



## Removal and Return of Staff Suspected of Abuse or Neglect

**Policy Number:** RP-26-02

**Release Date:** May 14, 2026

**Effective Date:** November 17, 2026

**Applicability:** All Licensed Residential Programs

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### BACKGROUND

When an allegation of abuse or neglect is made against a staff member working in a residential program, the Department of Early Education and Care (EEC) requires the licensee to prohibit that person from having unsupervised contact with residents. Through this policy, EEC offers guidelines to programs regarding the removal and return of staff who are the subject of abuse or neglect allegations.

### AUTHORITY

- 3.04(5)(d)(2): If a report is filed pursuant to M.G.L. c. 119, § 51A with the Department of Children and Families, naming a program employee, a member of the residential staff, or any other person with unsupervised access to the residents, as the alleged perpetrator of abuse and/or neglect, the licensee shall prohibit this individual from having unsupervised contact with residents in the program until the Department of Children and Families has completed its investigation and has determined that the allegations are unsupported and the Department (of Early Education and Care) has determined that the individual against which the allegations were filed may resume their normal duties.
- 3.04(5)(d)(3): If a report is filed pursuant to M.G.L. c. 19C with the Disabled Persons Protection Commission, naming a program employee, a member of the residential staff, or any other person with unsupervised access to residents, as the alleged perpetrator of abuse, the licensee shall prohibit the individual from having unsupervised contact with residents until the Department (of Early

Education and Care) has determined that the individual against which the allegations were filed may resume their normal duties.

## DEFINITIONS

- **51A Report:** A report filed with the Massachusetts Department of Children and Families (DCF), pursuant to M.G.L. c. 119, § 51A, alleging that there is reasonable cause to believe that a child younger than 18 years old has been subject to abuse or neglect.
- **51B Report:** A report prepared pursuant to M.G.L. c. 119, § 51B detailing the MA DCF investigation into allegations of abuse or neglect upon a child and a determination by DCF whether there is reasonable cause to believe a child identified in the report has been, or is at risk of being, abused or neglected. A 51B Report will either support or unsupport the allegations of abuse or neglect named in the 51A report.
- **19C Report:** A report prepared pursuant to M.G.L. c 19C, detailing the Massachusetts Disabled Persons Protection Commission (DPPC) investigation into allegations of abuse or neglect of a person with a disability, between the ages of 18 and 59, by a caretaker. A 19C report will determine whether the allegations are substantiated or unsubstantiated.

## POLICY STATEMENT

Any staff member suspected of potential abuse or neglect must be removed immediately from unsupervised contact with residents. The licensee must follow their EEC-approved abuse and neglect policies, which include measures to prevent unsupervised contact with residents. The licensee must collaborate with the assigned EEC licensor to develop and implement an appropriate corrective action plan.

Before any staff suspected of potential abuse or neglect may return to regular duties, the following criteria must be met:

### When a report is filed with DCF:

- If a 51A report has been screened out, the licensee must complete their internal investigation and consult with EEC before the staff member may return to regular duties.

- If a 51A has been screened in, the licensee must follow their internal policy, which provides for no unsupervised contact with residents. This policy may include removing the staff member from working or remaining in the program with the assurance that staff will not be alone with residents. The policy may include a tiered approach, depending on the allegations, to determine whether the staff member should be removed from working or allowed to continue working with no unsupervised contact.
- The staff member may not return to unsupervised contact with any resident<sup>1</sup> until DCF issues a 51B determination finding the allegations unsupported **and** EEC licensing has reviewed the licensee's internal investigation and corrective action plan, where applicable.
- If a 51B is supported for abuse and/or neglect, the staff member must be removed from direct care and may not return until a new Background Record Check (BRC) has been completed, with a new suitability determination issued by EEC.

**When a report is filed with DPPC:**

- If a DPPC intake has been screened out, the licensee must complete their internal investigation and consult with EEC before the staff member may return to regular duties.
- If a DPPC intake has been screened in, the licensee must follow their internal policy, which provides for no unsupervised contact with residents. This policy may include removing the staff member from working or remaining in the program with the assurance that staff will not be alone with residents. The policy may include a tiered approach, depending on the allegations, to determine whether the staff member should be removed from working or allowed to continue working with no unsupervised contact. The staff member may not

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<sup>1</sup> EEC may determine supervised contact is not warranted but other stipulations may be considered. If EEC determines supervised contact is not warranted, the licensee shall document this along with any agreed upon action taken such as re-training, increased supervision, and/or policy change.

return to unsupervised contact with any resident<sup>2</sup> until EEC licensing has reviewed the licensee's internal investigation and corrective action plan, where applicable.

- If a 19C report determines the allegations are substantiated for abuse and/or neglect, the staff member must remain on no unmonitored contact until the licensee has completed their internal investigation **and** has submitted an acceptable plan of compliance to EEC.

## **ADDITIONAL INFORMATION**

In accordance with 606 CMR 3.04(3)(7), licensees are required to conduct an internal investigation when allegations of abuse or neglect are made. For more information on internal investigations, please see [EEC's Internal Investigations Policy](#).

## **OBSOLETE**

For licensed Residential programs, this policy, along with EEC's Internal Investigations policy, replaces EEC's previous Internal Investigations and Personnel Guidance policy issued on March 22, 2022.

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