C., and the child's allegations of neglect were not credible. In re Christopher B., January 13, 2012.

Physical neglect and emotional abuse upheld when step-father initiates a confrontation with one child that results in two teenagers fleeing the home and eventually resulting in a brief placement of both girls. Stepfather was aware of teens' special needs, and his conduct demonstrated a serious disregard for their well being. In re Buster J., November 9, 2011.

Physical abuse and physical neglect reversed where there was no evidence in the record to support a finding that the Appellant acted erratically or impaired when she intervened and stopped her two sons from hitting each other. The older and bigger boy refused to listen and the Appellant held him down and slapped him to prevent him from hurting his brother. The boy stopped. Although the child received a little bruise on his chest, the Appellant acted reasonably under the circumstances. In re Melissa D., March 18, 2011.

Physical neglect upheld where the Appellant fought with her daughter and threatened to stab her with a knife. She kicked the girl out of her home, forcing her to walk without shoes in the winter cold. In re Michelle V., August 24, 2010.

Physical neglect reversed when guardian agrees to alternative arrangements for child when she can no longer care for him. Although guardian threw the child out, he was never homeless.
In re Mary W., May 17, 2010.

Physical abuse reversed where Appellant parents are able to establish that their teenage daughter has had emotional problems including aggression for many years, and her father's inappropriate response does not rise to the level of physical abuse. In re Karen and George F., October 6, 2009.

Physical neglect reversed when the record does not support a finding that the mother of an out of control teenager allowed the boy's uncle or older brother to come to the home to physically assault the child. The youth reported that after an altercation with his mother, his uncle and brother came to the home on separate occasions and yelled at him about changing his behavior. He reported that he and his brother ended up wrestling in the front yard and his uncle grabbed his shirt and "got in his face". The youth reported no injuries as a result of either incident. The Appellant was not at home during either incident and did not learn of the visits until after they occurred.
In re Karen B., December 10, 2007.

Physical abuse reversed when Appellant backhanded her teenaged daughter who was being disrespectful and teenager physically assaulted the Appellant who was two weeks post surgery. In re Maureen O., November 28, 2007.

Physical neglect reversed when the Appellant maintains safety and adequate supervision of children after a physical altercation between her boyfriend and his teenage son. She addresses the situation by immediately coming home from work, providing the son with medical care and involving another adult before calling the police. In re Robin M., September 4, 2007.

Physical neglect reversed when a teenager and Appellant fight with a baseball bat and it can not be established that the Appellant was the aggressor. Physical neglect reversed when it was established that sibling in the home during the fight was out of the zone of danger. In re Aaron R., August 16, 2007.

Appellant engages in physical altercations and name calling with his daughter. Both Appellant and daughter instigate the fights. Evidence does not support a finding that the home environment seriously interferes with children's positive emotional development or their physical well-being. While it is true that the Appellant is an adult and should not engage is name calling, it does not

appear that the environment seriously interfered with the child's positive emotional development or physical well being. Physical neglect and emotional abuse reversed. In re Don V., July 6, 2007.

A parent may use reasonable force to prevent injury to self or others. Evidence is clear that on the occasion when the child was injured, it was the child who precipitated the physical confrontation. It is not clear who grabbed the dustpan first, although the Appellant's version that the Appellant took the handle for the child is credible. In re Octavio R., May 24, 2007.

Physical abuse reversed when incident between father and teenage son becomes physical after son goes after father who was trying to disconnect computer. Father pushed son away and slapped son. Incident falls within *Lovan C.* guidelines for reasonableness. In re Neal A., May 14, 2007.

Inconsistent claims of physical abuse in the context of a contentious custody battle, are not sufficient to establish a finding of non-accidental injury. It was not unreasonable for Appellant to use his hands to forcefully remove his son from the side of the road when the child refused to get in the car. In re Derek H., May 10, 2007.

Physical abuse reversed when large teenage son initiated attack of Appellant, along with a friend, using baseball bat and causing Appellant serious injury. Teenager suffered minor bruises. In re William Z., February 8, 2007.

Appellant and fifteen year old engaged in a physical altercation. Appellant struck the child with a candlestick holder in the face leaving the child with black eyes, bruising, and swelling to her face. This was excessive and not reasonable amount of force. Central Registry was also upheld due to the severity and excessive use of force. In re Maureen S., August 1, 2006.

The Appellant had a right to defend himself from his attacking teenaged daughter. But in pushing her away, he failed to do so in a manner that she would not be injured. In the first incident, he pushed her so hard into the wall, that there was a large hole in the wall. In the second incident, the girl fell down the stairs and cut her knee. The Appellant's conduct of jeopardizing the child's safety was impaired behavior. Physical neglect upheld and emotional neglect reversed. In re Peter M., May 11, 2006.

Teenaged son argued with and stood up to his father. The father then physically pushed, punched and hit his son with a phone. This was not a self defense situation. The child did not strike first. The motive was to teach his child the lesson that you do not stand up to your father; however, the type and force of the punishment were not commensurate with the child's behavior. The child suffered severe bruising to his eye that was readily visible a week later. As to the mother, there was nothing that she could have done to prevent the incident. The mother did not expose the child to family violence, the father did. Physical abuse upheld as to the father and physical neglect reversed as to the mother. In re Deborah and Michael T., April 17, 2006.

Sixteen year old and her mother engaged in a physical altercation. During the incident mother tackled the child and the child hit her mother. The child was not injured by the incident. The substantiation was reversed. In re Marie L., November 3, 2005.

Thirteen year old became out of control in the home and attempted to choke her four year old nephew. When confronted the child left the home and returned twenty minutes later. The Appellant called the police. Child claimed that Appellant was verbally cruel to her. The Department did not prove that the child lived in a hostile environment or that mother engaged in a pattern of neglectful parenting. In re Sherry L., October 11, 2005.

Mother allowed a twenty year old friend of her fourteen year old daughter to live in the home. He was intoxicated and got into a physical altercation with the fourteen year old. He was arrested and a partial protective order was put in place allowing him to reside in the home; except he could not enter the home if he was intoxicated. The friend was in the home on three occasions while drinking and he was arrested on each occasion. Mother did not expose her daughter to the friend's erratic/impaired behavior. Adequate safety was maintained with the assistance of the police who were called without hesitation. In re Robin M., September 20, 2005.

Father grabbed son by the shirt and told him he needed to listen. Teenager swore at his father and father again grabbed him and pushed him on the couch. There was not a great deal of force used. Child was an athlete and there is no evidence that the injuries depicted in the photographs were the result of this incident rather than incurred playing sports. Physical abuse reversed. In re Perry E., April 13, 2005.

Appellant restricted teenager's computer use and teenager accessed computer. Appellant directed teenager that he would need to share a bedroom with other child so Appellant could lock computer in the bedroom. Teenager refused to move into the other bedroom and became aggressive with the Appellant. Appellant pushed teenager against the wall to stop teenager's aggression. Force was reasonable and physical abuse reversed. In re Alfred S., February 15, 2005.

Teenager was the precipitator of the physical altercation. Teenager did not want father looking in his bag and was physically pursuing the father. It is unfortunate that the father reacted in a physical manner, but this is not physical neglect. Also, the father did not emotionally neglect the children who witnessed the fight. The father was not the precipitator of the event and did not deny the children proper care and attention. Physical neglect and emotional neglect reversed.
In re Christopher K., February 7, 2005.

Mother's reflexive action of picking up a knife and holding it out toward teen daughter is not evidence of erratic and impaired behavior, when daughter has documented history of being violent, and mother fears for her safety and safety of younger child in the home. In re Cynthia W., June 17, 2004.

Difficult relationship between mother and teen daughter is not evidence of emotional neglect absent evidence that it is mother's conduct, rather than daughter's oppositional behaviors that results in the volatile relationship. In re Constance W., May 19, 2004.

Mother's name calling and repeating the same derogatory words used by her teen daughter is not emotional neglect. In re Lisa B., April 2, 2004.

An injury to a child's face that occurs when mother attempts to restrain her during a physical altercation is accidental and physical abuse is reversed. In re Cheryl G., February 5, 2004.

When child is the aggressor in a physical confrontation with mother's boyfriend, and has a history of aggressive and confrontational behaviors with male adults, mother's continued involvement in a relationship with her boy friend does not rise to the level of conditions injurious, and physical neglect reversed. In re Isee G., January 9, 2004.

Physical abuse upheld when mother "claws" her seventeen year old son during a fight, and leaves a four inch scratch on his face. Physical neglect reversed, as it is not neglectful to allow her son to stay with a friend so that things could cool down in the home. Mother's request to have the child placed in a locked facility, is not neglectful, in that there was no evidence as to whether child knew about the statements, or was impacted by mother's anger. In re Jamie C., December 10, 2003.

Physical abuse upheld when Appellant engages in physical altercation with seventeen year old, and leaves marks on his throat and chest. In re Ann D., August 7, 2003.

Child makes suicidal gesture as a result of five year long custody battle, and fighting between his parents. Emotional neglect upheld. In re Patrick W., July 10, 2003.

Appellant and her fourteen year old son argued Appellant picked up an electrical cord. The two struggled over it as son believed that Appellant meant to hit him. Antonio reported the shed did hit him causing marks to his neck and arms. Antonio left the home and was later located by police who observed his upset along with the marks. Appellant was arrested. Physical abuse upheld. In re Debra McC., December 13, 2002.

Appellant and her fourteen year old daughter had a conflictual relationship. Appellant called the Department on more than one occasion requesting placement of her daughter. The Department recommended that mother obtain counseling. Mother failed to follow through. Child alleged that mother physically abused her. However, there were no marks or injuries to corroborate that claim. Father later physically abused child, resulting in her removal. Father has not appealed. Physical abuse reversed. Emotional neglect upheld. In re Brenda B.A., October 26, 2002.

Appellant is the mother of fifteen year old boy. Child argued with his brother in law, because child wanted to use the computer and brother in law would not allow him to do so. Appellant and her daughter were in the kitchen. Child alleged that brother in law punched him in the face during the argument and that mother did not see this. Mother testified that brother in law was standing near child, stretched his arms and hands causing him to elbow child in the face. Brother in law has been physically aggressive with child on a prior occasion in October 2001, but mother believes she can handle the situation. As mother believes her child, has not ignored him, and has taken some steps to address this, Physical neglect is not supported. Physical neglect reversed. In re Kathleen N., October 23, 2002

Seventeen year old describes that her father pushed her downstairs while she was holding her infant son resulting in a small injury to the infant. In addition, father tried to search teenager's room and father punched her and threw her against a wall. Teenager gave a consistent account to police, hospital staff and DCF. The injuries were consistent with her version of events. Physical abuse upheld. In re Nathan J., October 15, 2002.

Fourteen year old child is argumentative, aggressive, swearing, and will not exit the family car upon request by her father. After two or three requests, the father pulled the child out of the car. Both father and child fall into the van. The child does not sustain any injuries. Pulling a child out of a vehicle is neither abusive nor cruel punishment unless the child is injured. Physical abuse reversed. In re Rick M., February 7, 2002.

Attempting to pull a child out of car, even with force, to attend an Alcohol Anonymous meeting, and slapping a cigarette out of child's hand is not erratic behavior. Failure to successfully engage child in services is not neglect when parents have made good efforts. Physical neglect and emotional neglect reversed. In re Kevin R., September 5, 2001.

Father's escalation of verbal argument into a physical altercation with child resulting in child seeking out guidance counselor at school and being fearful of returning home without mother supported finding of physical neglect. In re Wayne and Annette S., March 14, 2001.

Child suffered injury during physical altercation with his father. Although father claimed he was acting in self defense, the father escalated the altercation by continuing to hit the child even after he was down on the floor. In re Hardy R., February 21, 2001.

TEENAGERS - MENTAL HEALTH

Young mother who is unable to cope with past trauma, substance abuse and mental health issues does not physically neglect her child when she asks others to care for the baby. In re Donna A., March 22, 2012

Emotional neglect upheld when Appellant mother isolates teenage daughter from the rest of her family, and only communicates with child by "sticky notes." In re Linda F., August 2, 2011.

A parent's refusal to take her out of control, dangerous teen home, is not abusive or neglectful, where it is established that the Appellant has made serious attempts to get her child the help she needs, but the child is non-compliant. In re Terry Ann W., April 22, 2008.

Physical neglect reversed where the Department cannot establish that the parent's decision removing the child from his medication is the cause of their child's substance abuse and behavior problems. In re Patricia K. and Thomas K., May 16, 2008.

TEENAGERS - OUT ALL NIGHT

Appellant is foster mother for several young women ranging in age from ten through seventeen. On November 11, 2001, the seventeen year old and fifteen year old stayed out all night. They had also done this on November 10, 2001. Appellant did not report this to either the police or the Department until November 12, 2001. The girls did return home the following day on both occasions. Appellant did not know their whereabouts while they were gone. During a second investigation beginning in January of 2002, the Department learned that none of the young women had a key to the home. She did not know where the young women were during the hours that they were locked out of her home. Physical neglect upheld as to both investigations. In re Gussie S., July 24, 2002.

Fifteen year old stayed out all night, found in the morning unconscious and unresponsive by Emergency Medical Staff and brought to hospital by ambulance. BAC level was .184 and he tested positive for marijuana. Hospital tried to contact Appellant at seven a.m. unsuccessfully. Appellant left home at six a.m. to run errands while teen was still not home. Appellant made no attempts to locate child at night or in the morning, showing a serious lack of concern and supervision. Appellant's acceptance of this type of behavior as typical of a teenager deemed extremely alarming. Physical neglect upheld. In re Carolyn C., November 13, 2000.

TEENAGERS - SEXUAL RELATIONS

Physical neglect reversed when Appellant was unaware that her thirteen year old daughter had allowed a twenty-five year old man into the home and had sexual relations with him. Appellant had allowed daughter to have an internet and phone relationship with the man when she thought he was close to daughter's age. Upon learning that he was significantly older, the Appellant advised child she could no longer have contact. Upon learning that the man had been to the home and sex with her daughter, the Appellant contacted the police and took her daughter for a physical exam. In re Sheri B., February 8, 2011.

Physical neglect upheld when Appellant tacitly condones a sexual relationship between her thirteen year old daughter and a nineteen year old man. Appellant seriously disregarded daughter's physical well being by putting her at risk for pregnancy and sexually transmitted diseases. Appellant also allowed daughter to be involved in the criminal justice system as a victim and potential witness. In re Maritza P., July 6, 2007.

Mother is aware and condones that a seventeen year old and her fourteen year old daughter are having sexual relations. Physical neglect and emotional neglect reversed. Moral neglect upheld. In re Diane B., April 25, 2007.

Teenage child claims stepfather sexually abused her. The child was sexually active and also engaged in attention seeking behavior. The police officer felt the child was lying and the emergency mobile psychiatric services had doubts about the child's credibility. The sexual abuse substantiation was reverse as there was not sufficient evidence to determine that the stepfather had sexually abused the child. In re Khemraj S., November 21, 2005.

No evidence that the mother supported or encouraged relationship between thirteen year old and eighteen year old. Mother sought aid from community professionals and followed through when counselors directed her to contact the police. Physical neglect reversed. In re Debbie C., May 11, 2005.

Physical neglect reversed when mother condones a relationship between fourteen year old daughter, and a twenty two year old woman, that turns sexual. The evidence found by the Hearing Officer was inconclusive that the mother knew that the relationship was sexual. In re Lisa P., August 20, 2003.

TEENAGERS - SUBSTANCE ABUSE

Emotional neglect reversed when youth does not have current substance abuse issues and Appellant father does not make him attend substance abuse treatment. Youth had been in treatment many times in the past and was not exhibiting a current need for treatment.
Physical neglect reversed when seventeen year old youth abided by reasonable curfew and Appellant knew where he was when not at home. In re Douglas S., July 29, 2011.

Physical neglect was upheld when the Appellant allowed her fifteen year old son to consume alcohol to excess and ingest some of her morphine tablets resulting in her death. In re Heather S., December 8, 2010.

Physical neglect was upheld with the Appellant allowed her son's fifteen year old friend to consume alcohol to excess. Such knowing conduct is a serious disregard for the child's welfare from a single incident. In re Heather S., December 8, 2010.

Three teenage foster children all report foster mother knows and allows them to drink alcohol in the home. Appellant admitted to investigator that she allowed the children to drink alcohol on special occasions. Physical neglect and Central Registry upheld, Appellant demonstrated serious disregard and allowed this to happen on more than one occasion. In re Wendy C., September 16, 2008.

TELEPHONIC TESTIMONY

Hearing Officer permits out of state witness to testify via telephone. In re Richard W., March 9, 2006.

TEXTING

Physical neglect reversed when the record does not support a finding that the teacher's actions texting a student had an adverse physical impact or demonstrated a serious disregard for student's physical well being. Teacher attempted to get treatment for student and discussed situation with school administrators. In re Sean M.,November 18, 2010.

Emotional neglect upheld when Appellant engaged in inappropriate texting relationship with student. Texts included references to kissing and personal issues. In re Mario L., November 3, 2010.

THREATS

Emotional neglect upheld where the Appellant contacted his daughters who were placed in a shelter for respite after a family altercation which became violent. The Appellant angrily told his daughters that he was going to severely punish them when they returned home from the "bed and breakfast." The girls were too afraid to return home that they opted to go into the Department's care and into foster care, never wanting to return home. In re Kevin S., February 27, 2012

Emotional neglect upheld where the Appellant, in the presence of her son, threatened to burn down the house-with him in it, along with his siblings. The Appellant was behaving erratically and was intoxicated. The son cried hysterically and was worried about the Appellant as she was

transported to a hospital due to erratic behavior. The Appellant acknowledged that her actions and statements upset her son. In re Sharyn B., January 13, 2012

Emotional neglect upheld when father threatens to "break his son's neck" if the son calls the police during an incident of domestic violence between the Appellant and the child's mother.
In re Edward M., September 26, 2011.

Physical neglect reversed by where the Department failed to establish that the Appellants physically neglected children by making statement threatening to use discipline, or through the presence of a baseball bat in the home with "respect and responsibility" written on it. In re Crystal and Mark W., January 27, 2009.

TIMELINESS OF APPEAL

Both the filing and the service of the appeal must be accomplished within the forty-five day period. In re Patricia I., June 21, 2007; judgement of dismissal affirmed on appeal 110 Conn. App. 901 (2008)

Appellant was precluded from appealing a 2005 physical neglect substantiation when she failed to contest the substantiation in a timely manner. In re Linda V., August 15, 2007.

Physical neglect was upheld when Appellant was substantiated for inability to provide care or shelter for her children in 2002 and she did not appeal the substantiation in a timely manner. Appellant's children were also adjudicated neglected based on the same facts. In re Shannon F., August 6, 2007.

TOILET TRAINING

Sexual abuse reversed when it was not possible to determine if child's emotionally disturbing behavior was a result of sexual abuse by Appellant or other stressors in her life. Viable evidence was presented to support a finding that if the Appellant touched the child it was in the context of toileting assistance. In re Jason C., August 17, 2007.

Emotional abuse reversed when it was determined that the Appellant did not throw all of the child's toys and playthings out as a form of discipline. Many items were thrown out, but this was due to the child's soiling behaviors which ruined most of the items. In re Jason C., August 17, 2007.
Emotional neglect was upheld when it was determined that child was physically disciplined with a belt for soiling behavior which was caused by emotional stress and turmoil in child's life.
In re Jason C., August 17, 2007.

Foster mother locked three year old in bathroom during toilet training. No adverse emotional impact shown; emotional neglect reversed. In re Celestine and Johnson B., September 23, 2004.

Foster parents' serious neglect of two special needs foster children, and their failure to utilize services for the children, supports emotional and physical neglect substantiations, as well as placement on the Central Registry. Children were both sent to school in saturated diapers, and

needed daily cleaning at school. Physical neglect and emotional neglect upheld. Central Registry recommendation upheld. In re Milagros and Victor B., June 26, 2006.

TRUNK

Placing a young child in a dark, cramped space that can only be accessed with a key from the outside (car trunk) is an egregious and callous act that carries a significant risk of emotional and physical harm, even if there is no evidence of adverse impact. In re Tina M., February 5, 2007.

UNSUBSTANTIATED REPORTS

Appellant substantiated for pinching foster child on the shoulder and leaving a large bruise. There were several prior unsubstantiated allegations of abuse in the past. These prior incidents demonstrated a pattern of unacceptable use of physical force in the foster home. Physical abuse upheld; Central Registry recommendation upheld. In re Essie V., October 29, 2007. On appeal, the court upheld the Hearing Officer's reliance on prior unsubstantiated reports for purposes of Registry determination; appeal dismissed November 2008.

VISITATION

Physical neglect reversed where Appellant allowed children to visit with father who has alcohol problem and the Department previously investigated, told Appellant not to let the kids visit when dad drinking, and mom complies, even though three year old gets burned while visiting with father. In re Robin P., May 12, 2009.

Physical and emotional neglect reversed where mother allows court ordered visitation between child and her abusive father. Appellant mother took steps to protect her child and keep her safe during court ordered visits. In re Carol B., June 4, 2009.

Foster grandmother's decision to allow child's parents unsupervised visits with the child is not physical neglect when the Department is unable to produce any court order precluding unsupervised visits, and it appears the grandmother believed the child would be safe for brief periods with his parents. In re Patricia M., June 26, 2007.

Physical neglect reversed. Mother sought out assistance for her son through mental health providers, the Department, and hospitalization. While her failure to visit her son during his hospitalization may have had an adverse emotional impact, there was not sufficient evidence, and the department did not make that allegation. The child's physical needs were met. In re Christine C., September 29, 2003.

Physical neglect reversed when foster mother allows mother to have unsupervised, overnight visitation in violation of a court order. In the absence of demonstrating specific harm or serious risk of harm, a violation of a court order is not per se neglect. In re Raphaela and Cesar M., August 29, 2003.

Emotional neglect reversed. Appellant grandmother was facilitating a visit between child and mother. Mother began a fight with grandmother that the child witnessed. Grandmother did not hit

or push mother after mother began hitting her. Department cannot hold Appellant liable for her reactions to an attack from child's mother. She didn't instigate or exacerbate the situation. In re Lucille V., April 4, 2003.

A violation of a court order or visitation agreement does not constitute per se neglect. In re Michael, Sharon and Joey Valentino, January 30, 2001.

Compliance with court ordered visitation does not support the neglect definition of failing to provide, whether intentional or otherwise, supervision of a reliable person to provide child care. In re Kim P., January 4, 2001.

VOLUNTARY SERVICES

Physical neglect reversed. Family had open voluntary services case due to child's behavior. Child was arrested, evaluated, hospitalized, and cleared for discharge. It was not neglect for parents to refuse to pick him up, especially when the evaluator told the parents that his needs could not be met in the home. In re Julie and David R., October 24, 2003.

Physical neglect reversed. It is not inadequate supervision or shelter, when parents of adopted child seek services, and attempt to find alternate living arrangements, which are unsuccessful, especially when fifteen year old refuses to return home. In re Clyde and Coretha T., September 29, 2003.

Fifteen year old child has behavioral issues and voluntary services involved. Mother asks for out of home placement for the child due to his behaviors and concern for the other children in the home. The mother was aware of the child's whereabouts at all times and did not fail to provide physical shelter for him just because she allowed him to reside temporarily with other relatives. Physical neglect reversed. In re Barbara H. D., June 25, 2002.

WEAPONS

Physical neglect upheld when the Appellant failed to monitor an out of control child's access to anything (in this case a lighter and two knives) that he could use to harm himself or others. Child had a history of cutting himself and using weapons for inappropriate purposes in the past. Physical neglect upheld. In re Debra M., August 8, 2007.

WORDS

Emotional neglect reversed when the evidence does not support a finding that the Appellant made the youth complete unreasonable number of chores and teen was not reliable reporter regarding being called names by Appellant. In re Olga V., May 14, 2012

Emotional neglect upheld where the Appellant called his son a "sociopath" and blamed the boy for the breakup of his marriage because of the boy's many emotional and behavioral issues. The name-calling and blaming caused the boy to feel bad and hurt by his father. In re John P., April 20, 2012

Emotional neglect upheld where the Appellant, the live-in girlfriend of the children's father, shouted derogatory names about the children's mother, upsetting them enough to cause them to confront her. The Appellant said such things as "your dumb ass mother" and "a bitch who has no right to live on this earth" (sic). After the confrontation, the Appellant chased the children, calling them obscenities and making them fearful for their lives due to the fact that the Appellant uses a gun as part of her duties as a constable. One of the children had a panic attack subsequent to the confrontation and the other child confirmed that the Appellant is always in a bad mood and is mean. In re Kathy M., March 26, 2012

Emotional neglect upheld where the Appellant repeatedly told her oldest son, who had behavioral and emotional problems, that she did not want him. The Appellant also told the child's school that she did not want him and repeatedly discussed how much she did not want the child while in the home. The entire family knew how much the Appellant did not want the child. The rejection by the Appellant negatively impacted the child emotionally, resulting in his developing behavioral issues which required him to enter a residential treatment facility. In re Michelle A., March 2, 2012

Emotional neglect upheld where the Appellant repeatedly physically and verbally abused his son, making the boy fearful and not wanting to be with his father. In addition, the Appellant repeatedly called the boy's mother bad names, including "whore" and "cocksucker," and the boy did not like this. In re Mark M., June 3, 2011.

Physical neglect was reversed when allegations were that the Appellant (mother) was aware that the stepfather was making inappropriate comments to the girl. The child's physical wellbeing was not in jeopardy nor did she suffer an adverse physical impact as a result of the stepfather's verbal actions.
In re Christine P., Jan. 26, 2011.

Emotional abuse/maltreatment upheld where the Appellant repeatedly called his son "scum" and threatened the child with serious bodily injury. Child lived in fear and said he couldn't take his father anymore. After he left the Appellant's custody, child did not want to see the Appellant and entered a therapy program to deal with his anger over the Appellant's treatment of him.
In re Michael B., Jr., December 21, 2010; appeal dismissed March 30, 2011.

Emotional neglect upheld on one child, Bailey, who was overwhelmed with the responsibility of taking care of her younger sister when the Appellant was not available due to her repeatedly being intoxicated. The child bore the brunt of the Appellant's behaviors when she was intoxicated; the Appellant often called the girl a "bitch." The child also suffered from Depression and saw a therapist for extended services due to wanting to hurt herself. In re Noelle H.,October 18, 2010.

Emotional abuse was upheld when the guardians made statements about the sixteen year old's mental health and medical issues to a stranger, told the boy's probation officer that boy was a financial obligation and they did not want him to return to their care, and at midnight told the teenager that he could not enter their house. In re George & Virginia D., October 8, 2010;appeal dismissed October 2011.

Emotional neglect upheld when Appellant involved young children in verbal arguments with their mother, telling them to call her vulgar names and that she was destroying the family. Seven year

old boy was distresses by the arguing, feeling he was made to chose sides. Child refused to call mother names which caused Appellant to call him names. In re Robert C., September 23, 2010.

Emotional neglect was upheld when Appellant told her husband in front of their seven year old son that she was going to accuse the husband of being a child molester (not true) and he would never see their children again and then further escalated the incident by throwing a vacuum cleaner tube down the stairs at her husband. In re Renee C.,September 23, 2010.

Emotional neglect upheld where during an altercation, the Appellant called one stepson "retarded" and caused both of his stepsons to run away and fear him. In re Angel R., September 16, 2010.

Physical neglect upheld where the Appellant injured one of his stepsons during a fight, causing the boy a bloodied nose. In re Angel R., September 16, 2010.

Emotional neglect upheld where Appellant repeatedly drank wine and made herself unavailable to her daughters. Appellant told a daughter that she was her worst child, reducing the girl to tears. Both girls said they were sad because the Appellant would not stop drinking. In re Melissa P., September 1, 2010.

Emotional neglect upheld when child's out of control behaviors escalate and Appellant continues to use inappropriate discipline and statements with the child. The Appellant's actions are part of the reason for the child's emotional issues. In re Victoria R., March 23, 2010.

Emotional abuse upheld where the Appellant called son names such as "lazy" and "stupid" and services had to be provided to the boy to help him develop coping strategies due to the trauma he experienced as a result of the Appellant's exposing him to family violence. In re Alil Z.,January 29, 2010.

Emotional neglect reversed even though Appellant called his daughters whores and c******kers. Department unable to establish adverse impact. In re Robert L., February 20, 2008.

Emotional abuse reversed where there is insufficient evidence to support children's statements that Appellant mother threatened to "cut them up into 511 pieces." In re Priscilla and Walter S., February 4, 2008.

Emotional abuse upheld where Appellant father repeatedly threatens suicide in an attempt to manipulate his children's behavior. Children are afraid that their father really will attempt to kill himself. In re Joseph F., February 19, 2008.

Appellant mother's statement to four year old, "I hate you" is inappropriate but not evidence of emotional neglect. Appellant was not serious, and the surrounding circumstances do not demonstrate a pattern of cruel statements or adverse impact to the child. In re Beatrice and Michael M., April 21, 2008.

Emotional neglect upheld where Appellant mother constantly yells at two year old, screaming obscenities at him, and is determined to vent her frustration with her child's behaviors at the child. In re Suzanne C. and Robert P., April 23, 2008.

Emotional abuse reversed where Appellant's statements are inappropriate, but there is no evidence of adverse impact to the child, or that the statements occurred in an atmosphere of intimidation or terror. In re Richard M., May 27, 2008.

Emotional abuse upheld where Appellant father engages in pattern of demeaning language toward his child, threatening him and asking the child if he wants to die young. In re Neil J., May 28, 2008.

Appellant grandmother's threat that she is going to cut the throat of the child's cat is not sufficient to support emotional abuse substantiation. Hearing Officer notes that the child is very difficult to parent and also engages in hurtful and threatening words. In addition, the child was not really threatened by the comment, because she knew that her grandmother would never act on the threat. In re Kathy S., June 26, 2008.

Emotional neglect upheld where Appellant repeatedly threatens to kill his wife and children.
In re Bellarmin N., July 9, 2008.

Emotional abuse reversed where Hearing Officer finds that Appellant's conduct is inappropriate, but does not rise to the level of cruel, intimidating or degrading behavior. Hearing Officer notes that family was in crisis at the time, and mother's behavior, while not condoned, was a reaction to that crisis. In re Kathleen C., August 22, 2008.

Appellants made it clear to their fourteen year old daughter/stepdaughter that they did not want her in their home causing girl to cry in school. Emotional abuse upheld. In re Debora & Timothy C., September 17, 2008.

Emotional neglect upheld where fourteen year old becomes fearful that she will be punished or thrown out of the home for talking to the police about her mother's conduct. Appellant mother and stepfather's comments that the child is not wanted in the home are emotional neglect. In re Debora & Timothy C., September 17, 2008.

Physical neglect reversed where Appellant stepmother threatens to pull out the child's earrings when frustrated or to push her off the edge of the tub. No adverse impact, and insufficient evidence to establish serious disregard for the child's welfare. In re Kimberly A., October 1, 2008.

Emotional neglect reversed where the Appellant stepmother is trying to provide structure and instruction to her fifteen year old stepdaughter who never had it before and it results in three incidents, one verbal, one pushing and shoving, and another pushing and threatening statement. In re Kimberly A., October 1, 2008.

Verbal disputes are not per se emotional neglect by the mother even if the child witnesses the arguments between the mother and her husband. In re Michael & Patricia J., October 12, 2007.

Appellant runs an adult website and does not take measures to stop ten year old son from viewing site. Son confused by what he sees and perseverates on it. Appellant and his father call son names, “fat ass” and “fat boy”. Child becomes angry, goes to run and hits his head against wall.

Physical neglect and emotional neglect upheld. No Central Registry recommended by area office. In re Frank A., October 10, 2007.

Emotional abuse reversed when harsh words, such as calling a child "fat" or wishing a child were another gender, are not sufficient to rise to the level of abusive conduct. In this case, the Hearing Officer also considered the family circumstances and child's medical issues. (Refer also to Tamara G., December 27, 2006). In re Debra M., August 8, 2007.

Appellant made threatening statements to his wife in the presence of their children. The children did not construe this incident as violent and the family has no known history of domestic violence. The child directly involved did not demonstrate a fear of his father or concern for mother's safety. Emotional neglect reversed. In re Michael C., July 11, 2007.

Appellant engages in physical altercations and name calling with his daughter. Both Appellant and daughter instigate the fights. Evidence does not support a finding that the home environment seriously interferes with children's positive emotional development or their physical well being. While it is true that the Appellant is an adult and should not engage is name calling, it does not appear that the environment seriously interfered with the child's positive emotional development or physical well being. Physical neglect and emotional abuse are reversed. In re Don V., July 6, 2007.

A child's spontaneous and consistent statements that she was frightened when she heard her mother crying and her father threatening to kill her mother will uphold a finding of emotional neglect. In re Terrence H., June 13, 2007.

Appellant told his son that he wanted to eliminate the mother. Such conversation with a thirteen year old boy is inappropriate. It resulted in the boy not wanting to visit with his father and having nightmares. Central Registry upheld due to severe impact that was brought about by two years of inappropriate conduct. In re Mark G., June 13, 2007.

It is emotional neglect to repeatedly call daughter derogatory names to extent that school counselor and Appellant's own family tried to intervene out of concern for the child and the Appellant did not acknowledge responsibility for the situation. In re Gregory T., February 8, 2007.

Parent telling seventeen year old intellectually limited child that she wants her dead and will help to make that happen is emotionally abusive. Adverse emotional impact shown by strained relationship with mother, crying during the DCF interview, and telling the school about the verbal exchange. In re Wendy B., September 21, 2006.

Verbal arguments by themselves are not neglectful conduct. Department failed to prove that the Appellant denied the children proper care and attention. Emotional neglect reversed. In re Frank C., May 2, 2006.

Appellant's egregious declarations in front of the child that she would beat, kick and choke the child supports an emotional neglect substantiation. Physical neglect reversed because the appellant did not throw the child out of the home. In re Delores C., May 2, 2006.

If the actual physical discipline is not cruel or unusual, the fact that the possibility of future physical discipline causes fear in a child should not be considered emotionally abusive. The fact that the father may have threatened to beat the child until he is unconscious was inappropriate and said out of severe frustration. But the fearfulness to the child was connected to the fear of future discipline and not the fear that he would literally be beat until unconscious. Emotional abuse reversed. In re John W., February 17, 2006.

Credible evidence does not support the children's statements that Appellant threatened to kill one of the children. Although the Appellant did speak harshly to the children, this does not amount to physical neglect. Physical neglect reversed. In re Kirsten and Michael S., January 18, 2006.

Parent's entrusted the family pastor to transport their children to youth group while they were away. The pastor invaded the child's personal space, rubbed her stomach, made comments about her appearance, hair, and told her that he loved her. The next time the pastor came to the home, the child became hysterical, fainted and was transported to the hospital. The pastor's comments clearly added up to deviant and intentional malfeasance toward the child. Emotional neglect upheld. In re Jacques C., November 29, 2005.

During an argument, Mother told her six year old child that she hated her and wished that she was dead. Mother immediately apologized. Child stated that she was sad and crying when mother yelled at her. In context these words were not cruel or unconscionable and there was not sufficient evidence that the child suffered an adverse impact or that the statements seriously interfered with her emotional development. In re Joanne E., September 12, 2005.

Father held an ornamental sword in the air and threatened to cut his six year old child in half if the child did not pick up his toys. Child was fearful and his therapist indicated that he was clearly traumatized by the incident. Emotional abuse was upheld as his actions were abusive and demonstrated a serious disregard for the child's well-being. In re Shawn F., September 9, 2005.

Child is diagnosed with Depressive Disorder, PDD, and ADD. Father would drink and become verbally abusive to the child calling him an "asshole", "lazy shit", "shit", and "jerk". The child's treating clinician and supervising psychiatrist wrote a letter that indicated that father's behavior seriously interfered with the child's positive emotional development. Emotional neglect upheld. In re Zygmunt S., August 30, 2005.

Mother left two children in the care of her boyfriend. Father went to the home and in front of the children warned the boyfriend to stay away from his children and not to use drugs in front of them. The boyfriend was arrested twice in 2004 and was serving time in prison at the time of the administrative hearing. Father's actions and words were not emotional neglect. In re Scott B., August 15, 2005.

Therapist told father to stop talking negatively about the mother in the therapy session with his children. Therapist ended session when father called his daughter a little bitch. Therapist described children as visibly upset, depressed and extremely withdrawn after visits with the father. Emotional neglect upheld. In re Gary B., April 14, 2005.

Father calls his daughters bitches, assholes and losers. He also refers to their mother in a derogatory way. Once the girls started visiting their father every day their behavior changed. They wring their hands and cry and do no want to visit. This is evidence that the cruel statements have an adverse impact on the children. Emotional abuse upheld. In re Eric B., April 14, 2005.

Teenager locked herself in the bathroom and mother threatened to break the door down with and axe and kill her. Since father's unexpected death, mother and daughter have been in conflict. Mother does not own an axe and muttered these words out of frustration. Mother should have handled herself differently; but this was a family in crisis and mother's actions do not rise to the level of emotional or physical abuse. Emotional abuse and physical abuse reversed. In re Gloria N., April 12, 2005.

Child said father called her dumb and stupid. Father said he told daughter not to act dumb or stupid. Emotional neglect reversed. In re Jaime C., April 4, 2005.

Telling children to stop acting or behaving like they are dumb is not cruel or unconscionable. Although Appellant may speak to the boys more harshly than other parents, this does not cross the line of abuse. Emotional abuse reversed. In re Alfred S., February 15, 2005.

Parent requires child to repeat that she is "fucking stupid". This was cruel and degrading to the child, and is different from a parent getting upset and making an inappropriate comment out of anger. Emotional abuse upheld. In re Miesha J., January 3, 2005.

Name calling by father is not appropriate, but does not rise to level of emotional abuse without other factors that demonstrate a serious adverse impact to the children's well being. Emotional abuse reversed. In re Stephen D., November 30, 2004.

Foster child alleged foster father called him a "nigger." Foster father told boy he acts like one because he was stealing and lying. Not appropriate but no adverse impact shown, Emotional abuse and emotional neglect reversed. Foster mother locked three year old in bathroom during toilet training. No adverse emotional impact shown, emotional neglect reversed. In re Celestine and Johnson B., September 23, 2004.

Child care worker called fifteen year old gay shelter resident "faggot" but that does not meet any of the Department's definitions of physical neglect, this is an employment issue. Reversed. In re Phillip B., July 2, 2004.

Mother's name calling and repeating the same derogatory words used by her teen daughter is not emotional neglect. In re Lisa B., April 2, 2004.

neglect reversed as to residential director as the resident's allegations are not supported with evidence. While the Director may have referred to the children as bitches and savages, she did not do so in the children's presence, and so there is no evidence of impact. In re Joy C., March 23, 2004.

Sexualized language directed at a child is not sufficient to support a finding of sexual abuse. This language may support an emotional neglect or emotional abuse finding. In re Andrew F., January 13, 2004.

Emotional neglect against foster mother's paramour is upheld when the Department proved that he made racist, sexually inappropriate and insensitive comments to four foster children in his care. All of the children requested removal from the home due to the environment created by Appellant's inappropriate behaviors. In re Tony D., August 12, 2003.

Physical neglect reversed when it cannot be proven that Appellant (mother's live in boyfriend) had any authority or control over the children's bedtimes or school issues. Emotional neglect reversed when the Department proves that boyfriend sometimes yells at the children and "cuffs" them (without injury) but that this has no impact on them. In re Todd N., August 12, 2003.

Despite mother's extreme and inappropriate comments to her child, the family was in crisis, and the child was decompensating before the incident occurred. Hearing Officer, noting prior decisions that upheld neglect after a parent threatens suicide to a child, pointed out that this was not planned in advance, and the mother was reacting to a very difficult situation. Mother's actions did not impact the child, and given the totality of the circumstances, were not so egregious as to infer impact. Emotional neglect reversed. In re Marcia C. H., August 8, 2003.

Inappropriate comments made by one parent about the other parent during a custody dispute, while not condoned, are not unusual, and are not neglectful, absent evidence of adverse impact. In this case, child's expressed fears may be based on allegiance to father, rather than Appellant, who has never given the child reason to expect harm in the past. NOTE: The Department substantiated emotional neglect, but cited the definition of emotional abuse. The Hearing Officer went forward on the neglect, as this was what was in Appellant's notice. In re Karen M., July 28, 2003.

Foster mother makes repeated negative comments to a child in her care, causing reduced self-esteem and a sad affect. Appellant allowing her mother to make disparaging comments at or about the child is considered as evidence, since she is the person responsible for the child's care. Emotional neglect upheld. In re Shirley S., July 8, 2003.

Appellant threatens child by stating that the child would get the beating of his lifetime if he were her child. This is not proof of emotional neglect. Emotional neglect reversed. In re Jeffrey and Gina B., January 14, 2002.

Mother and father engage in verbal dispute. Mother says she will leave with the children. Father says "over my dead body" and indicates that he will shoot the mother if she tried to leave. When the household contains two handguns, two rifles, and two shotguns which the child knows are in the home, this violent threat is emotionally neglectful. Emotional neglect upheld and affirmed on appeal. However, mother and the children remain in the home even when the father leaves the home on two occasions. This suggests that the situation was not as horrible or frightening to equal erratic and impaired behavior. Therefore, physical neglect reversed. In re Eric B., February 7, 2002

Mother's continued reference to child as a bastard and faggot, and child's subsequent feeling of low worth is evidence of impact. Mother's other child witnessing these events is also emotional neglect on the second child. These actions however, are not denial of proper physical care and attention. Emotional neglect upheld. Physical neglect reversed. In re Lisa W., November 13, 2001.

Physical neglect found as estranged father calls the mother names and has purposely stopped visiting his son, both of which have impact on the son. Physical neglect upheld. In re Louis P., November 6, 2001.

Child reported to his DMR worker that mother and her boyfriend teased him, called his father derogatory names and told child that she wasn't his mother anymore, nor was he her child. Child hit mother's boyfriend. Child reported mother held him down and boyfriend struck him several times. Mother's version was that child was mouthy and mother threatened to send child to his father's home. Child then struck her boyfriend. Boyfriend called police and child ran before police arrived. Child began harassing phone calls to mother. Phone block installed. Neither phone block nor comment was shown to have a negative impact on child. Emotional neglect reversed. In re Marguite M., November 14, 2000.

YELLING

Emotional neglect reversed where the Department was unable to demonstrate emotional impact due to the child's parents having a verbal argument while they stood a distance from each other-mother in a living room with the child, and father outside in the yard. In re David B. and Catherine S., April 28, 2011.

Emotional neglect upheld when Appellant yells and swears at children during visitation. Appellant stops car on way to her home for visit and tells children to exit the vehicle and walk home; children are frightened and crying. In re Stephanie M., November 3, 2010.

Emotional neglect upheld where the Appellant's anger issues, constant yelling and screaming impacted two of his children emotionally that they complained that he frightened and scared them to the point that they called 911 and refused to be in the same house with him. Once the Appellant moved out of the house, the children disclosed that everything was now ok in the home since their dad was not there. In re John P., June 30, 2010.

Emotional neglect reversed when Appellants engage in a verbal altercation only. Two teenage boys were in bed at time of altercation and were not emotionally impacted. In re Lewis T and Lynn B., June 2, 2010.

Emotional neglect reversed where three teenagers overheard parents argue and did not suffer any long-term negative emotional impacts as a result. All three teens haven't lost any sleep over the one-time incident, and continue to thrive academically and socially. In re Stephanie and David M., May 21, 2010.

Physical neglect reversed where the altercation is purely verbal, and the Appellant pushes the child out of the way, but not in a manner in which the child is physically harmed or placed at risk.

Although child was upset by the incident, there is insufficient evidence to support a finding that she was physically neglected. In re Harold B., March 25, 2008.

Emotional neglect upheld where Appellant mother constantly yells at two year old, screaming obscenities at him, and is determined to vent her frustration with her child's behaviors at the child. In re Suzanne C. and Robert P., April 23, 2008.

Emotional abuse reversed where Hearing Officer finds that Appellant's conduct is inappropriate, but does not rise to the level of cruel, intimidating or degrading conduct. Hearing Officer notes that family was in crisis at the time, and mother's behavior, while not condoned, was a reaction to that crisis. In re Kathleen C., August 22, 2008.

Emotional abuse upheld where Appellant father/coach goes into a rage on the way home at his eleven year old son for going the wrong way during a lacrosse game plus other times causing the child not to want to go to his father's house or the school dance that he was chaperoning. In re Michael J., November 18, 2008.

Emotional abuse reversed as yelling and swearing at children is a form of discipline and is not cruel and unconscionable behavior as the Appellant did not yell all the time and there was insufficient evidence to indicate the Appellant adversely impacted the children emotionally. In re Leonard M., October 31, 2007.

Appellant's wife screamed and yelled at their special needs child to such an extent that the Appellant was "scared his wife would hit him". He also stated that his wife "just snapped" and "went nuts" during the tirade. The Appellant failed to intervene on his child's behalf, allowing his wife to terrorize the child. The child left the home without any clothing, accepted a ride from a perfect stranger, and was at risk of serious harm. Emotional neglect and physical neglect upheld. In re Tina and David S., July 11, 2007.

It is not physical neglect or emotional neglect when the mother files for divorce and she and the father verbally argue in front of the children. In re Jean A., October 20, 2006.

Legal Guardians admit to yelling and swearing at the children. Called the girls “bitch”. Children have abusive and disrespectful behavior toward the guardians. Guardians’ actions were inappropriate at the time but they were not abusive. Physical neglect and physical abuse reversed. In re Deborah and Joseph F., August 15, 2005.

Appellant yelled at the children. Children reported that they were fearful and afraid the Appellant might hurt their mother. Children indicated that Appellant yells a lot and that one of the children cries when the Appellant yells. Emotional neglect reversed as yelling on its own is not enough to establish emotional neglect, even if the children are upset by the yelling. In re Craig M., January 27, 2005.

Mother lives with two children and a foster child. She was involved with man who masturbated in front of one of the children. Mother stopped allowing him to visit. Father of the two children visited children and on one occasion took foster child for ride and made sexual remarks. Department substantiated mother for physical neglect. neglect reversed when foster parent fails to notify

Department of an incident. This was a regulatory issue not neglect. Department also failed to prove impact to two children who were allowed supervised contact with a known offender. In re Sophia W., November 29, 2004.

Emotional neglect upheld when grandmother yells at her emotionally fragile granddaughter, calling her whore and slut, and the child is eventually hospitalized. In re Sheila D., January 16, 2004.

A pattern of erratic and impaired behavior by mother, which results in mother yelling at child and dragging him into his bedroom when she is intoxicated supports a finding of conditions injurious and physical neglect upheld. In re Laura O., January 9, 2004.

Physical neglect reversed when it cannot be proven that Appellant (mother's live in boyfriend) had any authority or control over the children's bedtimes or school issues. Emotional neglect reversed when the Department proves that boyfriend sometimes yells at the children and "cuffs" them (without injury) but that this has no impact on them. In re Todd N., August 12, 2003.

The child and his sister heard yelling and things being broken. There was no evidence to demonstrate that the child had any lasting fear or concerns about his mother or her safety. Also, insufficient evidence to establish the child witnessed anything so outrageous as to automatically rise to the level of physical neglect without evidence of adverse impact. Physical neglect reversed. In re Andrea D., January 18, 2002.

Fact of several instances of disagreements between parent and child, with parent yelling at child does not rise to emotional neglect. Department's position that parent should always maintain control is unrealistic. Emotional neglect reversed. In re Jill J., October 3, 2001.