



Internal Investigations and Personnel Guidance in Placement Agencies

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Applicability: All EEC-licensed Placement Agencies

BACKGROUND

Department of Early Education and Care (EEC) Regulations require licensees to conduct internal investigations of any allegations of non-compliance with EEC's licensing regulations and all suspected incidents of child abuse and neglect, serious incidents involving the health and safety of children, and the death of any child in Placement care [606 CMR 5.04(3)(d)]. **This policy clarifies the requirements for conducting, reporting, and notifying EEC of internal investigations in Placement agencies.**

AUTHORITY

606 CMR 5.04(3)(d): The licensee shall develop a written plan and follow procedures for conducting internal investigations within the agency or in foster or adoptive homes supervised by the agency.

POLICY STATEMENT

Incidents Requiring Internal Investigations

The requirement to conduct internal investigations applies to any incident reported to The Department of Children and Families (DCF) pursuant to M.G.L. chapter 119, section 51A, regardless of whether the report is screened-in for investigation by DCF. Internal

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investigations are also required for incidents that are not reported to DCF but still raise health and safety concerns. This includes reports made to the Disabled Persons Protection Commission (DPPC). Examples of incidents requiring internal investigation include, but are not limited to:

- any serious injury;
- a serious illness that may not have received proper medical treatment;
- sexual activity among children or caretakers;
- a fire;
- allegations of substance abuse by the caretaker.

Notifying EEC

Upon learning of an allegation or serious incident in Placement care, the licensee, the licensee's chief administrative person, or a designee shall notify EEC immediately by entering the case into the EEC LEAD Portal. **If the case involves death the licensee must also contact their EEC licensor/supervisor.**

Removal and Return of Staff

Any staff member suspected of potential abuse or neglect must be removed immediately from unsupervised contact with any children. The licensee must follow their EEC-approved child abuse and neglect policies, which may require the named staff to be removed from access to children. **EEC may determine unsupervised contact is not warranted but other stipulations may be considered.** Before any staff suspected of potential abuse or neglect may return to regular duties, the following criteria must be met:

- The staff member may not return to unsupervised contact with children **until DCF unsupports the 51B and EEC has completed its investigation.** The licensee must work with the assigned EEC licensor to assure an appropriate corrective action plan.
- If a 51B is supported for abuse or neglect, **that person may not return to work until a new Background Record Check (BRC) has been completed, with a new suitability determination issued by EEC.** The licensee must also work with the assigned EEC licensor to assure an appropriate corrective action plan.
- **If EEC determined unsupervised contact was not warranted, the agency shall document this along with any agreed upon action taken such as re-training, increased supervision and/or policy change.**

Required Placement Agency Policies

The licensee shall develop and follow procedures for conducting internal investigations within the placement agency. All procedures must be approved by EEC and shall include:

1. The time frame for conducting and completing investigation;

- Internal investigations must be completed in order to assure the safety of children, protect the rights of all involved parties and minimize disruption within the placement. Two weeks is an approximate estimate for most internal investigations; however, a complex investigation involving numerous interviews and extensive documentation may require more time.
- In the event that the investigating agency requests that a provider stop or delay the internal investigation activities, the licensee must cooperate with any such requests.
- In all cases of serious physical and sexual assault allegations or injuries reported to the police or the District Attorney's Office, the licensee must consult with the program's EEC licensor before beginning their internal investigation.

2. The process for designating persons responsible for implementing each step of these procedures, including conducting the investigations, reviewing the investigation report, and taking corrective action, if necessary; and

- The internal investigation must be conducted by individuals who are not involved in the incident in any way and who can review the issue objectively. Such individuals may include an agency administrator, a team of staff, or an outside consultant.
- The investigator(s) must interview involved persons and witnesses individually, and must gather all relevant documentation, such as signed statements, incident reports, medical reports, log entries, children's records and personnel files.

3. The written format to be used for investigation reports;

- After reviewing the evidence, the program investigator(s) must write a report that states the allegations, describes the investigative activities, states the findings, and describes any corrective action taken by the licensee, including recommendations to prevent similar incidents from occurring in the future.
- This report and any documents inclusive of video or audio monitoring that are collected or produced by the licensee or staff members must be made available to EEC and may be reviewed as part of EEC's investigation activities.

OBSOLETE

For licensed Placement agencies, this policy replaces EEC's previous Internal Investigations and Personnel Guidance policy issued on March 22, 2022.