



School District Officials' Reporting Obligations Concerning Suspected Child Abuse and Neglect

Prepared by
Judy A. Levenson, Esq.
LAW OFFICE OF JUDY LEVENSON
1309 Beacon Street, Ste. 300, Brookline, MA 02446
judy@judylevensonlaw.com
<https://www.linkedin.com/in/judy-levenson-b1197b11>

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Introduction

This summary is a resource tool to assist **school personnel** in understanding and carrying out their responsibilities as mandated reporters of suspected child abuse and neglect under Massachusetts General Laws, c. 119, § 51A ("Mandated Reporting Law"). Additionally, **school committees** have responsibility to inform teachers, school administrators and other professional staff of their reporting obligations under the Law.¹

Who are Mandated Reporters in Schools?

Mandated reporters include, among others, public and private school teachers, nurses, educational administrators, guidance or adjustment counselors, psychologists, attendance officers, social workers, day care professionals, court and public safety officials.

¹*Disclaimer and Acknowledgement:* The material contained in this document is intended for informational purposes only and does not in any way constitute legal advice. School districts and school employees with questions about their obligations under the Mandated Reporting Law are advised to consult with their school attorney or other knowledgeable legal counsel. This summary draws on information provided in a "Joint Advisory Regarding School District Officials' Duty to Report Suspected Child Abuse and Neglect," from Commissioner, Department of Elementary and Secondary Education ("DESE") and Commissioner, Department of Children and Families ("DCF"), August 20, 2010 ("Joint Advisory") (available at <http://www.doe.mass.edu/lawsregs/advisory/082010childabuse.html>) and information available on the DCF website (www.mass.gov/dcf), among other resources.

What are the Responsibilities of Mandated Reporters?

A mandated reporter must **immediately** make an **oral report** to the Department of Children and Families (“DCF”) when, in that person’s professional capacity, the person has **reasonable cause** to believe that a child under the age of 18 years is suffering from physical or emotional abuse and/or neglect. Telephone reports should be made on weekdays to the local DCF Area Office, Screening Unit, and on evenings, weekends and holidays by calling the Child-at-Risk Hotline (1-800-792-5200). A directory of the DCF area offices is available on the DCF website and at the end of the DCF Report Form (see following paragraph).

A **written report** must be submitted to DCF within **48 hours** of the oral report. See “Report of Child(ren) Alleged to be Suffering from Abuse or Neglect” (“DCF Report Form”) available at www.mass.gov/dcf. The DCF encourages mandated reporters or their designees to complete its **online abuse/neglect** Report Form available on its website.

May a School or School District Establish a Protocol for Staff Members to Report Suspected Child Abuse or Neglect to a School Administrator rather than Directly to DCF?

Yes. Under the statute, mandated reporters, including school staff, may either report directly to DCF **or** they may notify the person in charge of the school, e.g. school principal (or that person’s designee), in which case that person is responsible for making the oral and written report to DCF. The Joint Advisory encourages schools and school districts to develop child abuse reporting protocols, both for efficiency and so that the school administration is informed about students who may be at risk. If a protocol is established, the school or school district must ensure that school staff are aware of and understand the protocol.

How does DCF Define Abuse and Neglect?

Abuse means the non-accidental commission of any act by a caregiver upon a child that causes, or creates a substantial risk of, physical or emotional injury, or an act by a caregiver involving a child that constitutes a sexual offense under the laws of the Commonwealth or any sexual contact between a caregiver and a child for whom the caregiver is responsible.

Neglect means failure by a caregiver, either deliberately, through negligence or inability, to take 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 due solely to inadequate economic resources or solely to the existence of a handicapping condition.

Who is a Caregiver?

A caregiver can be a parent, step-parent, guardian or other person who is responsible for a child’s health or welfare both in and outside the child’s home, regardless of age, including in a **school setting**. Caregivers include **teachers** and **school bus drivers**.

What is “Reasonable Cause” to Believe that a Child under 18 is Suffering from Abuse or Neglect?

Reasonable cause means known or suspected instances of child abuse or neglect. A suspicion of child abuse is enough to trigger the requirements of § 51A.