

Child Abuse

Massachusetts General Laws Chapter 119, Section 51A, defines MANDATED REPORTERS as one...

". . . . who, in his professional shall have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication."

Who is a mandated reporter?

A mandated reporter is a professional who because of his or her particular employment is likely to have regular contact with children

The legislature has outlined a number of health care professionals, including doctors, dentists and nurses, as mandated reporters. The list also includes teachers, guidance counselors, school administrators, psychiatrists, psychologists, family counselors or therapists. Social workers, police, fire fighters and even court personnel are required to report cases of suspected abuse, as are a number of specialized fields

What are the obligations of a mandated reporter?

Individuals are required to immediately notify the state Department of Social Services (DSS) whenever they have reasonable cause to believe a child under eighteen years of age may be a victim of abuse.

What happens when I call DSS?

DSS will *screen in* or accept the report if it appears from the information provided the child is at risk of being abused by a caretaker.

If an emergency situation exists, DSS will assign a licensed social worker to investigate the report within 24 hours. If it is not an emergency, the investigation must be completed within 10 days.

What does it mean when DSS supports or unsupports a referral?

After the investigation is completed DSS will *support* or *unsupport* the referral of abuse or neglect. If DSS *unsupports* a referral, this does not mean that DSS has determined that the abuse did not occur. If you have any questions or concerns about the decision, DSS or the district attorney's office may be able to clarify the decision.

What if I am not sure a child is actually being abused?

The law is designed to always give a child the benefit of the doubt. When you are in doubt, file a report. It could save a life

What if I notify my superior or some other person of authority where I work?

Once you immediately notify the person in charge of your school, hospital or other facility, that person becomes responsible for notifying DSS of the suspected abuse. If your superior is not available, YOU MUST FILE A REPORT WITH DSS.

Will I be sued if I report abuse?

Mandated reporters who report suspected abuse are absolutely immune from any liability, civil or criminal, provided they *immediately* report as required by the statute. The provision is designed to encourage mandated reporters to file whenever they suspect a child is at risk.

Can my employer retaliate against me if I file a report with DSS?

No. The law strictly forbids employers from penalizing an employee who files a report to DSS. Any employer who discharges, discriminates or takes any other negative action against his or her employee shall be liable for triple damages and related attorney's fees.

Do I have to report to DSS if I believe a caretaker is not the abuser?

Yes. The decision as to whether a person is a caretaker is made solely by DSS under the law. An individual does not have the authority to make that particular decision.

Does DSS notify the district attorney's office that a child has been abused?

In certain cases, DSS is required to notify the district attorney. For example, all instances of sexual abuse of children and serious cases of physical violence must be reported to the district attorney's office.

Will I have to appear as a witness in court?

It is possible that a mandated reporter will be called as a witness in the criminal prosecution of an abuse case. It is up to the prosecutor to make that determination.

Will I hear about the outcome of the investigation?

Yes. DSS must send a letter to the mandated reporter informing him or her of the outcome of its investigation.

Will the child's family be told the name of the person who filed the report?

DSS does not identify the reporter, However, the family may become aware of the reporter's name through the course of a criminal investigation.

Where can I call to file a report or for more help?

If you are witnessing the abuse as it happens call 911.

To report suspected abuse or something you witnessed in the past call:

Franklin Police Department: 508-528-1212

The statewide hotline to contact DSS is **1-800-792-5200**

A mandated reporter suspecting abuse must notify DSS immediately by telephone and follow up with written report within 48 hours. There is no exceptions!

**THE LAW IS CLEAR
PROFESSIONALS WHO FAIL
TO REPORT SUSPECTED ABUSE ARE SUBJECT TO
CRIMINAL PROSECUTION AND A \$1,000 FINE**