

Mandatory Reporting Requirements: Children Massachusetts

Last Updated: December 2017

| Question | Answer |
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| Who is required to report? | <ul style="list-style-type: none"> • Any of the following: <ul style="list-style-type: none"> • Physicians; medical interns; hospital personnel engaged in the examination, care or treatment of persons; medical examiners; psychologists; emergency medical technicians; dentists; nurses; chiropractors; podiatrists; optometrists; osteopaths; • Allied mental health and human services professionals licensed under Mass. Gen. Laws chapter 112, section 165 (marriage and family therapists, rehabilitation counselors, mental health counselors, educational psychologists and applied behavior analysts); • Drug and alcoholism counselors; psychiatrists; clinical social workers; • Public or private schoolteachers; educational administrators; guidance or family counselors; school attendance officers; • Child care workers; persons paid to care for, or work with, a child in any public or private facility, or home or program funded by Massachusetts or licensed by the Department of Early Education and Care that provides child care or residential services to children or that provides the services of child care resource and referral agencies, voucher management agencies, family child care systems or child care food programs; licensors of the Department of Early Education and Care; • Social workers; foster parents; probation officers; clerk-magistrates of a district court; parole officers; • Firefighters; police officers; • Priests; rabbis; clergy members; ordained or licensed ministers; leaders of any church or religious body; accredited Christian Science practitioners; persons performing official duties on behalf of a church or religious body that are recognized as the duties of any of these types of individuals (e.g., priests, rabbis, etc.); persons employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis; • Persons in charge of a medical or other public or private institution, school or facility or any such person's designated agent; and • The Child Advocate appointed by the Governor of Massachusetts. |
| When is a report required and where does it go? | <p>When is a report required?</p> <ul style="list-style-type: none"> • In his or her professional capacity has reasonable cause to believe a child is suffering physical or emotional injury resulting from: <ul style="list-style-type: none"> • abuse (including sexual abuse) which causes harm or substantial risk of harm to the child's health or welfare; • neglect (including malnutrition); • physical dependence upon an addictive drug at birth; |

- being a sexually exploited child; or
- being a human trafficking victim.

Where does it go?-

- Department of Children & Families (DCF) Child-At-Risk Hotline (1-800-792-5200) OR call the local DCF office in the relevant geographic area and ask for the “screening unit.” A list of local DCF offices and their phone numbers can be found at: <https://www.mass.gov/files/child-abuse-reporting-form.pdf> or <http://www.mass.gov/eohhs/docs/dcf/can-mandated-reporters-guide.pdf>.
- Written reports should be faxed or mailed to the appropriate area DCF office (see <https://www.mass.gov/files/child-abuse-reporting-form.pdf> or <http://www.mass.gov/eohhs/gov/departments/dcf/child-abuse-neglect/reporting-abuse.html>). Please ask for the proper fax number when making the telephone report.
- In addition to filing a report, a mandated reporter may contact local law enforcement or the Child Advocate.
- If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the DCF in the manner outlined above.
- A mandated reporter who has reasonable cause to believe that a child has died as a result of any of the conditions listed above in the “when is a report required” section shall report the death to the district attorney for the county in which the death occurred and the office of the chief medical examiner. Failure to do so shall be punished by a fine of not more than \$1,000.

What definitions are important to know?

- **“Child”** means a person under the age of 18.
- **“Human trafficking victim”** means a person subjected to engage in commercial sexual activity, a sexually explicit performance, the production of unlawful pornography or forced services.
- **“Serious bodily injury”** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- **“Sexually exploited child”** means any person under the age of 18 who has been subjected to sexual exploitation because such person:
 - is the victim of the crime of sexual servitude or sex trafficking;
 - engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, or in exchange for food, shelter, clothing, education or care;
 - is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution; or
 - engages in common night walking or common streetwalking.

What timing and procedural requirements apply to reports?

- Must report orally immediately followed within 48 hours by a written report submitted to the DCF.
- If hospital personnel collect physical evidence of child abuse or neglect, the local district attorney and local law enforcement (in addition to DCF) should be notified immediately.

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| <p>What information must a report include?</p> | <ul style="list-style-type: none"> • The names and addresses of the child and the child’s parents or other person responsible for the child’s care, if known; • The child’s age and sex; • The nature and extent of the child’s injuries, abuse, maltreatment or neglect, including any evidence of prior injuries, abuse, maltreatment or neglect; • The circumstances under which the person required to report first became aware of the child’s injuries, abuse, maltreatment or neglect; • Whatever action, if any, was taken to treat, shelter or otherwise assist the child; • The name of the person(s) making the report; • Any other information that the person reporting believes might be helpful in establishing the cause of the injuries; • The identity of the person(s) responsible for the neglect or injuries; and • Other information required by the DCF. • For the purpose of reporting, hospital personnel may have photographs taken of the areas of trauma visible on the child without the consent of the child’s parents or guardians. These photographs or copies thereof shall be sent to DCF with the report. • The form for the written report can be located at: https://www.mass.gov/files/child-abuse-reporting-form.pdf or http://www.mass.gov/eohhs/docs/dcf/child-abuse-reporting-form.pdf |
| <p>Anything else I should know?</p> | <ul style="list-style-type: none"> • Failure of a mandated reporter to report a reasonable belief of child abuse can result in a fine up to \$1,000. • Whoever knowingly and willfully files a frivolous report of child abuse or neglect under this section shall be punished by: (i) a fine of not more than \$2,000 for the first offense; (ii) imprisonment in a house of correction for not more than 6 months and a fine of not more than \$2,000 for the second offense; and (iii) imprisonment in a house of correction for not more than 2 ½ years and a fine of not more than \$2,000 for the third and subsequent offenses. • Any mandated reporter who has knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child and willfully fails to report such abuse or neglect shall be punished by a fine of up to \$5,000 or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment; and, upon a guilty finding or a continuance without a finding, the court shall notify any appropriate professional licensing authority of the mandated reporter's violation of this paragraph. • A mandated reporter who has reasonable cause to believe that a child has died as a result of any of the conditions listed above in the “when is a report required” section shall report the death to the district attorney for the county in which the death occurred and the office of the chief medical examiner. Failure to do so shall be punished by a fine of not more than \$1,000. • Priests, rabbis, clergy members, ordained or licensed ministers, leaders of a church or religious body or accredited Christian Science practitioners do not need to report information solely gained or obtained through a confession or similarly confidential communication in other religious faiths. • Within 30 days of receiving a report from a mandated reporter, DCF will notify the mandated reporter, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child and the services that the department intends to provide to the child or the child’s family. • No mandated reporter shall be liable in any civil or criminal action for filing a report under this section or for |

contacting local law enforcement authorities or the child advocate, if the report or contact was made in good faith, was not frivolous, and the reporter did not cause the abuse or neglect. No other person filing a report under this section shall be liable in any civil or criminal action by reason of the report if it was made in good faith and if that person did not perpetrate or inflict the reported abuse or cause the reported neglect. Any person filing a report under this section may be liable in a civil or criminal action if the department or a district attorney determines that the person filing the report may have perpetrated or inflicted the abuse or caused the neglect.

- A Guide for Mandated Reporters may be accessed at:

<http://www.mass.gov/eohhs/docs/dcf/can-mandated-reporters-guide.pdf>

Statutory
citation(s):

Mass. Gen. Laws ch. 119, §§ 21, 51A; ch. 233, § 20M.