



General Assembly

January Session, 2013

Raised Bill No. 821

LCO No. 2743



Referred to Committee on CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) No employer shall (1) discharge, or in any manner discriminate
4 or retaliate against, any employee who in good faith makes a report
5 pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103,
6 testifies or is about to testify in any proceeding involving child abuse
7 or neglect, or (2) hinder or prevent any employee from making a report
8 pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103, or
9 testifying in any proceeding involving child abuse or neglect. The
10 Attorney General may bring an action in Superior Court against an
11 employer who violates this subsection. The court may assess a civil
12 penalty of not more than two thousand five hundred dollars and may
13 order such other equitable relief as the court deems appropriate.

14 (b) Any person, institution or agency which, in good faith, makes, or

15 in good faith does not make, the report pursuant to sections 17a-101a
16 to 17a-101d, inclusive, and 17a-103 shall be immune from any liability,
17 civil or criminal, which might otherwise be incurred or imposed and
18 shall have the same immunity with respect to any judicial proceeding
19 which results from such report provided such person did not
20 perpetrate or cause such abuse or neglect.

21 (c) Any person who is alleged to have knowingly made a false
22 report of child abuse or neglect pursuant to sections 17a-101a to 17a-
23 101d, inclusive, and 17a-103 shall be referred to the office of the Chief
24 State's Attorney for purposes of a criminal investigation.

25 (d) Any person who knowingly makes a false report of child abuse
26 or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and
27 17a-103 shall be fined not more than two thousand dollars or
28 imprisoned not more than one year or both.

29 Sec. 2. Section 31-51m of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2013*):

31 (a) As used in this section and section 31-278:

32 (1) "Person" means one or more individuals, partnerships,
33 associations, corporations, limited liability companies, business trusts,
34 legal representatives or any organized group of persons;

35 (2) "Employer" means a person engaged in business who has
36 employees, including the state and any political subdivision of the
37 state;

38 (3) "Employee" means any person engaged in service to an employer
39 in a business of his employer;

40 (4) "Public body" means (A) any public agency, as defined in
41 subdivision (1) of section 1-200, or any employee, member or officer
42 thereof, or (B) any federal agency or any employee, member or officer

43 thereof.

44 (b) No employer shall discharge, discipline or otherwise penalize
45 any employee because (1) the employee, or a person acting on behalf of
46 the employee, reports, verbally or in writing, a violation or a suspected
47 violation of any state or federal law or regulation or any municipal
48 ordinance or regulation to a public body, [or because an] (2) the
49 employee is requested by a public body to participate in an
50 investigation, hearing or inquiry held by that public body, or a court
51 action, or (3) the employee reports a suspected incident of child abuse
52 or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, or 17a-
53 103. No municipal employer shall discharge, discipline or otherwise
54 penalize any employee because the employee, or a person acting on
55 behalf of the employee, reports, verbally or in writing, to a public body
56 concerning the unethical practices, mismanagement or abuse of
57 authority by such employer. The provisions of this subsection shall not
58 be applicable when the employee knows that such report is false.

59 (c) Any employee who is discharged, disciplined or otherwise
60 penalized by his employer in violation of the provisions of subsection
61 (b) may, after exhausting all available administrative remedies, bring a
62 civil action, within ninety days of the date of the final administrative
63 determination or within ninety days of such violation, whichever is
64 later, in the superior court for the judicial district where the violation is
65 alleged to have occurred or where the employer has its principal office,
66 for the reinstatement of his previous job, payment of back wages and
67 reestablishment of employee benefits to which he would have
68 otherwise been entitled if such violation had not occurred. An
69 employee's recovery from any such action shall be limited to such
70 items, provided the court may allow to the prevailing party his costs,
71 together with reasonable attorney's fees to be taxed by the court. Any
72 employee found to have knowingly made a false report shall be subject
73 to disciplinary action by his employer up to and including dismissal.

74 (d) This section shall not be construed to diminish or impair the

75 rights of a person under any collective bargaining agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	17a-101e
Sec. 2	<i>October 1, 2013</i>	31-51m

Statement of Purpose:

To assist children suffering from abuse and neglect by strengthening the statutory protections for mandated reporters and other employees reporting suspected instances of child abuse or neglect.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]