

SENATE NO. 85

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:*

1 SECTION 1. Chapter 112 section 12A as appearing in the 2002 Official Edition, is hereby amended
2 by inserting in line 5, after the word “body,” the following:-
3 “or treating any injury resulting from abuse inflicted upon a child under the age of eighteen which
4 causes harm or substantial risk of harm to the child’s health or welfare including sexual abuse, or from
5 neglect, including malnutrition, or who is determined to be physically dependent upon an addictive
6 drug at birth,”

7 SECTION 2. Chapter 112 section 12A as appearing in the 2000 Official Edition, is hereby amended
8 by inserting in line 7, after the word “state police” the following:-“district attorney”

9 SECTION 3. Chapter 112 section 12A as appearing in the 2000 Official Edition, is hereby amended
10 by inserting in line 16, after the word “instrument” the following:-
11 “or examining or treating any injury resulting from abuse inflicted upon a child under the age of
12 eighteen which causes harm or substantial risk of harm to the child’s health or welfare including

13 sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent
14 upon an addictive drug at birth”

15 SECTION 4. Chapter 112 section 12A as appearing in the 2000 Official Edition, is hereby amended
16 by inserting in line 26, after the word “instrument” the following:-

17 “or any injury resulting from abuse inflicted upon a child under the age of eighteen which causes harm
18 or substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect,
19 including malnutrition, or who is determined to be physically dependent upon an addictive drug at
20 birth;”

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

30 SECTION 6. No employer of those persons required to report pursuant to this section shall discharge,
31 or in any manner discriminate or retaliate against, any person who in good faith makes such a report,
32 testifies or is about to testify in any proceeding involving child abuse or neglect.

33 Any such employer, who discharges, discriminates or retaliates against such a person shall be liable to
34 such person for treble damages, costs and attorney’s fees.

