



FOSTER CAREGIVERS and CHILD PROTECTIVE RESPONSES

DCF is responsible for protecting children from abuse or neglect and for responding to reports that children may have been abused or neglected. Reporting of child abuse and neglect and DCF's role and responsibilities are defined in Massachusetts General Law Ch. 119, Sections 51A and 51B. The law requires DCF to investigate all reports that meet certain criteria.

DISCLAIMER: Please note that this document provides general information on the 51A process in Massachusetts. Every situation is unique, and individual circumstances and timelines may vary. For more specific information regarding your case, please contact the Department of Children and Families.

NOTE: For more information and support, contact the MSPCC Kid's Net Team: mspcc.org/kidsnet

Frequently Asked Questions

What is a 51A?

A 51A is a report alleging that a child or children may have been abused or neglected. Its name comes from Chapter 119, Section 51A of Massachusetts state law.

Why would a 51A report be made?

A report is made when there is reason to believe that a child has been or is being abused or neglected.

What is abuse or neglect?

MA defines abuse as: "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, the victimization of a child through sexual exploitation or human trafficking, regardless of whether the person responsible is a caregiver."

MA defines neglect as: "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."

Children Have A Right to Be Safe From These Conditions

Who can file a 51A report on behalf of a child in foster care?

Anyone who has reason to think that abuse or neglect of a child is occurring, or has occurred, may file a 51A report on behalf of a child in foster care.

Who MUST file a 51A report on behalf of a child in foster care?

"Mandated reporters", such as teachers, nurses, doctors, social workers, mental health counselors, child care providers, clergy, and coaches are required by law to report suspected abuse or neglect to DCF.

How does DCF respond to a 51A report?

A screener takes the initial report information. A cross-unit team is convened (that includes your Foster Family or Kinship Support Worker) to review the allegation, share information, and coordinate a response. A decision is made as to whether the report should be screened in or out, and, if screened in, whether it should be an emergency or non-emergency response. If it is screened in, it is assigned to a response worker from DCF's central office. Emergency responses are completed within 5 working days. Non-emergency responses are completed within 15 working days.

What happens when a DCF response worker contacts me?

Once a report of child abuse/neglect has been received by DCF, a decision is made about whether there will be further investigation or no investigation at all. If the report made on behalf of your child is opened for an investigation, a DCF social worker (also called a response worker) will be assigned to conduct the response, and will contact you. The response worker will make an appointment to come to your home to talk to you, your child(ren) and other family members to review the allegations made in the report and determine if your child(ren) is safe.

Can DCF staff visit my home without advanced notice?

Yes. DCF staff may come to your home unannounced in certain emergency situations.

How can I be sure the person who visits my home is a DCF employee?

The response worker will have a visible, state-issued photo identification. You have the right to ask to see their DCF identification badge when they visit your home. It is good practice to see the ID of any person visiting your home.

What happens when a DCF response worker visits my home?

During the visit, you will learn about the allegations in the report, and have an opportunity to share your feelings and thoughts about the report. The response worker will ask you for the names of your child(ren)'s teacher(s), pediatrician, school counselor, child care providers, baby-sitter(s), relatives, neighbors, or other persons who know you and your child(ren). The response worker can contact any of these individuals as part of the investigation.

You can also give the response worker names of people you would like them to speak with. The response worker will look specifically at whether the child in your care was endangered by your actions or inaction.

Can I have somebody present during the meeting with the DCF response worker?

Yes. You can ask a friend, family member, or loved one to be present to provide emotional support during your meeting with the DCF response worker. Kid's Net's Family Resource Liaisons (FRLs) are also specifically trained to provide support during this time, so you are encouraged to reach out to your FRL.

Will DCF share my information with anyone else?

Your information is shared only in certain situations. For example, the response worker will contact other people with or without your consent - such as a teacher/healthcare provider - as necessary to obtain reliable information which would confirm or disprove the reported allegations. Also, in instances where sexual abuse or serious physical abuse or neglect has

occurred, the police must be contacted. DCF is required to keep information about you and your family confidential if possible.

DCF is also required to notify the District Attorney, who has authority to file criminal charges, if it is determined that: a child has been sexually abused or exploited; a child has been trafficked; a child has suffered serious physical abuse or injury; or, a child has died as a result of abuse or neglect.

Employers hiring for positions that have direct contact with children can request a background check with DCF, and information about you will be shared if you have been identified as the person responsible for the abuse and/or neglect of the child.

How can I prepare for a visit by a Response Worker?

There are several ways you can prepare for a home visit:

- ✓ Arrange to have all of your household members available for the home visit;
- ✓ Gather and have ready any important contact information for the child's school, childcare, healthcare and other service providers;
- ✓ Gather contact information for others with whom you recommend that the response worker speak;
- ✓ Keep a written record of the home visit, other meetings and all communication with DCF during the response.

Remember to try to keep your focus on the child's well-being during the response process and, if appropriate and when needed, ask for help (from the child's social worker) to explain to the child what is happening and why.

Can I decline to talk with the Response Worker?

DCF is required by law to see and meet with everyone living in the home. DCF encourages foster caregivers to participate and cooperate with the response, as it is an opportunity for you to share your perspective about the reported allegation(s). Our goal is to be sure the child(ren) is/are safe. If a family prevents the response worker from visiting, DCF will seek help from the police or the court in order to check on the child(ren)'s safety.

We believe that by working together we can address safety concerns and build on the strengths of your family so that everyone is safe and healthy.

What Decision does DCF make at the end of the response process?

When the response activities have been completed, the response worker will evaluate what was learned from you and others and write a summary report that includes the response decision. DCF will send you a letter notifying you in writing of the outcome - the decision to either "support" or "unsupport" the reported allegation(s).

A **support decision** means that DCF has found reasonable cause to believe that the child in your care has been abused or neglected. The decision to support can be made even if DCF is unable to identify the person responsible for the abuse/neglect.

An **unsupported decision** means that DCF has not found evidence to have reasonable cause to believe the allegation is true, and that the child in your care has been abused or neglected. You will not have to do anything else related to the reported allegations.

What actions might DCF take after a decision to support a 51A?

When DCF makes a support decision and finds you as the foster caregiver of the child responsible for the abuse/neglect, any of the following actions can happen:

- DCF may conduct an interim assessment of the foster home, which will include the need for additional training and/or support services to keep the child safe and stable in your home.
- The DCF reassessment may result in a decision to allow the child to remain in your home **or** may result in the decision to remove the child from your care.
- DCF may remove the child from your care and your home may be closed to future foster placements.

What actions might DCF take after a decision to screen out a 51A report or to unsupported a 51A?

Following a screened out 51A report or an unsupported 51B response, an interim assessment of the foster family is likely conducted to make decisions about safety and risk. The Cross-Unit Team discusses: 1) timeline for response; 2) what information to communicate to the foster parent/s that does not put children in the home at risk or compromise the integrity of the interim assessment; 3) whether to suspend additional placements during the interim assessment; and 4) if any safety plans, services, and/or supports needed to stabilize the foster home and promote safety for the children in the home.

Can I request a copy of the 51B response report?

Yes, anyone who is the subject of a 51B response has the right to request a copy of the 51B response. If you are having issues accessing a copy of your 51B report, you are encouraged to reach out to your Kids' Net Family Resource Liaisons (FRLs) for support.

Can I dispute the response decision?

You have the right to appeal the decision and request an administrative review of the response outcome through a DCF "Fair Hearing" process. A fair hearing request must be submitted within 30 days of receiving the written DCF response decision. Your DCF Family Support Social Worker can help and support you and your family during the appeal process. The Ombudsman's Office (DCFombudsman@mass.gov) is also available to answer questions about DCF's protective response, respond to concerns you may have, and to offer additional sources of help. For detailed information or help in completing a Fair Hearing request, please call the Ombudsman's Office at (617) 748-2444.

Who else can help me when I have questions?

Your DCF Foster Family Support Worker (FFSW) is the primary person available to help you throughout the response process and after the outcome decision.

MSPCC's Kid's Net's Family Resource Liaisons (FRLs) are also trained to provide extensive support for foster families in the instance of an allegation of abuse or neglect. FRLs are

independent from DCF and can provide unbiased information on processes, timelines, and expectations regarding the 51A process. Learn more at mspcc.org/kidsnet

The MA Alliance for Families (MAFF) liaison in your Area Office is another resource for support.

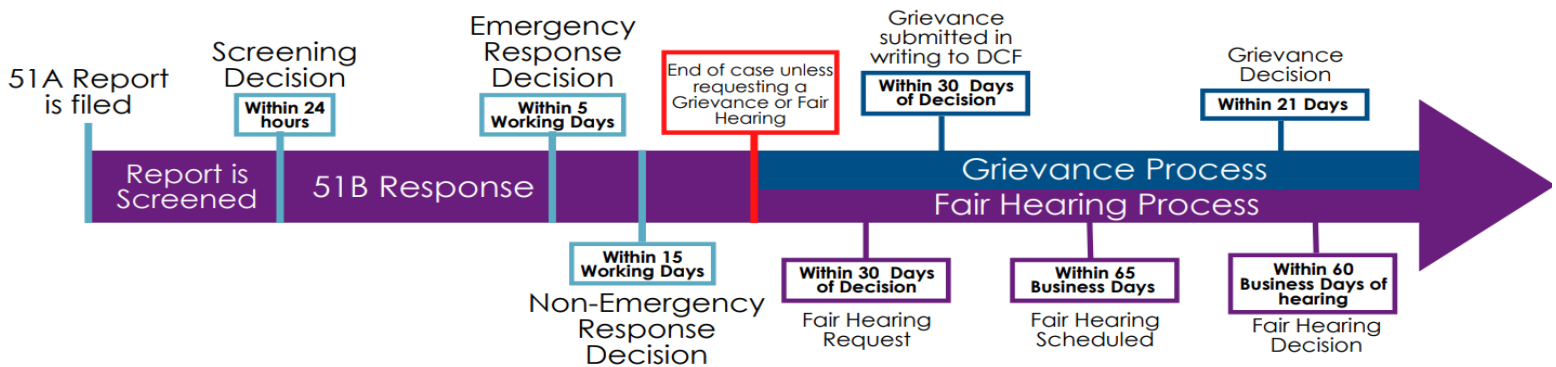
Finding emotional support during the DCF protective response process.

A reported allegation of abuse and/or neglect of a child is a very serious matter. When someone expresses concerns about the safety or wellbeing of a child in your care, going through the response process can be difficult, demanding, stressful and painful all at the same time. It is important to pay attention to your emotional health and to keep a positive attitude. It is also important to seek and accept help when necessary during this time. Although it is normal to be concerned and even anxious about the process, try to be patient as you wait for the DCF outcome summary and response decision. Here are a few suggestions to help you maintain your emotional balance:

- ✓ Continue with your normal daily routines
- ✓ Be helpful and cooperative with DCF in the response activities
- ✓ Keep open communication with your FFSW
- ✓ Use your emotional outlets such as physical exercise
- ✓ Get adequate rest
- ✓ Seek support as needed from your trusted community of family/friends (Please keep in mind that you may not share confidential information about a child in your care or about the circumstances of the 51A Report.)

What is the timeline from start to finish?

51A and B Process Timeline



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Child Protection Information

For more information about reporting child abuse and/or neglect:

- www.mass.gov/dcf for general information or to find a DCF Area Office
- **Child-At-Risk-Hotline:** 800-792-5200
- **Kid's Net Helpline:** 800-486-3730
- **DCF Ombudsman:** 617-748-2444 (9am - 5pm, weekdays) or for inquiries about DCF program, policies, procedures and/or services email: DCFOmbudsman@state.ma.us

Contact Us:

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MA Alliance for Families

www.mspcc.org/maff

MSPCC Kid's Net

www.mspcc.org/kidsnet Visit website for contact information and to learn how the Kid's Net team can support your family.