



Middlesex District Attorney
Gerry Leone

Children are our most valuable and deserving priority. They are also the most vulnerable among us. No one wants to believe that anyone would intentionally injure our children. Sadly, abuse occurs, all too often in a child's own family. Evidence gathered in investigations and prosecutions demonstrates that as many as one million children a year are abused and neglected in the U.S. It is impossible, however, to estimate the number of cases that go unreported.

The Mandated Reporter Statute, Massachusetts General Laws, Chapter 119, Section 51A, obligates designated professionals whose work brings them in contact with children to notify the Massachusetts Department of Children and Families (DCF) if they suspect the abuse or neglect of a child under the age of 18.

It is important that mandated reporters understand their legal responsibilities. This brochure is designed to help you understand the child abuse reporting law and to serve as a quick guide to filing a 51A report.

In addition, a staff member is available at the Child Abuse Unit of our Family Protection Bureau to assist you with your questions and concerns. This unit handles all sexual and serious physical abuse cases of children under the age of 16 as well as cases involving the exploitation of children under the age of 18.

Working together, we can do our best to ensure the safety and well-being of every child in our care.

Terms You Should Know

CARETAKER includes a child's parent, step-parent, guardian, grandparent, teacher, babysitter, coach, school bus driver, camp counselor and any other person entrusted with the responsibility for a child's health or welfare. The term is meant to be construed broadly and includes a caretaker who is a juvenile.

ABUSE: The non-accidental commission of any act by a caretaker upon a child which causes or creates a substantial risk of physical or emotional injury; or the commission of a sex offense against a child as defined by the criminal laws of the Commonwealth; or any sexual contact between a caretaker and a child.

NEGLECT: Failure by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care. However, such inability cannot be due solely to inadequate economic resources or due solely to the existence of a handicapping condition.

PHYSICAL INJURY: Death; fracture of a bone, subdural hematoma, burns, impairment of an organ or other such nontrivial injury; soft tissue swelling or skin bruising depending on child's age, circumstances under which the injury occurred and location and number of bruises; addiction to a drug at birth; and failure to thrive. The act of shaking a baby is considered physical abuse as spinal, head and neck injuries often result from violently shaking young children.

EMOTIONAL INJURY: 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.

Contacting the Department of Children and Families

The mission of DCF is to protect children who have been abused or neglected by a caretaker and to ensure that each child has a safe, nurturing and permanent home. DCF provides a range of preventative services to support and strengthen families with children at risk of abuse or neglect. There are six DCF area offices that cover the cities and towns of Middlesex County. For consultation on a case or to file a 51A report, you should call the office that covers the city or town where the child lives:

ARLINGTON AREA OFFICE 781 641-8500
Covers Arlington, Belmont, Lexington, Newton, Waltham, Watertown, Weston

CAMBRIDGE AREA OFFICE 617 520-8700
Covers Burlington, Cambridge, Somerville, Wilmington, Winchester, Woburn

FRAMINGHAM AREA OFFICE 508 424-0100
Covers Acton, Ashland, Bedford, Boxborough, Carlisle, Concord, Framingham, Holliston, Hopkinton,



DCF CHILD-AT-RISK HOTLINE
1-800-792-5200
After 5:00 p.m. and on weekends

Hudson, Lincoln, Littleton, Marlborough, Maynard, Natick, Sherborn, Stow, Sudbury, Wayland

LOWELL AREA OFFICE 978 275-6800
Covers Billerica, Chelmsford, Dracut, Dunstable, Lowell, Tewksbury, Tyngsboro, Westford

MALDEN AREA OFFICE 781 388-7100
Covers Everett, Malden, Medford, Melrose, North Reading, Reading, Stoneham, Wakefield

NORTH CENTRAL AREA OFFICE 978 466-1500
Covers Ashby, Ayer, Groton, Pepperell, Shirley, Townsend

CHILD ABUSE AND NEGLECT

WHAT MANDATED REPORTERS NEED TO KNOW

What is the Mandated Reporter Law?

Chapter 119, Section 51A of the Massachusetts General Laws requires designated professionals whose work brings them in contact with children to notify the Massachusetts Department of Children and Families (DCF) when they suspect the abuse or neglect of a child under the age of 18. Mandated Reporters include medical practitioners, educators, clergy, counselors, child care workers, foster parents, police, firefighters and probation officers. In addition to filing with DCF, you may also notify local law enforcement authorities or the Office of the Child Advocate.

Does it matter whether the suspected perpetrator is a caretaker?

DCF is the receiving agency for all reports of suspected child abuse and neglect of children under the age of 18 in Massachusetts. DCF investigates reports of abuse or neglect by adults or juveniles acting in a caretaking role toward the child. Even in the case of “non-caretaker” abuse (which can include physical or sexual assault by a stranger, teen dating violence, and statutory rape), you must file a 51A report.

How do I make a report and how soon must I file it?

You must telephone DCF immediately and file a written report within 48 hours. The report should include: your name; the name of the child and his/her parent(s) or guardian(s) the child’s age and gender; the nature and extent of the child’s injuries, abuse, or neglect and the circumstances by which you became aware of them; what action, if any, has been taken to assist the child; the identity of the suspected perpetrator; and any other information you believe might be helpful in establishing the cause of the injuries.

What happens after DCF receives my report?

- ◆ DCF decides whether to “screen in” the case for investigation. DCF will “screen out” cases where the allegations don’t meet their criteria for abuse or neglect or it is clear the suspected perpetrator was not a caretaker. Many cases that are “screened out” will be referred to the local police and District Attorney for investigation and possible prosecution.

- ◆ DCF investigates reports of caretaker abuse or neglect. In emergency cases, the investigator must make a determination about the child’s safety and custody within 24 hours and submit a final report within 5 business days. Non-emergency investigations are completed within 15 business days.
- ◆ DCF will “support” the report after investigation if there is reasonable cause to believe the child was abused or neglected by a caretaker. DCF will “unsupport” the report if the evidence suggests the child was not abused or neglected or the perpetrator was not a caretaker. DCF will provide services to the family where appropriate.
- ◆ DCF will immediately notify the local police and District Attorney of reports filed in certain cases and forward copies of all substantiated 51A reports, regardless of prior notification, at the end of the investigation period.

Can I be penalized in any way for filing a 51A report?

If you file in good faith, i.e., you believe the report to be truthful and accurate, no civil or criminal actions can be brought against you for fulfilling your obligation as a mandated reporter.

Can I be penalized for not filing a 51A report?

If you fail to file when required, you may be charged criminally and fined up to \$1000 if convicted. Effective July 1, 2010, it is a crime punishable by fine or imprisonment for anyone to file a frivolous report and for mandated reporters to willfully fail to file a report when they have knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child.

Can I delegate the actual reporting to a superior?

The decision to file cannot be delegated. If you are a staff member of a medical or other public or private institution, school or facility, you may notify the person in charge or their designated agent who shall become responsible for submitting the report.



A GUIDE TO



EFFECTIVE 51A REPORTING



RESPONDING TO REPORTS OF CHILD ABUSE AND NEGLECT

MIDDLESEX DISTRICT ATTORNEY
GERRY LEONE

THE CHILD ABUSE UNIT
15 COMMONWEALTH AVENUE
WOBURN, MA 01801
(781) 897-8400

www.middlesexda.com
www.middlesexcac.org

To report child abuse or neglect call the
Child-At-Risk-Hotline 1-800-792-5200