SENATE DOCKET, NO. 713 FILED ON: 1/15/2019

SENATE . . . . . No. 62

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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:	
Joan B. Lovely	*Second Essex*	
Kay Khan	*11th Middlesex*	*1/25/2019*
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/29/2019*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/1/2019*

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SENATE . . . . . No. 62

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 62) of Joan B. Lovely, Kay Khan, Patrick M. O'Connor and Joanne M. Comerford for legislation relative to mandated reporter reform. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4852* OF 2017-2018.]

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:

SECTION 1. (a) There shall be a special commission to review existing mandated reporter laws and regulations and to report and make recommendations on how to improve the response to, and prevention of, child abuse and neglect. The report shall include, but not be limited to, findings and recommendations on: (i) improving or adding training requirements for employees, including employees of licensees or contracted organizations; and (ii) improving accountability in the mandated reporter system, including procedures for a mandated reporter to notify the person or designated agent in charge and responses to reports of intimidation and retaliation.

(b) The commission shall consist of the child advocate, who shall serve as chair and the following persons, or their designees: the secretary of health and human services; the secretary of

education; the secretary of public safety and security; the attorney general; the commissioner of elementary and secondary education; the commissioner of early education and care; the commissioner of children and families; the commissioner of the division of professional licensure; the chief counsel of the committee for public counsel services; and a representative of the Massachusetts district attorney association. The commission may consider input from any relevant organization, including but not limited to: the Children's League of Massachusetts, Inc., 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.

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