



Senate

General Assembly

File No. 55

January Session, 2013

Senate Bill No. 821

Senate, March 18, 2013

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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 Section 17a-101e of the general statutes is repealed and the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 Section 31-51m of the general statutes is repealed and the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

KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Revenue Gain	Less than \$10,000	Less than \$10,000

Municipal Impact: None

Explanation

The bill is anticipated to result in a minimal revenue gain by expanding existing statute to prohibit employers from hindering or preventing employees from reporting child abuse and neglect. The bill allows the Attorney General to sue the employer and the court to impose a civil penalty of up to \$2,500. As the Attorney General has never brought a case under the existing statute, this is anticipated to result in a minimal revenue gain of less than \$10,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 821*****AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT.*****SUMMARY:**

This bill prohibits a mandated reporter's employer from hindering or preventing an employee's efforts to make a good faith report or testify in a child abuse or neglect proceeding. The law already prohibits discharging, discriminating, or retaliating against a mandated employee for making such reports or providing such testimony. By law, mandated reporters are legally required to file complaints when they have a good faith belief that a child is being or at risk of being harmed by a parent or other person having responsibility for the child's care or custody. The attorney general may sue an employer who violates this provision and a court may impose a penalty of up to \$2,500 on a violator and order other equitable relief it deems appropriate.

The bill also broadens the protections of the whistleblower statute that regulates employer-employee relationships by prohibiting employers from discharging, disciplining, or otherwise penalizing an employee who is a mandated reporter for reporting a suspected incident of child abuse or neglect. An employee may sue an employer who violates this provision for job reinstatement, back pay, and reestablishment of employee benefits after exhausting all available administrative remedies.

The law currently prohibits an employer from discharging, disciplining, or otherwise penalizing an employee for reporting a violation or suspected violation of federal or state law or regulation, or municipal ordinance or regulation to a public body.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Mandated Reporters

Mandated reporters (as listed in CGS § 17a-101) are:

1. licensed physicians or surgeons, resident physicians or interns working in Connecticut hospitals, registered or licensed practical nurses, and mental health professionals or physicians assistants;
2. medical examiners;
3. dentists and dental hygienists;
4. psychologists;
5. certain school employees who have regular contact with students at public or private elementary, middle, or high schools;
6. social workers;
7. police officers;
8. juvenile and adult probation and parole officers;
9. clergy members;
10. pharmacists;
11. physical therapists;
12. optometrists, chiropractors, and podiatrists;
13. licensed or certified emergency medical services providers;
14. licensed or certified alcohol and drug counselors, licensed marital or family therapists, licensed professional counselors, and sexual assault and battered women's counselors;

- 15. licensed foster parents;
- 16. people paid to care for children in a public or private facility, child day care center, group day care center, group day care home, or family day care home licensed by the state;
- 17. Department of Children and Families employees;
- 18. Department of Public Health employees responsible for licensing child day care centers, group day care homes, family day care homes, or youth camps;
- 19. the child advocate and her employees; and
- 20. Judicial Branch employees working as family relations counselors, counselor trainees, and family services supervisors.

COMMITTEE ACTION

Children Committee

Joint Favorable

Yea 12 Nay 0 (02/28/2013)