



To: The Honorable Maura Healey, 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 Robyn Kennedy, Senate Chair, Committee on Children, Families and Persons with Disabilities
The Honorable Jay Livingstone, 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 9, 2024

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

As required by G.L. c. 12, § 20D¹, the Massachusetts District Attorneys Association (MDAA) submits the following information relative to child abuse and neglect cases that have been referred for criminal prosecution to the eleven District Attorneys during FY2023. 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 to the District Attorneys. However, the District Attorneys also receive a significant number of reports from the police, 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 FY2023; 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.

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| Abuse/Neglect Referrals (Per Child) | 14,378 |
| Referrals Closed without Prosecution | 9,790 |
| Criminal Cases Initiated (Per Defendant) | 2,726 |
| Criminal Cases Disposed with Conviction | 1,013 |
| Criminal Cases Disposed without Conviction | 932 |

The District Attorneys report the following as the principal reasons for the decision not to prosecute:

- Insufficient evidence
- Psychological trauma
- No disclosure/victim denied abuse
- Competency issues of child/tender age of victim
- Therapeutically inappropriate
- Lack of jurisdiction
- Family unsupportive and unwilling to go forward
- 5th Amendment Privilege
- Statute of Limitations elapsed
- Motion to suppress/dismiss allowed by Court

The District Attorneys believe that each agency utilizes all available resources to serve victims, their families, and the public during the healing process and the resolution of these difficult cases. However, the District Attorneys report that the following resources would have assisted in these investigations and prosecutions:

- A new data tracking and case management system
- Additional crisis services for victims and their families
- Consistent information from law enforcement regarding charging and closeout