



Mandated Reporting

Massachusetts Department of Children and Families Child Abuse and Neglect Reporting Guidelines

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DCF

- DCF is the state agency responsible for protecting children from abuse and neglect. They receive all of the reports (51A's) of suspected abuse/neglect and investigate them. They also provide a range of services to strengthen families at risk, who volunteer for services, or who have had supported findings of abuse or neglect.



Who/What is a mandated reporter?

- You are! Anyone who is paid to care for or work with a child in any public or private facility funded or licensed by the commonwealth.
- You are required to report orally, and in writing, any suspected abuse or neglect to DCF of a child under the age of 18.
- As mandated reporters: if the child discloses information to you that causes you to suspect abuse or neglect, you have a duty to report it to DCF.

What does this mean for YOU?

- If a student reports incidents of abuse or neglect to you, just listen. Be supportive, it is ok to ask basic general questions to show you are actively listening, but you are not an investigator or an interrogator.
- After your conversation, document it! If you need assistance and you are unsure of what to do you may seek out guidance staff to help you.
- There are 51A forms available in the guidance office, main office and online. You will need the students information from Powerschool to fill out the front of the form. On the back you will answer as many of the questions as you can. Be factual and objective. Do not put any of your opinions in the report! Again, guidance staff is available to assist you.

Filing a 51A

- Once you have the document filled out you will need to call it in. You will call 508-929-2000. You will need to have the Student's information readily available when you call.
- They will ask you to give them all of the information from your interaction with the child. This is why it is imperative that the staff member who was initially disclosed the information actually file the report. The screener may ask for information that a third party who was not present won't have. Assistance is ALWAYS available and advisable.

What constitutes abuse/neglect?

- Abuse is defined as: the non accidental commission of an act by a caretaker upon a child under age 18 which causes, or creates a substantial risk of, physical or emotional injury; or an act by a caretaker involving a child that constitutes a sexual offense under the laws of the commonwealth; or any sexual contact between a caretaker and a child under the care of that individual. This definition is not dependent upon location (ie., abuse can occur while child is in an out-of home or in-home setting)
- Neglect is defined as: failure by a caretaker, either deliberately or through negligence or inability, to take these actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however that such inability is not solely to inadequate economical resources or solely to the existence of a handicapping condition. This definition is not dependent upon location (see above)

More definitions for you....

- Physical Injury is defined as: Death; fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; soft tissue swelling, skin bruising-depending on such factors as the child's age, circumstances under which the injury occurred and the number and location of the bruises; addiction to drugs at birth; or failure to thrive.
- Emotional injury is defined as: an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

Domestic Violence

- Domestic Violence is defined as a pattern of coercive controlling behaviors that one person exercises over another in an intimate relationship. Not every situation involving DV merits intervention by DCF. Mandated reporters are encouraged to read the DCF brochure and review each family situation before taking any action. If possible a meeting with the caretaker and family about safety planning may be the necessary first step to avoid any negative impact on the family and the child.

What if I choose not to report?

- If you do not believe your case is strong enough to file, you may keep documentation on your student and when you feel you have a case, then you may choose to report.
- If you *have* a case of suspected abuse and neglect and you blatantly choose not to file, you could be held liable by court fines and jail time depending on the severity of the case. You could also be fired and risk losing your license.

What happens after I report?

- The report is screened. Information is gathered by DCF to determine whether or not it meets the criteria for abuse or neglect.
- If it is screened in, it is investigated and a worker will be contacting the family, the school, and possibly other collaterals and a decision will be made whether or not it is supported.
- It could be screened out and sent over to the DA's office for a SAIN screening (sexual abuse) or possible criminal charges for severe physical abuse/injury.
- If the report is supported, the family will be assigned a case worker and supports will be determined based on the findings.
- In some cases a care and protection may be ordered and the children may be removed from the home. DCF's main goal is always to keep families together and provide them with a safe and stable environment.

What about the parents?

Some people choose to involve the parents initially when they file and/or alert them to the fact that they are filing and some don't. It is up to you. It depends on several factors:

1. The safety of the child when they return home
2. Your comfort level with the family (you are going to be dealing with them for the better part of the year so weigh the pro's and con's)
3. In some cases, you could offer them the option of filing with you and volunteering for services
4. You have the law on your side, you are not doing this "to" them. You are bound by law to report any allegations that are reported to you by any child. You could risk losing your license, your job, be fined, imprisoned, etc....
5. No parent can ever threaten to take action against you for filing on them. As long as you are acting in a child's best interest, you can't be sued.

Things to consider...

- Always include the child's own words in the report. Do not paraphrase, and do not include your thoughts and opinions. These are legal documents and may be used in litigation. You do not want a child's case of sexual abuse to be thrown out of court because of something you wrote!
- When a child reports possible sexual abuse, do not ask any questions! Let them speak, document every word. And file immediately.
- Leading questions will get any report screened out.
- DCF will ask if there are any other children in the home. You can get that information from Powerschool, if you don't have access, guidance does.

Things to consider, cont'd...

- If the student has reported physical abuse, have them checked out by the nurse. The nurse should write on the form any marks that she witnesses and what they look like, where they were found, etc.. If there are no marks, you should write that you have had the child seen and there was no evidence of bruising, etc...
- Never promise the student that you will keep secrets for them! If they do disclose to you or tell you they have a secret to tell you. Promise them that you will do what you can to keep them safe, however you have to report if they are not safe, if someone is hurting them or they are hurting themselves, etc.
- Tell them that they did the right thing by telling! They are very brave, they are good, whatever you can to make them feel good about themselves.
- Remember that this process is confidential and not something that should be shared among colleagues. Guidance and your HoS, are the exception, we should be made aware of every filing and our assistance is advisable.

Things to consider, cont'd.....

- If you are unsure if something is considered abuse or neglect you have a couple of options: 1) you can run it by guidance staff and get our opinion or 2) call DCF and ask for the screening unit, run it by them and ask for their advice.