

*"When we looked at the tragedies we faced and asked what we did wrong, one of the answers was very clear, we weren't communicating enough about each case to allow the resources that we have the ability to succeed."*

Vermont Governor Peter Shumlin on signing child protection legislation in 2015, which allowed guardian ad litem, social workers and courts to share information with each other about child abuse cases.

Dear Members of the Mandated Reporter Commission,

Please consider the attached Recommendations for Mandated Reporter Law Reform. Six of the Recommendations have not been addressed by the Mandated Reporter Commission, but are either required by federal law (CAPTA P.L. 115-424) for CAPTA's funding to states (Recommendations 1, 2, 4, and 6), and/or are already included in a significant majority of states' laws on mandated reporting (Recommendations 2, 3, 5, and 8)

Recommendation 6, "Provide mandated reporters with procedures to coordinate and consult with DCF" is addressed in the ACYF Child Welfare Policy Manual April 2021 *"A state's CPS must provide procedures for coordinating and consulting with those individuals (mandated professionals) on all cases of medical neglect."*

The importance of establishing procedures for mandated professionals to consult with DCF on critical child custody decisions, is documented in the report by the Office of the Child Advocate (Report) on David Almond's preventable death.

*"Community professionals (congregate care providers, collaborative school, parenting support providers, continuum service providers) filed multiple 51As about David's and Michael's bruises and open wounds, harsh punishments, medical neglect, deplorable living conditions, parental substance abuse, domestic violence, mental health problems, and criminal records." The*

service providers also reported in person to the boys' DCF case managers, who shared their concerns and relayed these reports up an internal chain of command to the DCF Fall River Office.

However, the Area Office repeatedly ignored credible information about the boys' suffering from the people who knew them the best and cared deeply about their welfare. The frontline professionals' concerns were based on their education, training and experience in child development and child abuse prevention. They had expert knowledge about the needs of children with Autism Spectrum Disorder, and these professionals based their opinions on two and a half years of caring for and educating David and his brothers.

Yet, direct service providers did not have a say in the Area Office's January 2020 decision to return David and Michael to their father's one bedroom apartment which also housed his girlfriend, their toddler and the father's mother.

In February 2020, the boys' school and congregate care providers then took the "extraordinary" step of writing letters opposing the move directly to the Area Office, but the "reunification" still took place in March 2020.

By mid-June, the Area Office had been told of more 51As for parental neglect, substance abuse, and criminal records of the adults in the house. The Area Office was also informed of troubling reports that the parents were not compliant with services and that the boys had not attended school.

Yet, in July 2020 the Juvenile Court transferred legal custody of David and Michael from DCF to their father. From the OCA Report: "*The Court and the attorneys relied so heavily on the DCF administrator assessments that the Area Office's faulty decision to return full custody to the boys abusive father went completely unchecked. The attorneys for the children did not play their role in pressing DCF to explain and support their decisions ...*"

State, national and international child abuse prevention experts have endorsed the attached Recommendations. Massachusetts legislators have an opportunity to give frontline professionals a voice in the decisions DCF makes regarding children's welfare and safety. Legislators can require DCF to provide procedures for mandated professionals to work collaboratively with DCF case managers, Area Office decision-makers and the courts, to develop

long term plans in the best interest of children. There is no need for another child to die because the mandated reporters who provide direct services to a child, have no role in keeping that child safe.

***Please see attached recommendations***

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American Professional Society on the Abuse of Children (APSAC)