

HOUSE No. 4491

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to mandated reporter reform.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 18C of the General Laws is hereby amended by inserting after
2 section 4 the following section:-

3 Section 4A. (a) There shall be within the office, a task force to develop and implement
4 educational and training requirements for mandated reporters and the prevention of child abuse
5 and neglect. The task force shall consist of the child advocate, who shall serve as the chair, the
6 attorney general or a designee, the commissioner of elementary and secondary education or a
7 designee, the commissioner of early education and care or a designee, the commissioner of
8 children and families or a designee, the chief counsel of the committee for public counsel
9 services or a designee, the Middlesex county district attorney or a designee and the Children's
10 League of Massachusetts, Inc.

11 (b) The task force shall, no later than 1 year after its first meeting, develop training
12 curriculum guidelines including profession specific training and refresher courses that include
13 the following:

14 (1) training on department responses to a written report filed under section 51A of
15 chapter 119 and the list of offenses that require the department to refer a report to the district
16 attorney;

17 (2) training on signs of child sexual abuse and physical and emotional abuse and neglect;

18 (3) training on how institutions develop an internal tracking system for reports made and
19 filed, noting that all reports be under the care and control of a designated administrator and how
20 to protect confidentiality;

21 (4) training on retaliation for filing, what agency will receive reports of intimidation and
22 retaliation and possible responses; and

23 (5) training for the trial court department as required under section 9C of chapter 211B.

24 (c) The task force shall also investigate and determine:

25 (1) the specific agency or agencies responsible for training;

26 (2) how often training and refresher courses are required;

27 (3) what and when to report to licensing entities after surveying the various licensing
28 board's practices;

29 (4) the possibility of continuing education units of credit for training modules;

30 (5) which agency or agencies will enforce fines and penalties and address lack of
31 reporting;

32 (6) the development of a mechanism for feedback on the training;

33 (7) if additional action or training is needed to address the intersection of family and
34 domestic violence and child abuse and neglect and trauma;

35 (8) when licensees and contracted organizations and all employers of mandated reporters
36 shall submit plans and to which agencies they will file with; provided that, such plans shall
37 include: (A) how such licensees and organizations intend to train their workers, (B) the chain of
38 command for reporting, (C) mechanisms for how the designated reporter will document proof of
39 filing to the original mandated reporter and (D) how mandated reporters will document having
40 made a report to the designated reporter;

41 (9) the development of a requirement for schools to post a multi-lingual sign in a
42 common area visible to the public that provides the contact information for the department and
43 the office, as well as where any person may file a concern in regard to child abuse and neglect
44 and children-at-risk; and

45 (10) the development of public service announcements including signs on highways,
46 registry of motor vehicle inserts and seasonal education such as warnings about leaving children
47 in cars during the summer, school bus safety and camp bus safety.

48 (d) The task force shall, annually:

49 (1) review and revise the training curriculum;

50 (2) make recommendations on: (A) accountability, (B) repercussions for failure to train
51 or report, (C) revising the definition of child abuse and neglect to standardize the definition of
52 child abuse and neglect among state agencies and to be consistent with the federal definition, and
53 (D) possible legislation;

54 (3) require all mandated reporter employers to provide an orientation for all youth under
55 18 years of age who work with children.

56 (e) The task force shall make recommendations of how agencies will notify mandated
57 reporters of changes in Massachusetts' law between trainings and take into consideration
58 suggestions for changes in the law.

59 (f) The task force shall file an initial 6-month report and an annual report with the house
60 and senate clerks and the chairs of the joint committee on children, families and persons with
61 disabilities.

62 SECTION 2. Section 21 of chapter 119 of the General Laws, as appearing in the 2016
63 Official Edition, is hereby amended by striking out the definition "Mandated reporter" and
64 inserting in place thereof the following definition:-

65 "Mandated reporter", a person who is: (i) a physician, medical intern, hospital personnel
66 engaged in the examination, care or treatment of persons, medical examiner, psychologist,
67 emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath,
68 allied mental health and human services professional licensed under section 165 of chapter 112,
69 drug and alcoholism counselor, psychiatrist or clinical social worker; (ii) a public or private
70 elementary or secondary school or institution of higher education employee of 18 years of age
71 and over, teacher, educational administrator, guidance or family counselor, child care worker, a
72 person who cares for or works, paid or unpaid of 18 years of age and over, with a child in any
73 public or private facility, or home or program funded by the commonwealth or licensed under
74 chapter 15D that provides child care or residential services to children or that provides the
75 services of child care resource and referral agencies, voucher management agencies or family

76 day care systems or child care food programs, licensor of the department of early education and
77 care or school attendance officer;(iii) a probation officer, clerk-magistrate, assistant clerk,
78 registrar, assistant registrar, parole officer, social worker, foster parent, firefighter, police officer;
79 (iv) a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or
80 religious body, accredited Christian Science practitioner, person performing official duties on
81 behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy,
82 ordained or licensed minister, leader of any church or religious body, accredited Christian
83 Science practitioner, or person employed by a church or religious body to supervise, educate,
84 coach, train or counsel a child on a regular basis; (v) in charge of a medical or other public or
85 private institution, school or facility or that person's designated agent; (vi) the child advocate;
86 (vii) a licensed health care professional; or (viii) an athletic coach, director or other person age
87 18 or older employed by or volunteering with private sports organizations, public or private day
88 camps, youth centers, youth recreation programs, and other organized activities for children.

89 SECTION 3. Section 51A of said chapter 119, as so appearing, is hereby amended by
90 striking out the second paragraph and inserting in place thereof the following paragraph:-

91 If a mandated reporter is a member of the staff of a medical or other public or private
92 institution, school or facility, the mandated reporter may instead notify the person or designated
93 agent in charge of such institution, school or facility who shall become responsible for notifying
94 the department in the manner required by this section; provided, that if such mandated reporter
95 chooses to notify such person or designated agent in charge, that person or designated agent shall
96 forthwith notify such mandated reporter that a report was filed and of any notice from the
97 department pursuant to this section. The designated agent shall document that the report was
98 properly done and filed and any such report and documentation shall be under the care and

99 custody of a designated administrator for the institution, school or facility. The designated agent
100 shall be able to show that a report has been filed on the same incident for the same reason if
101 another mandated reporter subsequently asks them to file. No additional reports shall be required
102 unless there is additional or new information about the incident.

103 SECTION 4. Section 51B of said chapter 119, as so appearing, is hereby amended by
104 striking out subsection (k) and inserting in place thereof the following subsection:-

105 (k) a mandated reporter shall complete the training provided for in section 4A of chapter
106 18C. Additionally, a mandated reporter who holds a professional license shall complete the
107 training provided for in said section 4A and shall provide, upon such person's licensing
108 authority's request, a dated certification of completion of such training. For the purposes of this
109 subsection the term "professional license" shall mean any license, permit, certificate,
110 registration, charter, authority or any other form of permission required by law for the conduct of
111 an activity or the carrying on of a trade, profession or business, including, but not limited to, any
112 professional, trade, business, occupational or commercial operation with contact to a child under
113 18 years of age and the term "licensing authority" shall mean a board of education, department
114 of public health, division of professional licensure, department, bureau, authority, division,
115 board, commission thereunder, any unit or other entity of the commonwealth, any political
116 subdivision, district or agency thereof, or any city or town of the commonwealth that issues a
117 professional license.

118 A licensing authority shall require the holder of a professional license to provide proof
119 that such person has completed the training prior to reissuing such license.

120 SECTION 5. Chapter 211B of the General Laws, as so appearing, is hereby amended by
121 inserting after section 9B the following section:-

122 Section 9C. The chief justice of the trial court department shall provide training on the
123 issue of child abuse and neglect in the commonwealth, at least once biannually, to all appropriate
124 court personnel of the municipal, district, probate and family, juvenile and superior courts
125 throughout the commonwealth, including but not limited to judges, clerks of court, probation
126 officers, court officers, security officers and guardians ad litem; provided, that such training shall
127 consist of the curriculum set forth in section 4A of chapter 18C.

128 SECTION 6. Notwithstanding any general or special law or rule or regulation to the
129 contrary, all officials and employees of an agency, board, department, commission or division
130 receiving or expending state monies for the provision of any service for a child under the age of
131 18 shall take affirmative steps to include in any agreement or contract: (1) a provision that
132 includes the standards developed by the task force established in section 4A of chapter 18C of
133 the General Laws; and (2) a provision that includes the penalties for the failure of a mandated
134 reporter to comply with section 51A of chapter 119 of the General Laws.

135 SECTION 7. Notwithstanding any general or special law, or rule or regulation to the
136 contrary, the office of the child advocate and the chairs of the joint committee on children,
137 families and persons with disabilities shall jointly convene a working group annually to review
138 the progress of the implementation of this act and determine if any legislative changes are
139 needed, draft legislation and make recommendations.