



To: The Honorable Charlie Baker, Governor
The Honorable Maria Mossaides, Child Advocate
The Honorable Karen Spilka, Chair, Senate Committee on Ways and Means
The Honorable Jeffrey Sanchez, Chair, House Committee on Ways and Means
The Honorable William Brownsberger, Senate Chair, Committee on the Judiciary
The Honorable Claire Cronin, House Chair, Committee on the Judiciary
The Honorable Joan Lovely, Senate Chair, Committee on Children, Families and Persons with Disabilities
The Honorable Kay Khan, House Chair, Committee on Children, Families and Persons with Disabilities
The Honorable William Welch, Clerk of the Senate
The Honorable Steven James, Clerk of the House

From: Jennifer Franco, Massachusetts District Attorneys Association

Date: July 6, 2018

Re: **Report on the Status of Child Abuse and Neglect Cases (G.L. c. 12, § 20D)¹**

As required by G.L. c. 12, § 20D, the Massachusetts District Attorneys Association submits the following information relative to child abuse and neglect cases that have been referred for criminal prosecution during FY2017. The Department of Children and Families, which is mandated to report certain categories of child abuse and neglect to the District Attorneys, pursuant to G.L. c. 119, § 51A, is the primary source of child abuse and neglect referrals for the District Attorneys. However, the District Attorneys also receive a significant number of reports from the police, and directly from victims, and from the victims' families. The number of criminal prosecutions initiated by the District Attorneys does not reflect the tremendous workload of pre-charge investigations involved in reviewing these sensitive and complex cases.

¹ G.L. c. 12, § 20D: The executive director [of the Massachusetts District Attorneys Association] shall annually report on the status of child abuse and neglect cases that have been referred for criminal prosecution, including the number prosecuted, the results of those prosecutions, the principal reason for decisions not to prosecute, and what resources would have assisted in those investigations and prosecutions. The report shall be filed with the clerks of the senate and the house, the senate and house committees on ways and means, the joint committee on children, families and persons with disabilities, the joint committee on the judiciary, the child advocate, and the governor.

Please note that MDAA is reporting referrals as the number of new cases reported or referred to the District Attorneys during FY2017; all other information relates to child abuse and neglect cases reported or referred to the District Attorneys in any year. Child abuse and neglect cases, from initial referral to final disposition, can take several years to resolve.

Child Abuse/Neglect Referrals (per child)	11,128
Referrals Closed Without Prosecution	6,945
Criminal Cases Initiated (per defendant)	2,259
Criminal Cases Disposed With Conviction ²	1,140
Criminal Cases Disposed Without Conviction ³	1,009

The District Attorneys report the following as the principal reason for decisions not to prosecute:

- Insufficient evidence
- No disclosure/victim denied abuse
- Competency issues of child/tender age of victim
- Victim declined prosecution
- Victim recantation
- Victim/family unable/unwilling to go forward
- Lack of jurisdiction

The District Attorneys believe that each agency utilizes available resources to serve victims, their families and the public during every step in the long process toward healing the victims and their families, and toward resolution of these difficult cases.

² Conviction, in this context, refers to the following: disposition of guilty plea, guilty verdict, admission to sufficient facts or pretrial probation on any count or charge.

³ Without Conviction, in this context, refers to the following: disposition of not guilty, *nolle prosequi* or dismissal.