



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Children and Families

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Via e-mail

March 18, 2024

Ramola Dharmaraj
154 Pine Street
Quincy, Ma. 02170
ramolad@everydayconcerned.net

Re: Records Request received on March 3, 2024

Dear Ms. Dharmaraj:

The Commonwealth of Massachusetts, Department of Children and Families (“DCF”), hereby responds to your records request where you seek a copy of DCF’s investigative records concerning yourself and your child.

DCF case files and reports are exempt from disclosure under the Public Records Law. The laws that prohibit the release of these records include, but are not limited to: G.L. c. 119, §§ 51E, 51F (constraining the release of reports of child abuse and neglect); G.L. c. 66A (limiting release of information concerning data subjects); G.L. c. 112, §§ 135-135B (limiting release of social worker/client communications); G. L. c. 4, § 7 (26) (c) (prohibiting the disclosure of information regarding a personally named individual the disclosure of which may constitute an unwarranted invasion of personal privacy); 110 CMR 12.00 (regulating the release of Department records); 42 USC § 671(a)(8) (Title IV-E of the Social Security Act); 42 U.S.C. §510a(b)(2)(B)(viii)-(xi) (Child Abuse Prevention and Treatment Act); 45 CFR § 205.50 (Federal regulation of Title IV-E). A state agency may use the statutory exemption as a basis for withholding requested materials where the language of the exempting statute relied upon expressly or necessarily implies that the public’s right to inspect records under the Public Records Law is restricted. *See Attorney General v. Collector of Lynn*, 377 Mass. 151, 154 (1979); *General Chemical Corp. v. Department of Environmental Quality Engineering*, 19 Mass. App. Ct. 287 (1987) (Supervisors of Records cannot order disclosure of records if a state statute mandates nondisclosure).

Accordingly, this information is also “specifically or by necessary implication exempted from disclosure by statute.” G.L. c. 4, § 7, cl. 26(a).

Further, G.L. c. 119 § 51E requires DCF to maintain a file of reports prepared under G.L. c. 119, §51A through 51E. The statute, however, requires that this information is kept confidential. According to the statute, this confidential information may only be provided to parents or their legal counsels, guardians, reporting agencies, review boards, child welfare agencies or social workers. *Id.* While the Office of the Child Advocate (“OCA”) has access to these reports, no other party may obtain copies unless permitted as indicated in the statute. The penalties for unauthorized disclosure include a fine of up to \$1000 and possible imprisonment for up to 2 ½ years. *Id.* Similarly, G.L. c. 119, § 51F requires that any information contained in a central registry of information created by DCF “shall be confidential” and may only be disclosed to statutorily enumerated parties, including the OCA.

Lastly, while these records are not subject to disclosure under the public records law, you may have a unique right of access. Requests regarding personal records of you, your family or your client(s) must be directed to the area office that handled or is handling the case with a properly executed authorization to release information. For a list of our area offices please visit the following link: www.mass.gov/orgs/massachusetts-department-of-children-families/locations?_page=1

DCF now considers this request closed.

Should you have any questions, please do not hesitate to contact me.

If you believe DCF has violated G.L. c. 66, § 10, pursuant to G.L. c. 66, § 10A, you may submit an appeal to the Supervisor of Public Records in the Office of the Secretary of the Commonwealth or seek judicial review by commencing a civil action in Suffolk Superior Court.

Sincerely,

/s/Steven Treat

Steven Treat, Records Access Officer
Assistant General Counsel