



YSO Policy: Mandated Reporting

This policy is from a childcare center in Massachusetts regarding reporting child abuse and neglect. All youth-serving organizations need a mandated reporting policy. Mandated reporting policies extend beyond organizations to the legal realm of enforcement. Check with your supervisor to learn if you are a mandated reporter.

For this policy, BE SAFE recommends the following:

- Make it clear in this policy that as a mandated reporter, you will not be penalized for reporting a suspected case that turns out to be untrue. You can be penalized for NOT reporting a case. If you suspect something, talk to your supervisor about reporting the incident.
- Be aware of the mandated reporting laws in YOUR state, as they vary by state.

It is the tragic reality that some of the youth in our programs have experienced abuse or neglect. Occasionally a youth will disclose an abusive or neglectful experience to a Agency C staff member, or a staff member may become aware of an abusive or neglectful situation in another manner. The following information is meant to guide staff members through the actions, which will and must be taken in the event of such a disclosure.

As childcare providers all Agency C staff are considered MANDATED REPORTERS. This means that we are all legally and ethically bound to report such disclosures to the appropriate authorities and individuals. This is not a selective process or a judgment call – reporting is mandatory. There are numerous considerations for staff in these situations – many which cause concern and emotional distress. The following information must be covered with staff through a training and discussion so that questions and concerns can be addressed.

Legal Definitions of Abuse, Neglect, and Mandated Reporter Requirement for state of Massachusetts:

State of Massachusetts Definition of “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). Abuse is any action that creates an injury or a substantial risk of injury to a child. Abuse can be physical, sexual or emotional. Physical abuse includes beating, shaking, kicking, burning or other types of bodily harm that can result in bruises, fractured or broken bones, internal injuries or death.”

State of Massachusetts Definition of “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). A child can be neglected when caretakers do not provide for basic needs, either deliberately or through negligence, such as food, shelter, medical care, supervision or emotional stability. An infant born addicted to drugs is considered neglected as well. It should be noted that environmental circumstances that some parents face, such as homelessness or inadequate financial resources, do not constitute neglect.”





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Mandated Reporter clause in Massachusetts statutes

“Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the Commonwealth or licensed pursuant to the provisions of Chapter 28A, which provides daycare or residential services to children, or which provides the services of childcare resource and referral agencies, voucher management agencies, family daycare systems and child care food programs, probation officer, clerk/magistrate of the district courts, parole officer, social worker, foster parent, firefighter or policeman, licenser of the office of child care services or any successor agency, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of Section 165 of Chapter 112, drug and alcoholism counselor, psychiatrist, and clinical social worker, priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, or a person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years 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, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth. Mandated reporters include people who work or have contact with children in either a private or public setting. By law, they are required to call DCF if they have reasonable cause to believe abuse or neglect has occurred. Doctors, nurses, and other medical professionals, as well as teachers, police officers, firefighters and priests, rabbis and other clergy members are mandated reporters. Additionally, a written report has to be submitted to DCF within 48 hours, and cannot be filed anonymously. You do not have to be a mandated reporter to report child abuse or neglect. Any person who believes a child is being abused or neglected can and should call to report the allegations. Call the Child-at-Risk Hotline at 1-800-792-5200.”

How Might Disclosures Be Made?

Disclosures may take many forms, but often they begin with hinting or indirect disclosures. For example, a child may begin by stating a fear of returning home or an intense dislike for a caretaker. These, of course, are not always disclosures. Often the child is testing your reactions to see if you are a safe, comfortable person with whom they might share. Disclosures are sometimes made to peers, such as cabin mates. Disclosures may be made at public or inappropriate times. A child may use the disclosure as a way to attract attention or disrupt an environment in which they are uncomfortable. This is rare, but can happen. It is important to acknowledge the statement and its importance and support the child by immediately planning a time to listen to them. Do not show anger or frustration with the child for being disruptive. Disclosures may happen directly with the child telling you directly that the abuse has happened.

How to Respond to the Disclosure

- First, be supportive and listen. Let the child know that you are glad they told you and you will help.
- Repeat back what the child has told you rather than paraphrasing or “translating”.
- Make supportive statements such as, “I am sorry this happened to you,” or “It is good that you told me”.
- Tell them early on that you cannot be silent, or “keep a secret”. Assure them that you will only tell people who have to know and who can help.
- Safe questions you may ask include: “How do you feel?”, “Have you told anyone else?”, “What happened when you told them?” and “Is there anyone else you trust enough to tell?”.



Boston Area Rape Crisis Center, 99 Bishop Allen Drive, Cambridge, MA 02139 / 617.492.8306

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- The child may be concerned that they will be placed in foster care if it is a parent who is the alleged perpetrator.
- Do not tell the child that they will not go to foster care, as that is a possibility.
- You will need to keep your own emotions under control. The child needs to have confidence that you are going to be helping them and an emotional reaction could shake that confidence.

How NOT to Respond to the Disclosure:

- Do NOT ask leading questions (questions with the answer already in them)
- Do NOT make any promises to the child
- Do NOT violate the child and family's confidentiality - do not share this info with anyone other than your supervisor and those they ask you to speak with
- Do NOT let your own "stuff" come into this process - the focus must remain on the child
- Do NOT make negative statements about the alleged abuser
- Do NOT go home at the end of the day without telling a supervisor about the situation. This CANNOT wait until tomorrow.
- Do NOT ignore that nagging feeling that something may be wrong with a child - let a supervisor know about your concerns. Sometimes minor concerns may be clues that something larger is going on. Let someone know about these!

What Steps Must Be Taken - Per Agency C Policy and Mandated Reporting Requirements:

- Let the child know who you are going to tell and what you are going to tell them. Ask the child if they are willing to tell these people.
- Remember you are to tell only those staff indicated in this procedure. This is to ensure the confidentiality of the situation, but more importantly to be true to the child's trust in you. ***If you have a concern about a youth or they have made a disclosure to you, you MUST notify the Director or Program Director. Failure to notify them is a violation of Agency C's policy and cause for discipline, up to and including termination. You may also be held legally responsible if you know information related to child abuse or neglect, and fail to report this.***
- The Director will notify the Director of Program Development. Together, they will determine the course of action. The course of action will include decisions around responding to parents/guardians, peers, the youth, and the accused if part of the program community.
- The course of action must include a critical incident report and a call to the hotline in the child's state of residence. (MA hotline 1-800-792-5200). Once this call is made the matter is out of our hands. We can only be supportive of the child, but may - under no circumstances - interfere with the actions of the child protection authorities.
- When calling the hotline, you will need the following information:
 - The child's complete name, address, and description of the disclosure.
 - Have a copy of the child's schedule.
 - While hotline calls may be made anonymously, the Director will identify himself or herself when calling regarding one of our youth. Child protective services investigators have told us that they tend to take more seriously those reports in which the reporter gives their name.
 - Record the outcome of this phone call on the incident report, including the date and time of the call made, and the worker number.
 - The worker will not give you their full name, but will provide you with a worker number.
- If you feel the child is in eminent danger when they leave camp, make sure to tell the hotline worker. It is also wise to encourage them to send a social worker to the program to meet with the child. If you have the child's schedule





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and can arrange a private meeting place make that information known to the worker. While you may request this meeting, the child protection authorities are not required to comply.

- **Please note:** If the alleged abuser is a Agency C staff member, the Director must immediately notify the Director of Program Development and Executive Director, and they will manage all necessary actions and follow-up. In addition, the Director must immediately remove the indicated staff person from direct contact with youth.

Taking Care of Yourself:

You may have a variety of emotions or very few. Each person will react differently. Remember that there is no right or wrong way to feel. Sometimes people feel anger towards the alleged abuser and wish to protect the child personally. You need to accept the fact that this is not your role as a staff member and that there is a network of trained professionals to whom we ask for help.

Remember that you cannot stop what has already happened. You are doing something to prevent it from happening again by reporting it. This is the right thing to do for the child. You are encouraged to talk with the others who know (and only those who must know) to share your feelings and reactions to what you have experienced. This will often help you cope with a difficult situation. If you find that you need additional support, that can be arranged. Full time staff can take advantage of counseling through the agency's health insurance.

