SENATE DOCKET, NO. 675 FILED ON: 1/17/2013

SENATE . . . . . No. 40

The Commonwealth of Massachusetts

PRESENTED BY:

Michael R. Knapik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the reporting of child abuse to local law enforcement officials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael R. Knapik	*Second Hampden and Hampshire*
Bruce E. Tarr	*First Essex and Middlesex*
Robert L. Hedlund	*Plymouth and Norfolk*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Michael O. Moore	*Second Worcester*

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SENATE . . . . . No. 40

By Mr. Knapik, a petition (accompanied by bill, Senate, No. 40) of Michael R. Knapik, Bruce E. Tarr, Robert L. Hedlund, Richard J. Ross and other members of the General Court for legislation relative to the reporting of child abuse to local law enforcement officials. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *53* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to the reporting of child abuse to local law enforcement officials.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 112 section 12A as appearing in the 2010 Official Edition, is hereby amended by inserting in line 5, after the word “body,” the following:-“or treating any injury resulting from abuse inflicted upon a child under the age of eighteen which causes harm or substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth,”

SECTION 2. Chapter 112 section 12A as appearing in the 2010 Official Edition, is hereby amended by inserting in line 8, after the word “state police” the following:-“district attorney”

SECTION 3. Chapter 112 section 12A as appearing in the 2010 Official Edition, is hereby amended by inserting in line 16, after the word “instrument” the following:-“or examining or treating any injury resulting from abuse inflicted upon a child under the age of eighteen which causes harm or substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth”

16 SECTION 4. Chapter 112 section 12A as appearing in the 2010 Official Edition, is
17 hereby amended by inserting in line 26, after the word “instrument” the following:-“or any injury
18 resulting from abuse inflicted upon a child under the age of eighteen which causes harm or
19 substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect,
20 including malnutrition, or who is determined to be physically dependent upon an addictive drug
21 at birth;”

22 SECTION 5. No physician, medical intern, or hospital personnel engaged in the
23 examination, care or treatment of children, who are so required to report abuse pursuant to this
24 section, shall be held liable in any civil or criminal action by reason of such report. No physician,
25 medical intern, or hospital personnel making such report and sharing any other information
26 which the person reporting believes might be helpful in establishing the cause of the injuries,
27 shall be liable in any civil or criminal action by reason of such report if it was made in good
28 faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said
29 neglect. Any individual making such report who, in the determination of the department or the
30 district attorney may have perpetrated or inflicted said abuse or cause said neglect, may be liable
31 in a civil or criminal conviction.

32 SECTION 6. No employer of those persons required to report pursuant to this section
33 shall discharge, or in any manner discriminate or retaliate against, any person who in good faith
34 makes such a report, testifies or is about to testify in any proceeding involving child abuse or
35 neglect. Any such employer, who discharges, discriminates or retaliates against such a person
36 shall be liable to such person for treble damages, costs and attorney’s fees.