

Categories of Mandated Reporters

Proposed text of definition of Mandated Reporter:

‘Mandated reporter’, a person over the age of eighteen who is either a paid employee, or a **volunteer**, working in a profession or role listed herein, or any person contracted by any entity to perform the functions of a profession or role listed herein, if such person resides in the Commonwealth or performs the functions of the profession or role listed herein for any child whose residence is in the Commonwealth or who is physically in the Commonwealth.

The following subsection titles are for organization purposes only, a profession or role listed herein may fall under one or several subsection titles and non-inclusion under a subsection title has no legal effect on the obligations of mandated reporters.

(i) medical providers: a physician, medical intern, personnel at any licensed or unlicensed facility providing medical care, who are engaged in the admission, examination, care or treatment of persons, medical examiner, pharmacist, psychologist, any person licensed or certified to provide emergency or non-emergency medical care including but not limited to: dentist, nurse, chiropractor, podiatrist, optometrist, osteopath;

(ii) mental health providers: any person licensed or certified to provide mental health services including but not limited to: allied mental health and human services professional licensed under section 165 of chapter 112, psychoanalyst, substance abuse counselor, psychiatrist, psychiatric nurse, social worker, any intern, resident, student, or trainee providing mental health services under supervision;

(iii) education:

(a) pre-kindergarten through twelfth grade: school board members, any school personnel who interact with any student, pre-kindergarten through twelfth grade, during the school day, on school premises, through technology including remote services, or during any school sanctioned activity, including extracurricular activities and field trips, including personnel at public schools, charter schools, private schools, vocational schools, recovery high schools, online school or courses, home tutoring, or any personnel providing educational services funded by a public or private entity regardless of the service setting, school bus drivers and bus monitors, school attendance officer, person in charge of a school or facility or that person’s designated agent;

(b) higher education: any and all higher education staff and faculty interacting with students in a teaching, coaching, or advising role, any students employed as research fellows or teaching assistants, all higher education administrators and officers, personnel of any organization or entity operating any program on higher-education property;

(iv) public safety officials: court personnel, except for judges, interacting with children or youth including, but not limited to, a probation officer, assistant probation officer, family services officer, clerk-magistrate, assistant clerk-magistrate, assistant registrar, judicial case manager,

parole officer...firefighter, police officers including campus and state police officers, sworn law enforcement officials, special state police officers, correctional officers, sheriff deputies, or animal control officer, and private security personnel;

(v) social service providers: licensed or unlicensed child care worker including a nanny or au pair, person caring for or working with a child in any public or private facility, or home or program funded by the Commonwealth or licensed under chapter 15D, person providing residential services to a child, person providing in-home services to a child, personnel of the Department of Public Health, the Department of Early Education and Care, the Department of Elementary and Secondary Education, the Department of Youth Services, the Department of Children and Families, the Department of Mental Health, the Department of Developmental Services, the Department of Transitional Assistance, the Department of Housing and Community Development, the Office of the Child Advocate, personnel of any type of shelter funded or partially-funded by the Commonwealth, personnel of any community service program funded in whole or in part by the Commonwealth that provides assistance or programming to families, person paid by any person or entity to provide any service to a person within a home setting including day placements and residential placements, information technologist, computer or electronics technician, or film or photo image processor, social worker, foster parent;

(vi) mentors: person providing mentorship to any person through a paid or unpaid relationship with an organization or entity excluding entities providing direct confidential services to victims of domestic violence, sexual assault, or human trafficking;

(vii) clergy: a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, records custodian for any church or religious body, person providing administrative services for any church or religious body, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child or adult on a regular basis...”

(viii) other youth serving individuals: personnel of a public library, any personnel of a public, private, or religious organization providing recreational activities or services for children, including but not limited to, day camps, summer camps, youth programs, sports organizations, and scouting groups;

‘Contractor’ as used in this section includes any person who owns, operates, is employed by, or volunteers in association with, an entity that undertakes, or is contractually obligated to undertake, any responsibility for the functions of any profession or role listed in M.G.L. c. 119 § 21 regardless of licensing, certification, or contractually negotiated terms; “contractors” shall include, but not be limited to, public and private entities providing direct services to children in the Commonwealth on behalf of, or in connection with, any state agency.