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 11, 2023

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

As required by G.L. c. 12, § 20D[1], 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 nine of the eleven District Attorneys during FY2022[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 shall be updated should MDAA receive data from the Middlesex and/or Northwestern 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 nine District Attorneys during FY2022; all other information relates to child abuse and neglect cases reported or referred to the nine District Attorneys in any year. Child abuse and neglect cases, from initial referral to final disposition, can take several years to resolve.

Abuse/Neglect Referrals (Per Child)	12,757
Referrals Closed without Prosecution	6,150
Criminal Cases Initiated (Per Defendant)	1,878
Criminal Cases Disposed with Conviction	658
Criminal Cases Disposed without Conviction	647

It is important to note that the COVID-19 pandemic and resulting court closures have had a significant impact on cases moving through the criminal justice process.

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
Lack of specificity/detail
Not in child's best interest
Lack of jurisdiction
Perpetrator is underage for prosecution
Family unsupportive and unwilling to go forward
Suspect unknown
Does not meet elements of a crime
Suspect incompetent
5th Amendment Privilege
Statute of Limitations elapsed

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. However, the District

Attorneys report that the following resources would have assisted in these investigations and prosecutions:

Funding for more specialized investigators, victim-witness advocates and prosecutors
Data Tracking System
Shortage of law enforcement
Shortage of forensic experts and tools
More prosecutors