

Massachusetts General Law Chapter 119 Section 51 A

Mandated Reporting
51A Reporting



The Mandated Reporter Statute: c.119 51-A

- The Massachusetts Child Abuse and Neglect Reporting Statute, Chapter 119, Section 51A, states that any school employee "who, in his/her professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering serious physical or emotional injury resulting from abuse inflicted upon him/her including sexual abuse, or from neglect, including malnutrition, shall report such suspected abuse and/or neglect. Any person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars."
- It is not the responsibility of the school employee to prove that the child has been abused or neglected - only that the individual has reasonable cause for concern. Mandated school personnel who report with reasonable cause are presumed to be acting in good faith and are immune from any civil or criminal liability.
- The objective of the mandated law in Massachusetts is to identify report, investigate and provide support to the child and family where abuse or neglect is suspected.

All school personnel are mandated reporters and are legally required to contact the Massachusetts Department of Children and Families (DCF) if they have reasonable cause to believe that a child 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;
- Neglect, including malnutrition;
- Physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect; or
- Being a sexually exploited child; or
- Being a human trafficking victim as defined by section 20M of chapter 233.

Greater Lowell Technical High School personnel should consult with a School Counselor, Adjustment Counselor, or School Psychologist for assistance if abuse or neglect is suspected.

How does DCF define abuse and neglect?

➤ **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 an act by a caretaker involving a child that 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).

➤ **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 or in-home setting).

➤ **Physical Injury:**

Death; or fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such non trivial 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.

➤ **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.

Reporting Process

All Staff will:

- Immediately contact the student's School Counselor, if he/she believes that a student may be abused and/or neglected.
- Document and follow-up with the School Counselor (all staff are mandated reporters).

The School Counselor will:

- Notify the School Nurse who will evaluate and record the nature of the injury if appropriate.
- Contact other school personnel to assist in reviewing the suspected child abuse or neglectful situation, if necessary. These individuals may include Instructors, Adjustment Counselors, Special Needs Liaisons or School Psychologists.
- Immediately telephone the Department of Children and Family Services to complete the Intake process. If the original receiver of the report is not the school counselor, the school counselor will meet with the mandated reporter to assist in completing a 51A Child Abuse/Neglect Reporting Form prior to calling DCF.
- Complete a 51A Child Abuse/Neglect Reporting Form via the online portal within 48 hours of the intake call.
- Notify our School Resource Officer of a possible criminal investigation.
- The School Counselor should notify the results to all members of the team and the initial reporter when notified by DCF.

Important Numbers, Links and Resources

- Lowell area DCF: 978-275-6800
- Child at Risk Hotline: 800-792-5200
- [DCF Reporting Form](#)
- [MA General Laws Section 51A](#)
- [Child Abuse and Neglect Reporting:
A Guide for Mandated Reporters](#)