

## **CHILD ABUSE AND NEGLECT**

***THIS CIRCULAR WILL REMAIN IN EFFECT UNLESS RESCINDED OR  
SUPERSEDED BY A SUBSEQUENT VERSION***

### **GENERAL INFORMATION**

Massachusetts General Law (Chapter 119, Section 51A) requires that certain persons who in their professional capacity have reasonable cause to believe that a child under the age of eighteen (18) years is suffering serious physical or emotional injury resulting from abuse, including sexual abuse, or neglect, including malnutrition, inflicted upon them SHALL IMMEDIATELY, VIA TELEPHONE, REPORT THIS ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILDREN AND FAMILIES, either via the attached Area Offices Telephone Directory or via the 24-hour reporting hotline: 1-800-792-5200.

Within forty-eight (48) hours of the initial oral report, these professionals are required under Massachusetts law to notify the Department of Children and Families (DCF) in writing using the attached Report Form. The Report Form should be sent by registered mail, with return receipt requested, to the appropriate DCF Area Office. A new Report Form must be completed for each new injury or re-injury.

## WHO MUST REPORT?

By law, the following professionals, among others, are “mandated reporters” and must report cases of child abuse or neglect to DCF: physicians, medical interns, medical examiners, dentists, nurses, teachers, educational administrators, guidance counselors, family counselors, probation officers, school attendance officers, social workers, psychologists, and police officers. When these professionals are employed at a school, they must either notify DCF directly or, alternatively, notify the person in charge of the school or that person’s designated agent. Out of an abundance of caution, however, all school professional staff in the Boston Public Schools are required to report to DCF any instance of neglect or abuse that they observe or which is brought to their attention.

*Please note that all employees are required to report any suspected or alleged bias-based conduct toward a student or sexual misconduct toward a student under circulars EQT-02 and EQT-03. This report must be made to a school administrator and/or directly to the Office of Equity. A determination will then be made whether it meets the standard for a report to the Department of Children and Families under SUP-20. Please see Attachment 1, Procedures for Reporting Suspected Child Abuse and Neglect Cases.*

Nothing in this policy prohibits a school professional from notifying DCF directly when such school professional has reasonable cause to believe abuse or neglect occurred. In the event that a school professional notifies the building administrator in charge of an incident of suspected abuse or

neglect, that building administrator must make a report to DCF following the procedures outlined in this circular.

Any other person may report a case of child abuse or neglect when there is reasonable cause to believe that a child's health or welfare is being harmed, or is at substantial risk of being harmed, as a result of abuse or neglect.

### **WHAT TO REPORT?**

Any incident in which there is reasonable cause to believe that a child's physical or mental health or welfare is harmed or is threatened with substantial risk of harm through abuse or neglect must be reported. Truancy by itself is not a reportable matter. This means that a child missing school is not, on its own, a reason to report.

**ABUSE.** Abuse includes:

- Physical, mental, or emotional injury by other than accidental means, i.e., beatings, cuttings, burns, broken bones, multiple bruises
- Physical dependency on an addictive drug at birth
- Any sexual act against another person either by force, or by threat of force or bodily injury, or against the person's will. This includes a sexual act against another person who is incapable of giving consent either because of their temporary or permanent mental or physical incapacity or because s/he is a minor. Such crimes as indecent assault and battery, rape, rape with force, rape and abuse, assault with intent to rape and unnatural and lascivious acts constitute a sexual assault.

Indecent assault and battery includes, but is not limited to, inappropriate and unwanted touching of private body parts. A person under the age of 14 is legally unable to consent to this type of sexual activity.

NEGLECT. Neglect is deemed to exist when the person or persons responsible for a child's care, although financially able to do so, fail to provide the child with:

- Adequate food, clothing, shelter, education, or medical care
- Proper supervision and/or guardianship.

The attached Procedures for Reporting Suspected Child Abuse or Neglect detail the relevant reporting procedures to be followed by Boston Public School employees.

## IMMUNITY

All reports will be held in strict confidence. A person required to report who does in fact make a report, including a report of abuse or neglect by personnel in the public school system, shall not be held liable in any civil or criminal action by reason of that report. In addition, a person who, although not required to do so by statute, voluntarily makes a report shall not be liable in any civil or criminal action by reason of that report *if* it was made in good faith *and* that person did not perpetuate, inflict, or cause the reported abuse or neglect.

In accordance with Massachusetts law (Massachusetts General Laws Chapter 119, Section 51B), persons who are mandatory reporters of child abuse shall share any relevant information requested by the Department of Children and Families during the investigation of a specific 51A child abuse report. Those persons who are required to share information are protected

from civil or criminal liability for providing such information without parental consent.

## **CONSEQUENCES FOR VIOLATIONS OF THE REPORTING REQUIREMENT**

Under Massachusetts law, any person required to make oral and written reports of suspected child abuse or neglect who fails to do so and any person who knowingly files a frivolous report will be subject to penalties as prescribed by law.

Boston Public School employees required by law to report suspected child abuse or neglect who fail to do so in accordance with the attached procedures will be subject to discipline.

## **PROHIBITION OF RETALIATION**

Retaliation against any Boston Public School student or employee for filing a complaint of abuse or neglect, including a report of abuse or neglect against personnel in the public school system, is strictly prohibited.

In accordance with both Massachusetts law and the attached Procedures, any Boston Public School employees who themselves perpetuate, inflict, or cause the abuse of any child will be subject to discipline as outlined in the attached Procedures.

## **ATTACHMENTS:**

- Procedures for Reporting Suspected Child Abuse and Neglect Cases
- Area Offices and Telephone Directory Guide for Reporting Purposes
- [DCF 51A Reporting Form](#)

For more information about this circular, contact:

|                         |  |
|-------------------------|--|
| <b>Owner:</b>           | Chief of Student Support   |
| <b>Mailing Address:</b> | 2300 Washington Street, Boston MA, 02119   |
| <b>Phone:</b>           | 617-635-9000   |
| <b>Email:</b>           | <a href="mailto:Operations-Department-Heads@bostonpublicschools.org">Operations-Department-Heads@bostonpublicschools.org</a> |

Mary Skipper, Superintendent

## ATTACHMENT 1

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### PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE AND NEGLECT CASES

1. Pursuant to Massachusetts General Law Chapter 119, Section 51A, a mandated reporter is required to report when they have "reasonable cause to believe" that a child under the age of eighteen (18) years is suffering from abuse or neglect. **Out of an abundance of caution, however, all school professional staff in the Boston Public Schools are required to report to DCF any instance of neglect or abuse that they observe or which is brought to their attention.**
2. **Upon such suspicion of abuse or neglect** of a child under 18 years of age, a teacher, or any other mandated reporter, will immediately report their concerns to the building administrator *and* will confer with the school nurse. Such abuse includes but is not limited to physical, mental, or emotional injury by other than accidental means (e.g. beatings, cuttings, burns, broken bones, multiple bruises). In the event of suspected physical abuse, a school nurse should be contacted to immediately examine and document the child's physical condition. Appropriate Special Education and Support Services staff should be notified of the situation concerning the suspected abuse or neglect.

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3. **Upon suspicion of sexual assault**, please refer immediately to the Equity Circular on Sexual Misconduct Toward Students (EQT-03) and follow the reporting procedures outlined in that circular. School personnel responding to sexual assault concerns will obtain *only* basic minimal facts of the alleged incident. These basic facts should include: (1) when the incident occurred; (2) where the incident occurred; (3) who assaulted the student, if known; (4) the nature of the incident; and (5) whether there are known witnesses and/or other victims. In an attempt to minimize the emotional stress victims of abuse experience and to preserve the integrity and reliability of the required DCF and law enforcement investigations, additional interviews and more detailed probing questioning **are not** to be conducted by school officials. **A student who reports being a victim of a sexual assault should never be asked to submit a written report detailing the incident nor be asked to discuss the incident with the alleged perpetrator present at any time and under any circumstances.** School personnel are mandated reporters but should not investigate the allegations or prepare a probing and/or detailed incident report.
4. The building administrator or designee shall compile any and all relevant information from school professionals with knowledge of the incident and student. They shall also compile any and all relevant information from school records to be used when reporting the case to the appropriate DCF



Area Office and have all such information and records available for DCF.

5. The building administrator *must* report to DCF even if they believe that the teacher, nurse, or other mandated reporter is mistaken in suspecting abuse or neglect. The building administrator *may not* substitute their judgment for that of any mandated reporter within the school. **The failure to file a report as mandated by law will subject the building administrator (or other mandated reporter who fails to meet their statutory obligations) to discipline in accordance with BPS employee discipline procedures.**
6. The building administrator or designee must immediately call the DCF Screening Area Office to report the case. If the report must be made after 5:00 PM, the building administrator or designee must immediately call the DCF Hotline number at 1-800-792-5200.
7. The child must not be sent home from school before the verbal 51A report is filed with DCF. A written report must be forwarded within 48 hours.
8. Within 48 hours of the initial oral report, the building administrator or designee will send written notification to the DCF Area Office via fax or via the Virtual Gateway Portal at Mass.gov. A confidential copy of the written notification form (copy attached) should be retained in the office of the principal or headmaster.

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**9. If the alleged abuser is an employee of the Boston School Department, a copy of the notification should also be forwarded to the BPS Office of the Labor Relations.**

If an investigation confirms the allegations, the offending employee will be subject to discipline in accordance with BPS employee discipline procedures.

10. The building administrator, in consultation with others as necessary, will decide how, when, and by whom the family, including the child who is suspected of being abused or neglected, will be notified of this report. Although the school is not required by law to notify the family, such notification is recommended. In deciding whether to notify, the building administrator and others should consider whether notification will create a substantial risk to the student's health, safety, or welfare. DCF and the police and the Department of Social Work can provide consultation in making this determination to ensure the child's safety and well-being.

11. DCF investigators, who report to the school in order to conduct one phase of their investigation, should be required to identify themselves and to verify their assignment to the case. School-based staff should encourage them to interview the child at home in the presence of the parent or caregiver, unless the 51A has been filed against the parent. In this latter case, the interview of the child may be conducted in school in the presence of the building administrator or designee.

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12. Within sixty (60) days of filing a report, the building administrator should receive a feedback report from DCF detailing the department's findings and specifying the social services that the department intends to offer the child. This feedback report may be used to plan further collaboration with other professionals assisting the family.
13. Certain cases that the schools report to DCF (sexual abuse and exploitation, serious physical abuse, and some others) will also be referred by DCF to the local police and the District Attorney's Office for investigation. In these circumstances, these agencies will typically conduct a multidisciplinary team investigation. This investigation will typically include an interview with the alleged victim(s), alleged perpetrators(s), and witness(es). Relevant investigative information will be provided to the school when appropriate, and as permitted by law.
14. Throughout the reporting, investigation, and follow-up process, school documentation must be done in a way that ensures confidentiality. Accordingly, reports of suspected abuse or neglect will not be part of a child's educational record, but will instead be kept separately. The school will maintain files of the 51A reports of suspected abuse or neglect for no more than five years.

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15. When a building administrator seeks to remove a child from school because of, for example, a disciplinary emergency removal or illness, a parent may not always be available to pick the child up. Other childcare, eldercare, school or work responsibilities, or lack of transportation may delay or prevent a parent from being able to immediately pick up the child from school. This is not, on its own, a reportable matter. Maintaining the child's safety at school or ensuring that the child has a safe way to return home is the building administrator's responsibility.
16. Importantly, a special education dispute is not, on its own, a reportable matter. A parent disagreeing with school staff's opinions that a child needs a particular special education placement, service, or evaluation is not a reportable matter. In such situations, school staff should contact the assigned special education district assistant program director.
17. Each school building will designate a representative who will ensure that, in the event of the building administrator's absence, the above reporting procedures are followed as required by law. School Health will make arrangements for emergency nursing staff coverage so that the required investigation, discussed above, will begin before the end of the day.

## EMERGENCY PROTOCOL

In the event of a clear emergency where the life or safety of a child is in imminent danger, the building administrator, designee, or other mandated reporter should *immediately* notify the appropriate DCF Area Office and file the required 51A Report.

**After 5:00 PM, the school official should use the Massachusetts Child Abuse Emergency Hotline, at 1-800-792-5200.** A written report must be filed within forty-eight hours.

Massachusetts General Laws Chapter 119, Section 51B(3) authorizes the Department of Children and Families to take a child into immediate temporary custody, without parental permission or prior notice, if the department has reasonable cause to believe that this action is necessary to protect the child from further abuse or neglect. **Emergency responses by the Department of Children and Families may include law enforcement, depending upon the nature of the incident reported.** If DCF seeks to exercise this authority in the school setting, the building administrator shall:

1. Verify the DCF representative's identification and retain a copy of the identification in the student record
2. Contact the DCF representative's immediate supervisor to verify the need for the DCF action
3. Maintain a log, which should be filed with the office copy of the 51A report, of the action, the DCF employee(s) involved, and the DCF Area Office involved; and provide any other pertinent information related to the suspected abuse or neglect.

## **ATTACHMENT 2**

### **DEPARTMENT OF CHILDREN AND FAMILIES Boston-Brookline Region Area Directory**

#### **Boston Regional Office**

1785 Columbus Ave. Fifth Floor  
Roxbury, MA 02119-1041 Local Number: (617) 989-92  
Fax Number: (617) 989-9250

#### **Hyde Park Area Office**

1530 River Street  
Hyde Park, MA 02136  
Local Number: (617) 363-5000  
Fax Number: (617) 363-5175

#### **Dimock Street Area Office**

30 Dimock Street  
Roxbury, MA 02119  
Local Number: (617) 989-2800  
Fax Number: (617) 445-9147

#### **Park Street Area Office**

50 Park Street  
Dorchester, MA 02122  
Local Number: (617) 822-4700  
Fax Number: (617) 282-1019

**Harbor Area Office**

80 Everett Avenue, Suite 100 Chelsea, MA 01250

Local Number: (617) 660-3400

Fax Number: (617) 884-0215

**BOSTON POLICE DEPARTMENT – FAMILY JUSTICE CENTER  
(Formerly the Sexual Assault Unit)**

Main Number: (617) 343-4400

**SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE**

Main Number: (617) 619-4000

Child Abuse Unit: (617) 619-4300

**ATTACHMENT 3**

[DCF 51A Reporting Form](#)