

**SENATE . . . . . No. 53**

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**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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael R. Knapik</i>	
<i>Bruce E. Tarr</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>

**SENATE . . . . . No. 53**

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By Mr. Knapik, a petition (accompanied by bill, Senate, No. 53) of Michael R. Knapik, Bruce E. Tarr and James J. Dwyer for legislation relative to the reporting of child abuse to local law enforcement officials. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 51 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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 2008 Official Edition, is  
2 hereby amended by inserting in line 5, after the word “body,” the following:–“or treating any  
3 injury resulting from abuse inflicted upon a child under the age of eighteen which causes harm or  
4 substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect,  
5 including malnutrition, or who is determined to be physically dependent upon an addictive drug  
6 at birth,”

7           SECTION 2. Chapter 112 section 12A as appearing in the 2008 Official Edition, is  
8 hereby amended by inserting in line 8, after the word “state police” the following:–“district  
9 attorney”

10 SECTION 3. Chapter 112 section 12A as appearing in the 2008 Official Edition, is  
11 hereby amended by inserting in line 16, after the word “instrument” the following:-“or  
12 examining or treating any injury resulting from abuse inflicted upon a child under the age of  
13 eighteen which causes harm or substantial risk of harm to the child’s health or welfare including  
14 sexual abuse, or from neglect, including malnutrition, or who is determined to be physically  
15 dependent upon an addictive drug at birth”

16 SECTION 4. Chapter 112 section 12A as appearing in the 2008 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.