

Mandated Reporter Commission

August 6, 2020

2:00pm-4:00pm

Institutional Reporting Procedure Proposal

Changes made based on discussion at last Commission meeting:

“If a mandated reporter is a member of the staff of a public or private institution, facility, or organization, such institution, facility, or organization may establish a written protocol by which the mandated reporter **must** notify the person or designated agent in charge of such institution, facility, or organization, of the information that that mandated reporter believes requires reporting under this section. The person or designated agent in charge shall then become responsible for notifying the department in the manner required by this section. **However, this written protocol must provide the mandated reporter the ability to file a report individually as required under this section without notifying the person or designated agent in charge if the mandated reporter has a reasonable fear of employer retaliation for filing under this section or if the alleged perpetrator in the report is the person or designated agent in charge.**

The written protocol must specify that the person or designated agent in charge has no discretion to refuse the filing of a report or alter the information provided by the notifying mandated reporter. The notifying mandated reporter shall be provided confirmation in writing within 24 hours of the notification that the report was filed pursuant to the institutional protocol. ~~A minimal facts inquiry may be necessary prior to making a report under this section, but u~~ Under no circumstances can any institution, facility, or organization delay the filing of a report under this section for purposes of conducting an internal investigation. Nothing in this subsection would prevent a person or designated agent in charge from adding supplemental information to the report filed under this section, so long as that information is clearly identified as supplemental.

Nothing in this subsection prevents an institution from creating internal reporting requirements for employee misconduct.

The written protocol under this subsection must specify where documentation of notification by mandated reporters to persons in charge or designated agents and documentation of reports filed under this section shall be maintained, and the protocol must specify the confidentiality procedures applicable to such documentation.

A mandated reporter who follows the protocol created by the institution, facility, or organization under this subsection and believes a report to have been dutifully made under this section as a result of their notification to the person in charge or designated agent, shall be held harmless against any claims of failure to file unless and until the mandated reporter is provided factual information to indicate that a report has not been made under this section.

Any report made by a person in charge or their designated agent based under this subsection must identify whether the report was made pursuant to a protocol under this subsection in the report. The written protocol under this subsection must not in any way discourage reporting by mandated reporters or persons in charge or their designated agents under this subsection.”

MGL 119 § 51B(l) *in part*: “If the department ~~substantiates~~ receives a report under section 51A alleging that abuse or neglect occurred at a facility approved, owned, operated or funded, in whole or in part, or was committed by an individual the department has reason to believe was licensed by the department of elementary and secondary education, the department of early education and care, the department of mental health, the department of developmental services, the department of public health or the department of youth services, the department shall notify the office of the child advocate and the affected department, in writing, by transmitting a copy of the report filed under section 51A and the department's written evaluation and written determination...”

The Definition of Child Abuse and Neglect

The Mandated Reporter Commission (MRC) is charged with evaluating and providing “proposals to revise the definition of child abuse and neglect to ensure a standard definition among state agencies.” The MRC should determine the following:

- 1.) The value of standardizing the child abuse and neglect definition among state agencies and methods of standardizing the definition;
- 2.) Situations that align with standards of child abuse and/or neglect but do not qualify for DCF involvement- for example- sexual abuse of one child perpetrated by another child;
- 3.) Situations that do not rise to the level of child abuse and/or neglect but require preventative or family stabilization-type services;
- 4.) Situations that result in a referral to a District Attorney’s office.

The value of standardizing the child abuse and neglect definition among state agencies and methods of standardizing the definition.

Current Definition:

MGL c. 119 § 51A(a): A mandated reporter who, in his professional capacity, has reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an

addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect; or (iv) being a sexually exploited child; or (v) being a human trafficking victim as defined by section 20M of chapter 233.

110 CMR 2.00 (in part) definition of **neglect**: Neglect means 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.}

110 CMR 2.00 (in part) definition of **abuse**: Abuse means 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. Abuse is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting.)

110 CMR 2.00 (in part) definition of **caretaker**: Caretaker means a child's:

- (a) parent
- (b) stepparent
- (c) guardian
- (d) any household member entrusted with the responsibility for a child's health or welfare
- (e) any other person entrusted with the responsibility for a child's health or welfare whether in the child's home, a relative's home, a school setting, a day care setting (including babysitting), a foster home, a group care facility, or any other comparable setting. As such "caretaker" includes (but is not limited to) school teachers, babysitters, school bus drivers, camp counselors, etc. The "caretaker" definition is meant to be construed broadly and inclusively to encompass any person who is, at the time in question, entrusted with a degree of responsibility for the child. This specifically includes a caretaker who is him/herself a child (i.e. a babysitter under 18 years of age).

110 CMR 2.00 (in part) definition of **physical injury**:

- (a) death; or
 - (b) fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; or
 - (c) soft tissue swelling or skin bruising depending upon such factors as the child's age, circumstances under which the injury occurred, and the number and location of bruises;
- or

- (d) addiction to drug at birth; or
- (e) failure to thrive.

110 CMR 2.00 (in part) definition of **emotional injury**: means an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

Other relevant definitions:

MGL 119 § 21: "Sexually exploited child", any person under the age of 18 who has been subjected to sexual exploitation because such person:

- (1) is the victim of the crime of sexual servitude pursuant to section 50 of chapter 265 or is the victim of the crime of sex trafficking as defined in 22 United States Code 7105;
- (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care;
- (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by section 4A of chapter 272; or
- (4) engages in common night walking or common streetwalking under section 53 of chapter 272.

MGL c. 233 § 20M: "Human trafficking victim" or "victim", a person who is subjected to the conduct prohibited under sections 50 or 51 of chapter 265.

MGL c. 265 § 50(a): Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No

prosecution commenced under this section shall be continued without a finding or placed on file.

MGL c. 265§51(a): Whoever knowingly: (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of trafficking of persons for forced services and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file.

Other MA statutes:

Disabled Persons Protection Commission:

MGL c. 19C § 1 (in part): "Abuse", an **act or omission** which results in serious physical or emotional injury to a disabled person; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

Children Born Out of Wedlock

MGL c. 209C § 10: Award of custody; criteria:(e) In issuing any temporary or permanent custody order, the probate and family court shall consider evidence of past or present abuse toward a parent or child as a factor contrary to the best interest of the child. For the purposes of this section, "abuse" shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and child: (a) **attempting to cause or causing bodily injury**; or (b) **placing another in reasonable fear of imminent bodily injury**. "Serious incident of abuse" shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and child: (a) attempting to cause or causing serious bodily injury; (b) placing another in reasonable fear of imminent serious bodily injury; or (c) causing another to engage involuntarily in sexual relations by force, threat or duress. For purposes of this section, "bodily injury" and "serious bodily injury" shall have the same meanings as provided in section 13K of chapter 265. For the purposes of this section, if the

child was conceived during the commission of a rape and the parent was convicted of said rape, under sections 22 to 23B, inclusive, of chapter 265 or section 2, 3, 4 or 17 of chapter 272, said conviction shall be conclusive evidence of a serious incident of abuse by the convicted parent.

Other State Definitions:

New York: Family Court Act § 1012 (in part):

e) “Abused child” means a child less than eighteen years of age whose parent or other person legally responsible for his care

(i) **inflicts or allows to be inflicted** upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

(ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

(iii) (A) commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; (B) allows, permits or encourages such child to engage in any act described in sections 230.25 , 230.30 , 230.32 and 230.34-a of the penal law ; (C) commits any of the acts described in sections 255.25 , 255.26 and 255.27 of the penal law ; (D) allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law; or (E) **permits or encourages such child to engage in any act or commits or allows to be committed against such child any offense that would render such child either a victim of sex trafficking or a victim of severe forms of trafficking in persons** pursuant to 22 U.S.C. 7102 as enacted by public law 106-386 or any successor federal statute; (F) provided, however, that (1) the corroboration requirements contained in the penal law and (2) the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings under this article.

(f) “Neglected child” means a child less than eighteen years of age

(i) **whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired** as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care

(A) [Eff. until March 7, 2019. See, also, subd. subpar. (A) below.] in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five of the education

law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or

(A) [Eff. March 7, 2019. See, also, subpar. (A) above.] in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five of the education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so, or, in the case of an alleged failure of the respondent to provide education to the child, notwithstanding the efforts of the school district or local educational agency and child protective agency to ameliorate such alleged failure prior to the filing of the petition; or

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; **provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision;** or

(ii) who has been abandoned, in accordance with the definition and other criteria set forth in subdivision five of section three hundred eighty-four-b of the social services law , by his parents or other person legally responsible for his care.

(g) **“Person legally responsible”** includes the child's custodian, guardian, any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

(h) **“Impairment of emotional health”** and **“impairment of mental or emotional condition”** includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out or misbehavior, including incorrigibility, ungovernability or habitual truancy; **provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.**

Pennsylvania Title 23 § 6303 :

(b.1) Child abuse.--The term “child abuse” shall mean **intentionally, knowingly or recklessly** doing any of the following:

- (1) Causing bodily injury to a child through any recent act or **failure to act**.
- (2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
 - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - (iii) **Forcefully shaking a child under one year of age.**
 - (iv) **Forcefully slapping or otherwise striking a child under one year of age.**
 - (v) **Interfering with the breathing of a child.**
 - (vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - (A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), [FN11] where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - (B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - (C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
 - (D) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).
- (9) Causing the death of the child through any act or failure to act.
- (10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

Pennsylvania Title 23 definition of “serious physical neglect”: **“Serious physical neglect.”** Any of the following when committed by a perpetrator that endangers a child's life or health,

threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (1) A repeated, prolonged or egregious **failure to supervise** a child in a manner that is appropriate considering the child's developmental age and abilities.
- (2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Pennsylvania Title 23 definition of “sexual abuse or exploitation”: “**Sexual abuse or exploitation.**” Any of the following:

(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:

- (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- (ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
- (iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
- (iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.

(2) Any of the following offenses committed against a child:

- (i) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
- (ii) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (iii) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (iv) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (v) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (vi) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (vii) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).
- (viii) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (ix) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).
- (x) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
- (xi) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- (xii) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(xiii) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

California Penal Code §11166:

In part: “For purposes of this article, ‘reasonable suspicion’ means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. ‘Reasonable suspicion’ does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any ‘reasonable suspicion’ is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse...”

Connecticut: Sec. 17a-101(a)(d):

For purposes of this section..., a mandated reporter’s suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim...or third party. Such suspicion or belief does not require certainty or probable cause.”

Relevant Examples of MA Regulations:

EEC Regulation 606 CMR 7.11(4) Abuse and Neglect.

(a) Any form of abuse or neglect of children while in care is strictly prohibited.

(b) The Licensee and all educators must operate the program in ways that protect children from abuse or neglect.

(c) Educators are responsible for abuse and neglect if:

1. the educator admits to causing the abuse or neglect, or
2. the educator is convicted of the abuse or neglect in a criminal proceeding, or
3. the Department of Early Education and Care determines, based upon its own investigation or an investigation conducted by the Department of Children and Families subsequent to a report filed under M.G.L. c. 119, §§ 51A and 51B, that there is reasonable cause to believe that the educator or any other person caused the abuse or neglect while children were in care.

(d) Every educator is a mandated reporter under M.G.L. c. 119, § 51A and must make a report to the Department of Children and Families whenever he/she has reasonable cause to believe a child in the program is suffering from serious physical or emotional injury resulting from abuse inflicted upon the child, including but not limited to sexual abuse, or from neglect, including but not limited to malnutrition, no matter where the abuse or neglect may have occurred and by whom it was inflicted.

(e) The licensee must notify the Department immediately after filing or learning that a 51A report has been filed alleging abuse or neglect of a child while in the care of the program or during a program related activity.

(f) The licensee must notify the Department immediately upon learning that a report has been filed naming an educator or person regularly on the child care premises (including household members in family child care) an alleged perpetrator of abuse or neglect of any child.

DMH Regulation 104 CMR 28.04 Protection from Mistreatment

(1) No provider shall mistreat a person or permit the mistreatment of a person by staff subject to its direction. Mistreatment includes any intentional or negligent action or omission which exposes a person to a serious risk of physical or emotional harm. Mistreatment includes but is not limited to:

- (a) Corporal punishment or any unreasonable use or degree of force or threat of force;
- (b) Infliction of mental or verbal abuse, such as abusive screaming or name calling;
- (c) Incitement or encouragement of persons or others to mistreat a person; (d) Transfer or the threat of transfer of a person for punitive reasons;
- (e) The use of restraint as punishment or for the convenience of staff; or
- (f) Any act in retaliation against a person for reporting any violation of the provisions of the Department regulations or other provisions of law.

(2) The Director or designee shall report to the Department allegations of mistreatment in accordance with 104 CMR 32.00: *Investigation and Reporting Responsibilities*.

(a) Provider staff shall cooperate with investigations of incidents or allegations of mistreatment in accordance with 104 CMR 32.00: *Investigation and Reporting Responsibilities*.

(b) Provider staff shall comply with all applicable reporting requirements as required by law including reporting allegations of abuse or neglect to the Disabled Persons Protection Commission in compliance with M.G.L. c. 19C, the Executive Office of Elder Affairs in compliance with M.G.L. c. 19A, and the Department of Children and Families in compliance with M.G.L. c. 119.

(3) The identity of persons making reports under 104 CMR 28.04 shall not be disclosed by the Director or designee or by the Department, except as necessary to investigate the subject matter of the report.

Situations that align with standards of child abuse and/or neglect but do not qualify for DCF involvement- for example- sexual abuse of one child perpetrated by another child.

Cases of sexual abuse or physical abuse committed by children against children are often screened-out of DCF involvement at the intake phase due to the DCF regulations that identify that the definition of abuse or neglect for DCF purposes hinges on the alleged perpetrator being considered a “caretaker.” These cases trigger mandatory referrals by DCF staff to district attorneys’ offices under DCF policy (including cases of serious physical and sexual abuse). The 2018 criminal justice reform law raised the age of criminal responsibility proceedings from age 7 to age 12. The district attorney’s office will often decline to take any prosecutorial action on these cases due to the age of the child who is the alleged perpetrator and other possible complications of bringing such cases.

Some of these cases are referred to a Child Advocacy Center (CAC) which provides a multidisciplinary team approach to child disclosures of allegations of sexual abuse, physical abuse, and witness to violence. The multidisciplinary team can include medical professionals, mental health professionals, law enforcement, DCF, and attorneys. CACs can be 501(c)(3) organizations (example: Bristol County), they can operate under the umbrella of a prosecutorial office or medical center, and though they can receive state funding, they are not subject to any uniform standards or procedures across the state. There is a National Network of Children’s Advocacy Centers. Due to the variability of CAC models across the state, some CACs will accept cases of child sexual or physical abuse by an alleged child perpetrator and investigate those cases through a SANE interview or other means, and some CACs in the state will not accept such cases. This results in variability of response to these situations depending on geography.

The OCA in collaboration with the Children’s Trust secured funding in the FY20 budget for an 18-month long pilot training program for Massachusetts CACs to address problematic sexual behaviors in children and youth. The pilot program is based on a University of Oklahoma training in Cognitive Behavioral Therapy for problematic sexual behaviors in children.

Other States’ Formulations:

Florida: “Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior shall be made and received by the department. An alleged incident of juvenile sexual abuse involving a child who is in the custody of or protective supervision of the department shall be reported to the department’s central abuse hotline.

1. The...hotline shall immediately...transfer the report...to the county sheriff’s office. The department shall conduct an assessment and assist the family in receiving appropriate services...and send a written report of the allegation to the appropriate

county sheriff's office within 48 hours after the initial report is made to the...hotline.

2. The department shall ensure that the facts and results of any investigation of child sexual abuse involving a child in the custody of or under the protective supervision of the department are made known to the court at the next hearing or included in the next report to the court concerning the child.”

Rhode Island: “Any person who has reasonable cause to know or suspect that any child has been abused or neglected...or has been a victim of sexual abuse by another child, shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families or its agent, who shall cause the report to be investigated immediately As a result of those reports and referrals, protective social services shall be made available to those children in an effort to safeguard and enhance the welfare of those children and to provide a means to prevent further abuse or neglect.”