

1 S.248

2 Introduced by Senators Lyons and Racine

3 Referred to Committee on

4 Date:

5 Subject: Human services; animal cruelty; DCF social workers; mandatory  
6 reporters

7 Statement of purpose: This bill proposes to require social workers employed  
8 by the department for children and families (DCF) to report to the department  
9 concerns about cruelty to animals.

10 An act relating to social workers reporting animal cruelty

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. § 355 is added to read:

13 § 355. MANDATORY REPORTING OF ANIMAL CRUELTY

14 (a) Any social worker employed by the department for children and  
15 families (DCF) or any other employee, contractor, or grantee of the department  
16 who has contact with clients, who has reasonable cause to believe that any  
17 person has committed the crime of cruelty to animals in violation of section  
18 352 of this title or aggravated cruelty to animals in violation of section 353 of  
19 this title shall report or cause a report to be made in accordance with the  
20 provisions of subsection (b) of this section within 48 hours.

1       (b) A report shall be made orally or in writing to the commissioner of  
2       children and families or his or her designee. The commissioner or designee  
3       shall request the reporter to follow the oral report with a written report.  
4       Reports shall contain the name and address or other contact information of the  
5       reporter as well as the name and address of the person suspected of committing  
6       cruelty to animals or aggravated cruelty to animals and the name and address  
7       of the person or persons responsible for the animal's care, if different; the type  
8       and number of animals involved; the nature and extent of the animal's or  
9       animals' injuries or other mistreatment together with any evidence of previous  
10       abuse and neglect of the animal or other animals; and any other information  
11       that the reporter believes might be helpful in establishing the cause of the  
12       injuries or reasons for the mistreatment as well as in protecting the animal.

13       (c)(1) The commissioner or designee shall report any allegation of cruelty  
14       to animals or of aggravated cruelty to animals he or she receives pursuant to  
15       subsection (b) of this section to the appropriate state's attorney and to the  
16       humane officers for the municipality in which the activity is alleged to have  
17       occurred.

18       (2) The commissioner shall inform the person who made the report  
19       under subsection (b) of this section whether an investigation was conducted  
20       and, if so, whether it resulted in any civil or criminal action.

1        (d) Any person other than a person suspected of cruelty to animals or  
2        aggravated cruelty to animals who in good faith makes a report to the  
3        department shall be immune from any civil or criminal liability which might  
4        otherwise be incurred or imposed as a result of making a report.

5        (e) The name of and any identifying information about either the person  
6        making the report or any person mentioned in the report shall be confidential  
7        unless:

8                (1) the person making the report specifically allows disclosure;

9                (2) a judicial proceeding results therefrom; or

10               (3) a court, after a hearing, finds probable cause to believe that the  
11        report was not made in good faith and orders the department to make the name  
12        of the reporter available.