

Proposals Not Yet Discussed by the Commission

Section 51A. Reporting of suspected abuse or neglect; mandated reporters, collection of physical evidence penalties; content of reports; liability; privileged communication

(a) ...

A mandated reporter may, in addition to filing a report under this section, contact local law enforcement authorities or the child advocate about the suspected abuse or neglect.

(b) For the purpose of reporting under this section, ~~hospital~~ **medical** personnel may have photographs taken of the areas of trauma visible on the child without the consent of the child's parents or guardians. These photographs or copies thereof shall be sent to the department with the report.

Notwithstanding any privilege created by statute or common law relating to confidential communications or any statute prohibiting the disclosure of information but subject to subsection (j), if ~~hospital~~ **medical personnel collect physical evidence of abuse or neglect of the child, **medical personnel must immediately contact and provide relevant information** to the local district attorney, local law enforcement authorities, and the department ~~shall be immediately notified~~. The physical evidence shall be processed immediately so that the department may make an informed determination within the time limits in section 51B. If there is a delay in processing, the department shall seek a waiver under subsection (d) of section 51B.**

(c)...

(d) A report filed under this section shall contain: (i) the names and addresses **and race or ethnicity** of the child and the child's parents or other person responsible for the child's care, if known; (ii) the child's age; (iii) the child's sex; (iv) the nature and extent of the child's injuries, abuse, maltreatment or neglect, including any evidence of prior injuries, abuse, maltreatment or neglect; (v) the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; (vi) whatever action, if any, was taken to treat, shelter or otherwise assist the child; (vii) the name of the person or persons making the report; (viii) any other information that the person reporting believes might be helpful in establishing the cause of the injuries; (ix) the identity and **race or ethnicity** of the person or persons responsible for the neglect or injuries; and (x) other information required by the department.

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Section 51B. Investigation of report of abuse filed under Sec. 51A; removal of child; transmission and filing of written reports; notice to district attorney; disclosure of information by mandated reporter

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(m) Notwithstanding any privilege created by statute or common law relating to confidential communications or any statute prohibiting the disclosure of information but subject to subsection (j) of section 51A, a mandated reporter shall answer questions and provide information posed by

the department relating to an investigation conducted under this section, **even if the Department has made a determination on that investigation**, whether or not that person filed the 51A report being investigated. A statutory or common law privilege shall not preclude the admission of any such information in any civil proceeding concerning abuse or neglect of a child, placement or custody of a child.

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