

HOUSE No. 137**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. Balser</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

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.

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.

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

employee trainings cover fines and penalties for failure to report pursuant to said section 51A of

said chapter 119; (ix) protocols related to reports filed under said section 51A of said chapter

119, including procedures for a mandated reporter to notify the person or designated agent in

charge and the required documentation; (x) the availability of information at schools regarding

the protocols for filing reports under said section 51A of said chapter 119; (xi) options for the

development of public service announcements to ensure the safety and well-being of children;

(xii) proposals to revise the definition of child abuse and neglect to ensure a standard definition

among state agencies that is consistent with appropriate federal authorities; and (xiii) proposals

to expand mandated reporting requirements under sections 51A to 51F, inclusive, of said chapter

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.