

# Records & Reports

## Child Abuse and Neglect

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### DEFINITIONS OF CHILD ABUSE AND NEGLECT

The following definitions may be found under the Department of Children and Families Regulations (110 CMR, section 2.00):

**Abuse:** the non-accidental commission of any act by a caretaker upon a child under age 18 which causes, or creates a substantial risk of, physical or emotional injury; or 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 (i.e., abuse can occur while the child is in an out-of-home or in-home setting).

**Shaken Baby Syndrome:** infants, babies or small children who suffer injuries or death from severe shaking, jerking, pushing or pulling may have been victims of Shaken Baby Syndrome. The act of shaking a baby is considered physical abuse, as spinal, head and neck injuries often result from violently shaking young children.

**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; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home setting).

**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.

**Physical Injury:** Death; or fracture of a bone, subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; or soft tissue swelling or skin bruising, depending upon such factors as the child's age, circumstances under which the injury occurred and the number and location of bruises; or addiction to a drug or drugs at birth; or failure to thrive.

**Institutional Abuse or Neglect:** Abuse or neglect which occurs in any facility for children, including, but not limited to, group homes, residential or public or private

schools, hospitals, detention and treatment facilities, family foster care homes, group day care centers and family day care homes.

### REPORT CHILD ABUSE

To report possible child abuse or neglect in Massachusetts, you must first file an oral report by calling the Child-at-Risk Hotline at 1-800-792-5200 to notify the appropriate area office of the Department of Children and Families (DCF). Even if you complete the 51A Report Form, you must also first phone DCF directly or the Child-at-Risk Hotline. DCF relies on reports from professionals and other concerned individuals to learn about children who may need protection. DCF receives reports on more than 100,000 children each year. Certain professionals are mandated to report child abuse and neglect (listed below); however, anyone can report child abuse and neglect. If you learn that a child has been abused or neglected, or if you are concerned that a child may be in danger of abuse and neglect, please first call DCF and file an oral report immediately - before you mail or fax the 51A Report Form. Qualified professionals are available 24 hours a day to take reports and address your concerns.

When you call DCF to report child abuse and neglect, please do your best to provide the following information:

- The name, address, sex, date of birth or approximate age, present whereabouts of the reported child or children, and any other children in the household;
- The names, addresses and telephone numbers of the child's parents or other persons responsible for the child's care;
- The primary language spoken by the child and the child's caretaker.
- If you are a mandated reporter: your name, address, telephone number, profession and relationship to the child; if you are a non-mandated reporter: your name, address, telephone number, profession and relationship to the child; or you may remain anonymous;
- The nature and extent of the abuse or neglect;
- Any evidence or knowledge of prior injury, abuse, maltreatment or neglect;
- Your opinion of current risk to the reported child and to any other child in the home or substitute care setting;
- If the above information was given to you by a third party, the identity of that person, unless the third party has requested anonymity;
- The circumstances under which you first became aware of the child's alleged injuries, abuse or neglect;
- Any action taken to treat, shelter or assist the child;
- Any additional information you believe may be helpful in establishing the cause of the child's injury or the person responsible.

### MANDATED REPORTERS:

Massachusetts law requires many professionals who work with children to notify DCF if they suspect that any child has been, or is at risk of being, abused or neglected.

Massachusetts law defines the following professionals as mandated reporters:

- 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;
- Public or private schoolteachers, educational administrators, guidance or family counselors;
- Office of Child Care Services licensors;
- Day care and child care workers, including any person paid to care for, or work with, a child in any public or private facility, or home or program funded or licensed by the Commonwealth, which provides day care or residential services. This includes child care resource and referral agencies, as well as voucher management agencies, family day care and child care food programs;
- Social workers, foster parents, probation officers, clerks magistrate of the district courts, and parole officers;
- Firefighters or police officers;
- School attendance officers, allied mental health and licensed human services professionals;
- Psychiatrists, and clinical social workers, drug and alcoholism counselors; and
- Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, accredited Christian Science practitioners, or a person employed by a church or religious body to supervise, educate, teach, train or counsel a child on a regular basis.

Mandated reporters who are staff members of medical or other public or private institutions, schools or facilities, must either notify the Department directly or notify the person in charge of the institution, school or facility, or his/her designee, who then becomes responsible for filing the report. Should the designee/person in charge advise against filing, the staff member retains the right to contact DCF directly.

Massachusetts law requires mandated reporters to immediately make an oral report to the Department of Children and Families (DCF) when, in their professional capacity, they have reasonable cause to believe that a child under the age of 18 years is suffering from abuse or neglect. You should report any physical or emotional injury resulting from abuse, including sexual abuse; or any indication of neglect, including malnutrition; or any instance in which a child is determined to be physically dependent upon an addictive drug at birth.

After you file an oral report with DCF, a written report must be submitted to DCF within 48 hours after the oral report has been filed. [Boston EMS Personnel should note on the PCR that a 51-A has been filed, and submit the written report to EMS Headquarters where it will then be forwarded to DCF]. Please note that any mandated reporter who fails to file required oral and written reports can be punished by a fine of up to \$1,000.00.

During the screening and investigation of a 51A Report, any mandated reporter who has information that she believes might aid the Department in determining whether a child has been abused or neglected shall, upon request by DCF, disclose the relevant information to the Department. Under the law, mandated reporters are protected from

liability in any civil or criminal action, and from any discriminatory or retaliatory actions by an employer.

References to Massachusetts Law are citations from Chapter 119, sections 51A-E.  
Source: Department of Social Services website 11/05

Reference material:

<http://www.mass.gov/eohhs/consumer/basic-needs/report-child-abuse.html>

Mandated Reporter Form (51-A):

<http://www.mass.gov/eohhs/docs/dcf/can-reporting-form.pdf>