

### **Section 51A (first paragraph):**

A mandated reporter shall immediately file an oral report and, within 48 hours, file a written report with the Department of Children and Families on behalf of any child who, in their professional capacity, they have reasonable cause to believe is suffering or is at risk of suffering from one or more of the following conditions as defined in § 21 of this chapter: (1) physical abuse, (2) sexual abuse, (3) neglect, (4) physical dependence upon an addictive drug at birth, (5) being a sexually exploited child; and/or (6) being a victim of human trafficking.

### **Section 21 (add definitions for the following):**

**Reasonable cause to believe:** A presentation of facts which creates a reasonable suspicion of child maltreatment. Absolute proof is not needed. Reasonable suspicion can be based on a disclosure of a child, an admission by a perpetrator, information from a third party, or your own observations, knowledge, and experience.

**Neglect:** The failure or refusal by a caregiver to take those actions necessary to provide a child with minimally adequate essential care such as food, clothing, shelter, medical or mental health care, supervision, and emotional stability and growth. This includes situations of educational neglect and exposure to domestic violence. Neglect can be deliberate or negligent, but it cannot be due solely to inadequate economic resources or the existence of a disabling condition.

**Physical abuse:** A non-accidental act that causes or creates a substantial risk of physical injury to a child. It includes situations in which injury to the child was intended as well as situations in which wanton or reckless behavior resulted in injury regardless of whether the injury was intended.

**Sexual abuse:** A non-accidental sexual act(s) with a child that causes harm or substantial risk of harm to the child's health or welfare, considering the totality of the circumstances, including, but not limited to: (1) any age disparity between the child and the other individual; (2) the child's cognitive, emotional, psychological, and social maturity; (3) any power imbalance between the child and the other individual; (4) whether coercive factors such as domestic violence, gang violence are present; (5) whether the act was committed without the child consent; and (6) whether the child was incapable of consenting due to factors such as intoxication, sleep or disability. Sexual abuse can be physical, verbal, or written. Sexually-oriented communications, including those that are handwritten, printed, or electronic and include words and/or images may qualify as verbal or written sexual abuse if they are not: (1) reasonably intended to provide information and direction for the child's education and physical well-being, or (2) consensual communications between peers that do not involve coercion or exploitation.

**Physical dependence upon an addictive drug at birth:** A newborn who is physically dependent upon an addictive drug at birth or for whom there are risk and safety concerns because of exposure to an addictive drug *in utero*. This includes situations where there is a positive toxicology screen at birth, a diagnosis of fetal alcohol effects or fetal alcohol syndrome, and/or a diagnosis of withdrawal from a substance (Neonatal Abstinence Syndrome), including infants exposed to Medication Assisted Treatment or prescribed medications.