

HOUSE No. 1591

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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 child abuse reporting requirements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>

HOUSE No. 1591

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 1591) of John W. Scibak and others relative to child abuse reporting requirements. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to child abuse reporting requirements.

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. Section 51A of Chapter 119 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the first paragraph of subsection (a), the
3 following paragraph:-

4 A mandated reporter who has reasonable cause to believe that a person who is alleged to
5 have sexually abused a child in the past, presently represents a credible threat to a child under the
6 age of 18 years, shall have the same obligation to make oral and written reports of such threat to
7 the appropriate law enforcement agency or official and the department.

8 SECTION 2. Said section 51A is hereby further amended by inserting, in the first line of
9 the second paragraph of subsection (c), after the words “neglect that resulted in”, the following
10 words:- a sexual assault or.

11 SECTION 3. Said section 51A is hereby further amended by adding at the end of
12 subsection (c), the following paragraph:-

13 Any corporation or other institution which employs a mandated reporter who fails to
14 make a report required by this section, shall be punished by a fine of not more than one hundred
15 thousand dollars. It shall be a defense to any prosecution under this section that the corporation
16 or other institution has complied with the requirements of subsection (k).

17 SECTION 4. Said section 51 A is hereby further amended by adding at the end of
18 subsection (k) the following paragraph:-

19 All corporation and other institutions, which employ mandated reporters not professional
20 licensed by the commonwealth, shall institute a program to implement the reporting
21 requirements of this section. Such program shall include, at a minimum, (i) the promulgation of
22 a written protocol to be followed when a 51A report is required; (ii) an education program for
23 each mandated reporter; and (iii) the posting, in a prominent public location, of the requirements
24 of this section and the penalties for non-compliance.