

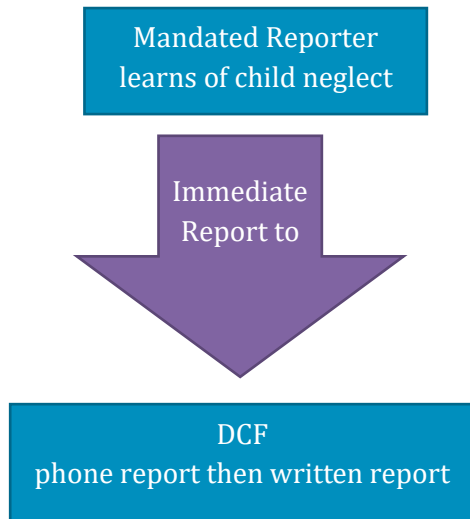
## Institutional Reporting Protocols in

### Mandated Reporting of Child Abuse and Neglect

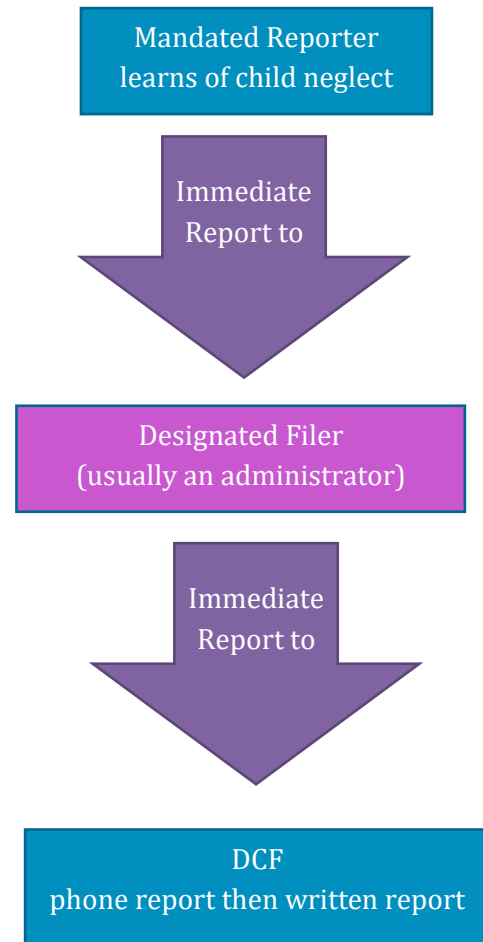
If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department [DCF] in the manner required by this section [51A]. M.G.L. c. 119 § 51A(a)

The Massachusetts mandated reporter law permits, but does not require, an institution such as a school or hospital to have an institutional reporting procedure. This means that the responsibility of staff within that institution to report child abuse and neglect can be transferred to a designated filer within the institution. That designated filer then becomes responsible for reporting the maltreatment to DCF.

#### **Without** an institutional procedure



#### **With** an institutional procedure



### Benefits of an institutional reporting procedure:

- Allows the institution to determine which staff members can accommodate the time-intensive process of filing a report
- Ensures that the information about what occurred is communicated within an institution to a designated agent (designated filer)- this ensures that the institution can take any necessary steps to help protect children
- Helps to streamline communication with DCF and the institution

### Detriments of an institutional reporting procedure:

- The designated filer did not observe the situation or disclosure first-hand so the reporting may not be as detailed as it may be coming from the mandated reporter
- The mandated reporter who first observed the situation or disclosure may not be aware of when, or if, the report was ever made by the designated filer
- The designated filer may disagree with the mandated reporter that a report needs to be made
- The mandated reporter may want to make a report where the designated filer or someone close to the designated filer is the alleged perpetrator

The Office of the Child Advocate strongly recommends that any institution that utilizes an institutional reporting procedure have a written protocol that describes the procedure. The law on institutional reporting procedures is vague; a written protocol adds the detail necessary to ensure that the procedure works well. The following list has been created by the OCA and is not a legal requirement.

### A WRITTEN INSTITUTIONAL PROTOCOL SHOULD INCLUDE:

- WHO TO REPORT TO:
  - The name, title, and contact information for the designated filer.
  - The name, title, and contact information of who to contact if the designated filer is unavailable.
  - The name, title, and contact information of someone who can serve as a designated filer if the designated filer is the alleged perpetrator or is closely associated with the alleged perpetrator.
  - The protocol should include information about what training and expertise is required of the designated filer (example: annual mandated reporter training).

- WHEN TO REPORT (SPEEDINESS):
  - The written protocol should relay time expectations as much as is possible. The law requires immediate reporting to DCF when a mandated reporter has reasonable cause to believe that a child has been, or is at substantial risk of being, abused or neglected. Institutional reporting procedures should take care to ensure that the procedure does not delay the immediacy of the report.
- HOW TO REPORT:
  - The written protocol should set expectations for the type of information relayed to the designated filer as well as the level of detail required. This will ensure efficient exchange of information. DCF will seek information on:
    - The situation that led to the report and any other concerns for the child
    - The child's personally identifiable information
    - Information about the alleged perpetrator
    - Information about any injuries the child experienced
    - Information about the strengths and vulnerabilities of the child or family
    - Information about the mandated reporter
- HOW TO DOCUMENT:
  - The written protocol should identify how a mandated reporter should record information about child maltreatment and where such information should be stored. The protocol should specify the confidentiality of recorded information and any record-retention expectations.
  - The written protocol should identify how a mandated reporter should record their use of the institutional procedure and where such information should be stored. The institution should keep records on use of the procedure and evaluate those records periodically to improve or audit the procedure.
- DECISION-MAKING AUTHORITY:
  - The law is not clear about whether a designated filer can evaluate the information provided by the mandated reporter and make an independent decision whether to report to DCF. Some authorities believe that the designated filer is tasked solely with filing the report that the mandated reporter indicated must be filed, some authorities believe that the mandated reporter delegates decision about whether to report when they delegate the mechanics of reporting. The written protocol should clearly state the authority of the designated filer.
    - If the written protocol indicates that the designated filer has decision-making authority over whether a report should be made:
      - the written protocol should reinforce that there can be no retaliation against any mandated reporter (whether or not they are the designated filer) for good faith reporting

- the written protocol should indicate whether the designated filer should consult with any person prior to making a decision on reporting
  - the written protocol should require that the mandated reporter be immediately notified of the designated filer’s decision whether to report
- **FEEDBACK TO MANDATED REPORTER:**
  - The written protocol should identify what information will be relayed by the designated filer back to the mandated reporter and should assign timelines expectations for information exchange. A written protocol should have answers to these questions:
    - When and how will a mandated reporter know the report has been filed?
    - When and how will a mandated reporter know the screening decision?
    - When and how will a mandated reporter know whether a DCF investigation is going to require an interview with that reporter?
- **REVIEW OF PROTOCOL:**
  - The protocol should include the date it was issued.
  - The protocol should include an expected re-evaluation date.
  - The protocol should identify a senior staff person who is responsible for maintaining and troubleshooting any issues with the reporting procedure. This person should not be the same person as the designated filer.
  - The protocol should be updated when circumstances that will affect the efficiency or efficacy of the protocol arise.

Institutions are encouraged to keep data on mandated reporting within the institution to help identify reporting trends and trends related to the care and wellbeing of children. Information on demographics of children and families who are reported to DCF and trends in types of concerns reported to DCF may be particularly useful for the institution to consider for self-evaluation purposes.

Written institutional protocols that describe the institutional reporting procedure are fundamental to ensuring that the expectations of the institution, the designated filer, the mandated reporters, and DCF are met. Ensuring proper and thoughtful procedures helps to keep kids safe.