



Superintendent's Circular

School Year 2010-2011

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CHILD ABUSE AND NEGLECT

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 him or her 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 hours of the initial oral report, these professionals are required under Massachusetts law to notify the Department of Children and Families (the Department) IN WRITING using the attached Report Form. The Report Form should be sent by registered mail, with return receipt requested, to the appropriate Department of Children and Families (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, must report cases of child abuse or neglect to the Department of Children and Families: 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 the Department directly or, alternatively, must notify the person in charge of the school or that person's designated agent. Accordingly, as indicated in the attached Procedures for Reporting Suspected Child Abuse and Neglect Cases (Procedures), Boston Public School employees who are required by law to report suspected child abuse or neglect shall do so by informing the Building Administrator or designee, who must then report the suspected abuse or neglect in accordance with the attached Procedures. Nothing in this policy, however, prohibits such a professional from notifying the Department of Children and Families (DCF) directly when such professional has reasonable cause to believe abuse or neglect occurred. In such a case, the Building Administrator must be informed that the suspected abuse or neglect was reported.

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 by a person (or persons) responsible for the child's health or welfare, including personnel in the public school system must be reported. Truancy by itself is not a reportable matter.

ABUSE:

Abuse includes:

- a. Physical, mental, or emotional injury by other than accidental means, i.e., beatings, cuttings, burns, broken bones, multiple bruises;

- b. Physical dependency on an addictive drug at birth; and
- c. 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 her/his 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:

- a. Adequate food, clothing, shelter, education, or medical care and/or
- b. 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. No person required to report who does in fact make a report shall, including a report of abuse or neglect by personnel in the public school system, 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. Complaints of retaliation should be filed as specified in the Uniform Procedures for Student Grievances of Discrimination or Harassment, or in the Uniform Procedures for Employee Discrimination or Harassment, as applicable.

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:

1. Procedures for Reporting Suspected Child Abuse and Neglect Cases
2. Area Offices and Telephone Directory Guide for Reporting Purposes
3. DCF 51A Reporting Form

For more information about this circular, contact:

Name:	Andria Amador
Department:	Office of Special Education and Student Services - Psychological Services
Mailing Address:	443 Warren Street, Dorchester, MA 02121
Phone:	617-635-9676
Fax:	617-635-8027
E-mail:	aamador@boston.k12.ma.us

Carol R. Johnson, Superintendent

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

1. A teacher or other adult within the school building with an awareness or heightened level of concern about a child will likely provide the first step in identifying possible cases of child abuse or neglect, including abuse or neglect in the public school system.
2. Upon such suspicion of **physical** abuse or neglect of a child under 18 years of age, a teacher, or any other mandated reporter, will immediately report his or her 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, i.e., beatings cuttings, burns, broken bones, multiple bruises, etc.)** The nurse will be responsible for examining and documenting the child's **physical** condition immediately. Appropriate Special Education and Support Services Staff should be notified of the situation concerning the suspected abuse or neglect.
3. ***Upon such suspicion of sexual assault, please refer immediately to the Policy on Sexual Assault (Legal #13) and complete the Confidential Log Sheet. 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 (one or two sentences); 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 and prepare a probing and/or detailed incident report.***
4. Through discussions with school administrators, teachers, student support personnel, and a check of appropriate educational and health records, the Building Administrator or designee will obtain the data to be used when reporting the case to the appropriate Department of Children and Families (DCF) Area Office.
5. After collecting the relevant information concerning the child's abuse or neglect, the Building Administrator, in consultation with the reporting employee, the nurse, and others **as necessary**, will determine whether there is reasonable cause to believe that the child may be suffering abuse, including sexual abuse, or neglect.
6. ***Do not send the child home from school before filing the verbal 51A report with the Department of Children and Families. Written report must be forwarded within 48 hours.***
7. In the case of a disagreement concerning the need to report, the Building Administrator may not substitute his or her judgment for that of any mandated reporter within the school. Although the agreement of all professionals involved is desirable, the Building Administrator **MUST** report to the Department of Children and Families even if he or she believes that the teacher, nurse, or other mandated reporter is mistaken in suspecting abuse or neglect. Failure to file a report as mandated by law will subject the Building Administrator (or other mandated reporter who fails to meet his or her statutory obligations) to discipline in accordance with the Deputy Superintendent's Memorandum – Procedures Relating to the Discipline of Employees (Employee Discipline Procedures).
8. Accordingly, once the Building Administrator or other mandated reporter makes the decision to file, the Building Administrator or designee must immediately call the Screening Area Office of the Department of Children and Families to report the case, or, if after 5:00 PM, the Department of Children and Families Hotline number at 1-800-792-5200.

9. Within 48 hours of the initial oral report, the Building Administrator or designee will send written notification to the Department of Children and Families Area Office by registered mail. A confidential copy of the written notification form (copy attached) should be retained in the office of the principal or headmaster.
10. If the alleged abuser is an employee of the Boston School Department, a copy of the notification should also be forwarded to the Office of the Legal Advisor (Attention: Alissa Ocasio), 26 Court Street, Boston, MA. If an investigation confirms the allegations, the offending employee will be subject to discipline in accordance with the Employee Discipline Procedures.
11. 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 can provide consultation in making this determination to ensure the child's safety and well-being.***
12. Department of Children and Families 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.
13. Within sixty days of filing a report, the Building Administrator should receive a feedback report from the Department of Children and Families 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.
14. ***Certain cases that the schools report to the Department of Children and Families (sexual abuse and exploitation, serious physical abuse, and some others) will also be referred by DCF to the 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.***
15. Throughout the reporting, investigation, and follow-up process, school documentation must be done in a way that assures 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.
16. 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 Child Abuse Hotline, at 1-800-792-5200. Alternatively, the official may report the suspected abuse or neglect to the evening hours office, which is located at the Judge Baker Children's Center, located at 53 Parker Hill Avenue, Boston MA 02120. 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 him or her 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.

**PHONE CONTACT LIST
DEPARTMENT OF CHILDREN AND FAMILIES
BOSTON-BROOKLINE REGION
AREA DIRECTORY**

<u>AREA</u>	<u>AREA OFFICE</u>	<u>AREA DIRECTOR</u>
Area 220	Hyde Park Area Office 1530 River Street Hyde Park, MA 02136 Local Number: (617) 363-5000 Fax Number: (617) 360-2650	Martha Taylor
Area 230	Dimmock Street Area Office 30 Dimmock Street Roxbury, MA 02119 Local Number: (617) 989-2800 Fax Number: (617) 445-9147	Barbara Curley
Area 250	Park Street Area Office 50B Park Street Dorchester, MA 02122 Local Number: (617) 822-4700 Fax Number: (617) 282-1019	William Brown
Area 260	Harbor Area Office 45 Spruce Street Chelsea, MA 01250 Local Number: (617) 660-3400 Fax Number: (617) 884-0215	Monica Fernandez-Cartro

**BOSTON POLICE DEPARTMENT – FAMILY JUSTICE CENTER (FORMERLY THE SEXUAL
ASSAULT UNIT)**

Ph: (617) 343 - 4400

SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

Main #:(617) 619 - 4000

Child Abuse Unit #:(617) 619 - 4300



Report of Child(ren) Alleged to be Suffering from Serious Physical or Emotional Injury by Abuse or Neglect



Massachusetts law requires an individual who is a mandated reporter to immediately report any allegation of serious physical or emotional injury resulting from abuse and/or neglect to the Department of Children and Families by:

1. Immediately reporting by oral communication; and
 2. Completing and sending this written report to the appropriate Department of Children and Families office within 48 hours of making the oral report.
- For more information about requirements for mandated reporters and filing a report of alleged abuse and/or neglect please see **A Guide for Mandated Reporters** available on the DCF website at www.mass.gov/dcf.

Please complete all sections of this form. If some data are uncertain or unknown, please signify by placing a question mark ("??") after the entry.

CHILDREN REPORTED

Name	Current Location / Address	Sex	Age or Date of Birth
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	

PARENT OR GUARDIAN 1

Name			
First	Last	Middle	
Address			
Street & Number	City / Town	State	Zip Code
Phone #		Age / Date of Birth	
Primary Language Spoken (if known)		Ethnicity (if known)	

PARENT OR GUARDIAN 2

Name			
First	Last	Middle	
Address			
Street & Number	City / Town	State	Zip Code
Phone #		Age / Date of Birth	
Primary Language Spoken (if known)		Ethnicity (if known)	

REPORTER / REPORT

Report Date	<input type="checkbox"/> Mandatory Report <input type="checkbox"/> Voluntary Report	
Reporter's Name		
First	Middle	Last
<small>(If the reporter represents an institution, school or facility, please indicate)</small>		
Reporter's Address		
Street & Number	City / Town	State Zip Code
Phone #	Relationship to the Child	
Has reporter informed caretaker of report? <input type="checkbox"/> Yes <input type="checkbox"/> No		

What is the nature and extent of injury, abuse, maltreatment or neglect? Please list any prior evidence of same and/or other worries regarding danger to the child(ren). (Please cite the source of this information if not observed firsthand.)

If known, please provide the name(s) and contact information of the person(s) responsible for the injury, abuse, maltreatment or neglect and/or any other information that you think might be helpful in establishing the cause of the injury, abuse, maltreatment or neglect.

What are the circumstances under which the reporter became aware of the injury, abuse, maltreatment or neglect? Please include information on dates and timeframes for when the injury, abuse, maltreatment or neglect occurred. Pedikit# (if applicable):

What action has been taken thus far to treat, shelter or otherwise assist the child(ren) to deal with the situation?

If report involved alleged domestic violence, please list any information that will help DCF make safe contact with the family (e.g., work schedule, place of employment, daily routines for the adult victim):

Please provide any information about the family's strengths and capacities that you think will be helpful to DCF in ensuring the child's safety and supporting the family to address the abuse and/or neglect concerns:

Signature of Reporter:
