

INFORMATION REGARDING CHILD ABUSE, ELDER ABUSE, AND THE ABUSE OF A DISABLED ADULT: SUPPLEMENT TO INFORMED CONSENT DOCUMENT

I have included the below information regarding mandated reporting of child abuse, elder abuse, and abuse of a disabled person for your information so that you may have more understanding of the process implemented when mandated reporters such as Psychologists make reports to the state. However, I am not a lawyer and this document is not intended as legal advice. Rather, this is used as a supplement to the patient-therapist agreement, being provided in the interest of offering transparency about the process of reporting abuse. If you would like more information the ways in which I tend to approach reporting abuse, please do not hesitate to ask me.

REPORTING CHILD ABUSE or NEGLECT

A diverse range of professionals, by virtue of their professional role, are mandated reporters of child abuse or neglect (e.g., physicians, psychologists, nurses, educational administrators, private and public school teachers, child care workers, priests, rabbi's, clergy, and etc.). In Massachusetts, psychologists are mandated reporters of child abuse and child neglect. If a Psychologist, in the course of his or her professional capacity, has reasonable cause to believe that a child is suffering from abuse or neglect, then he or she is required, by Massachusetts law, to immediately report such concerns to the Massachusetts Department of Children and Families (DCF) and to follow up with a written report within 48 hours. In addition to filing a report under this section, the mandated reporter may contact local law enforcement authorities or a child's advocate about the suspected abuse or neglect. Below are the types of concerns that would result in a call to DCF, the child's advocate, the DA, and/or the police:

- 1) Sexually exploited child
- 2) A child being a human trafficking victim or at risk for human trafficking
- 3) A child may be suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare
- 4) A child may be suffering from neglect, including (but not limited to) malnutrition
- 5) A child may be physically dependent upon an addictive drug at birth
- 6) A child died, possibly as a result of abuse or neglect, in which case the report would go directly to the DA and chief medical examiner

Many professionals first contact the 24-hour DCF hotline to consult about such concerns and to determine if such concerns warrant a call to DCF and/or the police. In many cases, mandated reporters also contact one or two professional colleagues to consult on the matter. The most ideal reporting situation is when the reporter also contacts parents directly with concerns and when they can call DCF alongside the parent. However, the reporter may not call parents or families if the reporter has concerns that including the parents in the process would put anyone in danger or cause further abuse to the child.

A report to DCF includes demographic information (child name, your name, child's age, sex); the nature and extent of current and past injuries, abuse, maltreatment or neglect; the circumstances which the reporter became aware of injuries, abuse, or maltreatment; action the reporter took to shelter or assist

the child; the reporters name; identity of the person responsible for the injuries, abuse, or maltreatment; people who might help establish the cause of abuse; and other information that might be useful to the department.

Many families have concern that a call to DCF by a mandated reporter will necessarily result in removal of the child from the parents. While this is certainly a possibility and may very well be the best course of action in certain instances, this is not always the case. Subsequent to a mandated reporter filing a report with DCF, if the report is not completely screened out, the following are among the services that may be available to support the health and welfare of the child who is the subject of the report:

- Casework or counseling (e.g., services to families)
- Legal services for families, children, or individuals who are clients of the department
- Information and referral services
- Residential care for children with special needs who are not suited for foster family care or specialized foster family care
- Informal education and group activities
- Training in parenthood and home management for parents
- Family services intended to prevent the need for foster care
- Temporary residential programs providing counseling and supportive assistance for families in transition and their children who, because of domestic violence, homelessness, or other situations, require temporary shelter and assistance
- Camping services
- Services for families and individuals in emergency and transitional housing
- Comprehensive youth development services
- Access to and coordination of medical, dental and mental health services for children in foster care whose families are receiving services from other state agencies

For information about DCF, go to <http://www.mass.gov/eohhs/gov/departments/dcf/>.

ELDER ABUSE

Elder Abuse is an act or omission that leads to serious physical or emotional injury of a person sixty years or older. Financial exploitation is included under the umbrella of elder abuse (exception is if the elder knowingly consented, unless misrepresentation, undue influence, coercion, or threat were involved). Elder abuse also includes the failure to provide things necessary for (1) the physical and emotional well-being of the elder and (2) living safely in the community.

Many professionals are “mandated reporters” of suspected elder abuse. These mandated reporters include coroners, physicians, physicians’ assistants, osteopaths, podiatrists, dentists, firemen, police, special services (OT, PT), psychologists, and others. These mandated reporters must, by law, make immediate contact with the Elder Abuse state hotline or the designated protective service agency, then produce a written report to the Executive Office of Elder affairs within 48 hours.

Anyone can report a suspicion of physical or emotional injury or death due to elder abuse. If the person reporting the abuse has reasonable suspicion, is acting in good faith, and did not perpetrate the abuse, they cannot be held liable in a civil or criminal action related to the report of abuse.

By law, no one can interfere with the delivery of protective services to an elder. The elder in question has the right to consent, withdraw, or refuse consent for protective services (if the elder has the capacity to consent or refuse, in which case there are various legal procedures in place to support the rights and freedoms of the elder).

You may find information about the Executive Office of Elder Affairs at <http://www.mass.gov/elders/>.

ABUSE OF DISABLED PERSONS

Abuse is an act or omission that results in serious physical or emotional injury of a disabled person. A reportable condition includes serious physical or emotional injury resulting from abuse, including unconsented sexual activity.

If a mandated reporter, in the course of professional services, acquires information that suggests that a person with a disability between the ages of 18 and 59 may have been abused, then he or she must report such concerns to the Disabled Persons Protection Commission, except when prevented by professional privilege, which can only be invoked by the disabled person his or herself. Reporting includes immediately notifying the commission, then providing the commission with a written report within 48 hours. In cases of death of the disabled person, reports are immediately communicated to the Disabled Person's Protection Commission, the District Attorney, and the medical examiner.

Every abuse report made to the Disabled Persons Protection Commission Hotline is reviewed first to determine if it represents an emergency or non-emergency and then whether or not DPPC has the authority to investigate. The troopers of the State Police Detective Unit (SPDU) assigned to the DPPC, review every intake report received by the DPPC Hotline to determine if there is an appearance of criminal activity.

You may find information about the Disabled Persons Protection Commission (DPPC) at <http://www.mass.gov/dppc/>.