Questions to Ask Before You File a 51A

Is my concern for this student related to family poverty, including homelessness or lack of food?

Have I checked to see if the student or the family is currently working with any other service providers?

Am I filing because I want the child or family to receive extra services?

Am I filing because of student attendance issues?

Am I filing because the family will not agree to special education services?

Am I filing because of student behaviors that I am seeing?

Have I checked to see if I have a bias that is influencing my thinking about filing?

Only after considering all the other alternatives should I consider whether I need to file. If so, I could refer the family to a food pantry or to 211.

Ask the family whether they are interested in engaging with a specific service in the school or community. Ask to connect with current providers to offer insight.

If so, I could refer the family to a Family Resource Center.

If so, I could refer the student to CBHI, for a special education evaluation, PPAL, or FRC.

If so, I could use the BSEA process, instead.

If so, I could refer the student for special education evaluation or CBHI.

I should stop, consider any unconscious biases that could be influencing my thinking and speak to a trusted colleague or my supervisor about my concerns.

Latinx children in MA are reported to DCF at <u>4.3x</u> the rate of White children and Black children reported at <u>3.1x</u> the rate of White children.

What Happens If You Call DCF

DCF screens in or out:

Out: doesn't meet definition of Abuse or Neglect (A/N) by caretaker. Services not offered to family.

In: may be A/N and investigation is needed.



Investigation:

Only 57% of calls get to this step. Timeline depends on whether DCF deems emergency or not. Some investigations last weeks.

DCF will often conduct a home visit where they extensively interview the caretakers and go through their home. This could take hours or multiple visits. They will often also call many providers and other people who know the family. Information sought in this process is not limited to the reason the 51A is filed. They will often interview the child in question.



 $\underline{\text{DCF decides whether it is a supported claim of A/N:}}$

A/N only found in 26% of 51As filed.



If DCF finds a supported claim of A/N:

DCF can file a C&P case to seek custody of the children, monitor the family, ask the parents to comply with tasks, make referrals for services, or close the case.



If Care & Protection is Filed:

DCF almost always asks for custody of the children and they are almost always removed from the home.

These cases often last for 12-15 months.

So You're Thinking of Filing a 51AFor Mandated Reporters in Massachusetts

Did You Know?

<u>90%</u> of educator-filed abuse or neglect reports are screened out or unsupported.

After being placed in DCF custody, students are:

3x more likely to be chronically absent; 7x more likely to experience grade retention; and 4x more likely to receive out of school suspension.

<u>Per DCF's regulations</u>, homelessness or poverty alone are not grounds for abuse or neglect.

Resources/Alternatives to Filing

CBHI (Children's Behavioral Health Initiative):

Behavioral health service providers for kids on MassHealth.

FRC (Family Resource Center): Connects families to parenting programs, support groups, early childhood services, information and referrals

Food Pantry: Helps families find a local food pantry.

PPAL (Parent/Professional Advocacy League):

Statewide family organizing that supports the wellbeing and mental health of children and families through education, advocacy and partnership.

<u>211:</u> Connects families to health and human services available in their community.

<u>Handhold:</u> Web-based support for parents with their child's mental health needs.

DCF Promising Approaches Guidance

"Mandated reporters are encouraged to carefully review each family's situation and to consider thoughtfully whether or not to file a report with the Department of Children and Families."

"Mandated reporters are encouraged to assess carefully the caretaker's and child's conditions, and to evaluate whether community services and support will strengthen the caretaker's resolve and ability to safeguard the child."

Definitions

Neglect (110 CMR 2.00): Failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care, including malnutrition or failure to thrive; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition.

Abuse (110 CMR 2.00): The non-accidental commission of any act by a caregiver which causes or creates a substantial risk of physical or emotional injury or sexual abuse of a child; or victimization of a child through sexual exploitation or human trafficking, regardless if the person responsible is a caregiver. **51A:** A report to DCF alleging abuse or neglect of a

51A: A report to DCF alleging abuse or neglect of a child by a caregiver or sexual exploitation.

Department of Children & Families (DCF): The state agency that handles child welfare matters, from evaluating reports of abuse or neglect to termination of parental rights and adoption.

Care & Protection (C&P): A juvenile court case in which DCF alleges that a child is at risk for abuse or neglect by a caregiver.

Mandated Reporter: A person who is required to report alleged abuse or neglect by the nature of their job.

Further Reading

<u>DESE Promoting Student Engagement, Learning, Wellbeing and Safety Guide</u>

<u>DESE & DCF Joint Advisory Regarding Mandated</u> <u>Reporting Responsibilities of School Personnel</u>

<u>"Preventing Child Abuse: Is More Reporting Better?" by Dr. Mical Raz</u>

"The Tool We Have': Why Child Protective Services
Investigates So Many Families and How Even Good
Intentions Backfire' by Kelley Fong

Stable Placement, Stable School: Improving Education
Outcomes of Children in Foster Care In Massachusetts by
Massachusetts Court Improvement Program