



**MIDDLEBOROUGH
PUBLIC SCHOOLS**

Middleborough Public Schools

**Care and Protection of Children Under 18:
M.G.L. c.119, Section 51A**

August 31, 2020

In this training module you will learn:

- What is a 51A?
- What is a mandated reporter?
- What responsibility do I have as an employee of Middleborough Public Schools with respect to children under the age of 18?
- Resources for All Staff



What is a 51A?

- A 51A refers to a law under Massachusetts General Law at chapter 119, section 51A which affirmatively requires all mandated reports to report any suspected abuse or neglect of children under the age of 18 to the Department of Children and Families (DCF).
- Read the full text of the law here:

<https://malegislature.gov/laws/generallaws/parti/titlexvii/chapter119/section51a>



Mandated Reporting Required

- All school personnel are mandated reporters in cases of suspected abuse or neglect of a minor.
 - A mandated reporter If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility
- If school personnel have reasonable cause to suspect physical or emotional abuse or substantial risk of harm/neglect of a student, this must be reported as soon as possible to the building administrator and a formal report must be filed with DCF within 48 hours.



Filing a 51A

- The building administrator (or designee) will follow the reporting requirements of the Department of Children and Families (DCF) and the policy and procedures of the Middleborough Public Schools.
- A 51A is first called into a local DCF office and then a formal, written report is filed as well.
- Personnel who report the suspected abuse/neglect will be informed as to whether a formal complaint will be made to DCF.
- If the building administrator (or designee) decides not to file a 51A, any personnel is permitted to file a 51A report as well. If you choose to take this action, please inform your building administrator.



When to Report?

- It is not the responsibility of staff to prove that a child has been abused or neglected; a reasonable cause for concern should trigger the process and a conversation with your building administrator.
- As mandated reporters, school personnel who report with reasonable cause are presumed to be acting in good faith and are immune from any civil or criminal liability as referenced in the statute.
- **Failure to make a report when there is a reasonable cause for concern can result in a fine of not more than \$1,000; more importantly, a child could suffer additional harm if a report is not made when there is reasonable suspicion of abuse or neglect.**



Definition of Child Abuse

- Child 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. (110 CMR, section 2.00)

- When in doubt, speak to a building administrator.



Definition of Neglect

- 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). (110 CMR, section 2.00)
- When in doubt, speak to a building administrator.



Warning Signs of Child Abuse

- **Physical Abuse:**

- Bruising, welts or burns that cannot be sufficiently explained; particularly bruises on the face, lips, and mouth of infants or on several surface planes
- Withdrawn, fearful or extreme behavior;
- Clusters of bruises, welts or burns, indicating repeated contact with a hand or instrument;
- Burns that are insufficiently explained; for example, cigarette burns; and
- Injuries on children where children don't usually get injured (torso, back neck buttocks, or thighs).
- Any major change in the student's presentation and affect.



Warning Signs of Neglect

- **Neglect:**

- Lack of medical or dental care;
- Chronically dirty or unbathed;
- Lack of adequate school attendance;
- Lack of supervision; for example young children left unattended or with other children too young to protect or care for them;
- Lack of proper nutrition;
- Lack of adequate shelter;
- Self-destructive feelings or behavior; and
- Alcohol or drug abuse.
- Any major change in the student's presentation and affect.



Resources

- <https://www.mass.gov/how-to/report-child-abuse-or-neglect>
- <https://machildrensalliance.org/51-a-report/>
- <https://massteacher.org/mta-membership/legal-resources/from-the-general-counsels-desk/your-mandated-reporter-obligations>
- <https://www.mass.gov/info-details/massachusetts-law-about-child-abuse-and-neglect>
- <http://www.doe.mass.edu/lawsregs/advisory/082010childabuse.html>

