

**HOUSE . . . . . No. 137**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kay Khan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to mandated reporter reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/10/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/29/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/24/2019</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/31/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/29/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/1/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/1/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/24/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/2/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/31/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/1/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/30/2019</i>

**HOUSE . . . . . No. 137**

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 137) of Kay Khan and others for legislation to establish a special commission to review existing mandated reporter laws and regulations and to improve the response to, and prevention of, child abuse and neglect. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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           (a) There shall be a special commission to review existing mandated reporter laws  
2 and  
3           regulations and to report and make recommendations on how to improve the response to,  
4 and  
5           prevention of, child abuse and neglect. The report shall include, but not be limited to,  
6 findings  
7           and recommendations on: (i) improving or adding training requirements for employees,  
8           including employees of licensees or contracted organizations; and (ii) improving  
9           accountability

10 in the mandated reporter system, including procedures for a mandated reporter to notify  
11 the  
12 person or designated agent in charge and responses to reports of intimidation and  
13 retaliation.

14 (b) The commission shall consist of the child advocate, who shall serve as chair  
15 and the

16 following persons, or their designees: the secretary of health and human services; the  
17 secretary of

18 education; the secretary of public safety and security; the attorney general; the  
19 commissioner of

20 elementary and secondary education; the commissioner of early education and care; the

21 commissioner of children and families; the commissioner of the division of professional

22 licensure; the chief counsel of the committee for public counsel services; and a

23 representative of

24 the Massachusetts district attorney association. The commission may consider input from

25 any

26 relevant organization, including but not limited to: the Children's League of

27 Massachusetts, Inc.,

28 the Massachusetts Children's Alliance, Inc. and Children's Trust Massachusetts.

29 (c) The commission shall review: (i) the agencies and employers responsible for  
30 training  
31 mandated reporters; (ii) the frequency of mandated reporter training and continuing  
32 education;  
33 (iii) whether agencies and employers follow best practices for mandated reporter  
34 training,  
35 including profession-specific training for recognizing the signs of child sexual abuse and  
36 physical and emotional abuse and neglect; (iv) how agencies notify mandated reporters  
37 of  
38 changes to the General Laws and regulations; (v) responses by the department of children  
39 and  
40 families to a written report filed under section 51A of chapter 119 of the General Laws,  
41 including a listing of offenses requiring a report be referred to the district attorney; (vi)  
42 the  
43 feasibility of the development of a confidential internal tracking system for all reports  
44 filed under  
45 said section 51A of said chapter 119; (vii) whether employer, agency, and employee  
46 trainings  
47 cover retaliation protections for mandated reporter filing; (viii) whether employer, agency  
48 and

49 employee trainings cover fines and penalties for failure to report pursuant to said section  
50 51A of  
51 said chapter 119; (ix) protocols related to reports filed under said section 51A of said  
52 chapter  
53 119, including procedures for a mandated reporter to notify the person or designated  
54 agent in  
55 charge and the required documentation; (x) the availability of information at schools  
56 regarding  
57 the protocols for filing reports under said section 51A of said chapter 119; (xi) options for  
58 the  
59 development of public service announcements to ensure the safety and well-being of  
60 children;  
61 (xii) proposals to revise the definition of child abuse and neglect to ensure a standard  
62 definition  
63 among state agencies that is consistent with appropriate federal authorities; and (xiii)  
64 proposals  
65 to expand mandated reporting requirements under sections 51A to 51F, inclusive, of said  
66 chapter  
67 119.

68 (d) The commission shall file a report of its findings and recommendations, together  
69 with  
70 drafts of legislation necessary to carry those recommendations into effect, by filing the  
71 same  
72 with the clerks of the senate and the house of representatives, the chairs of the senate and  
73 house  
74 committees on ways and means and the chairs of the joint committee on children,  
75 families and  
76 persons with disabilities not later than July 31, 2020.