



To: The Honorable Charlie Baker, Governor
The Honorable Maria Mossaides, Child Advocate
The Honorable Michael Rodrigues, Chair, Senate Committee on Ways and Means
The Honorable Aaron Michlewitz, Chair, House Committee on Ways and Means
The Honorable James Eldridge, Senate Chair, Committee on the Judiciary
The Honorable Michael Day, House Chair, Committee on the Judiciary
The Honorable Adam Gomez, Senate Chair, Committee on Children, Families and Persons with Disabilities
The Honorable Michael Finn, House Chair, Committee on Children, Families and Persons with Disabilities
The Honorable Michael Hurley, Clerk of the Senate
The Honorable Steven James, Clerk of the House

From: Jennifer Franco, Massachusetts District Attorneys Association

Date: May 10, 2021

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 (MDAA) submits the following information relative to child abuse and neglect cases that have been referred for criminal prosecution during FY2019 and FY2020.² 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.

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.

² This report does not include Dukes County or Nantucket County District Court cases, as those cases are not contained in the database maintained by the Cape and Islands District Attorney.

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.

Please note that MDAA is reporting referrals as the number of new cases reported or referred to the District Attorneys during FY2019 and FY2020; 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.

	FY2019	FY2020
Abuse/Neglect Referrals (Per Child)	14,835	12,279
Referrals Closed without Prosecution	9,472	8,167
Criminal Cases Initiated (Per Defendant)	2,279	2,044
Criminal Cases Disposed with Conviction	1,065	816
Criminal Cases Disposed without Conviction	1,067	716

It is important to note that on March 10, 2020 Governor Baker declared a state of emergency due to the COVID-19 pandemic, which effectively shut down the Commonwealth, including state agencies and court houses. To date, the Commonwealth has not fully reopened. Only recently did the courts begin opening for business beyond emergency matters. The pandemic likely decreased the number of referrals, investigations, cases initiated, and cases disposed of in court. Nearly one quarter of FY 2020 was all but lost due to the pandemic. As such, the FY 2020 numbers in this report are not reflective of a “typical” year, particularly since the number of child abuse and neglect referrals have increased steadily each year.

The District Attorneys report the following as the principal reasons for decision 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 age jurisdiction (juveniles)
- Lack of location jurisdiction
- Statute of limitations elapsed
- No response from letter
- No crime

The District Attorneys believe that each agency utilizes all 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.