



Mandatory Reporting Task Force | Meeting 18

May 8, 2024, Meeting Recap

Overview

The Mandatory Reporting Task Force is legislatively charged with analyzing the effectiveness of Colorado's mandatory reporting laws in keeping children safe, connecting families with the resources they need, and providing clarity to mandatory reporters. Integral to this analysis, the task force will continue to examine the relationship of these laws to systemic issues and disproportionate impacts on under-resources communities, communities of color, and people with disabilities.

Survey Response Review

The meeting focused on reviewing survey responses and expanding on the comments and ideas expressed in prior discussions and the survey.

Question 1: Situations Involving Multiple Mandatory Reporters

The discussion revolved around a specific section of the code that mandates reporting of child abuse or neglect by any person who has reasonable cause to know or suspect such incidents. The question posed was whether this section needed amending to address situations involving multiple mandatory reporters. Survey results showed that nearly 70% of respondents favored amending the section, while around 31% disagreed. The floor was then opened for further discussion.

Jordan Steffen provided context on how the survey was developed. The survey questions were structured to focus on each directive individually, breaking down complex issues into manageable parts.

Highlights from the discussion:

- Zane Grant emphasized the need for clarity and accountability in reporting procedures, especially in distinguishing situations with multiple observers.
- He proposed adding a clarifying sentence to allow joint reporting or reliance on one reporter, while ensuring non-reporting parties retain documentation.
- Jessica Dotter suggested removing the phrase "or cause to be made" from the reporting directive to assign reporting duty clearly to individuals with information and eliminating potential confusion.
- Michelle Dossey raised concerns about the challenge of ensuring that multiple reporters all have similar information before making a report and about discrepancies in information relayed between individuals.

- She also emphasized the burden on the system when multiple people generate separate reports, proposing modifications to Trails to accommodate multiple reporting parties.
- She advocated for standardized statewide practices in providing reference numbers for reports to enhance accountability.
- Jennifer Eyl agreed with allowing multiple people to make reports, though she also recognized that some individuals may still prefer to make their own reports for personal reassurance.
- Jessica suggested training recommendations for county department of human service intake and 911 operators to inquire about additional information sources, noting that this procedural aspect might not be best addressed in statute.

Question 2: Report Verification

The group moved on to discuss the second survey question, which asked whether there should be a required procedure for providing mandatory reporters who report information previously provided to county departments of human service or law enforcement with verification of the previous report and a reference number. Jordan shared the survey question in the chat, noting that there was an overwhelming yes response, with nearly 70% of respondents in favor of the requirement. Subcommittee members provided their thoughts and reflections on their response to this question.

- Kevin Bishop expressed uncertainty about the benefit of providing mandatory reporters with verification of a previous report and a reference number, noting potential burdens on law enforcement and county departments of human services with coordinating records.
- Doris Tolliver acknowledged potential confusion in survey responses, suggesting nuanced reasons for answers and highlighting the importance of reference numbers for individuals needing confirmation of a report.
- Jordan clarified the context behind the survey question, explaining its relevance to situations where multiple people have the same knowledge, and one is told the report has been made.
- Jessica agreed with Kevin's perspective, viewing verification as a procedural issue rather than something for statute, citing existing systems for obtaining verification.
- Jennifer found the survey question confusing, emphasizing the need for a mechanism to confirm reports made by others even if not in statute, to ensure all mandatory reporters fulfill their duty.
- Zane highlighted frustration among mandatory reporters – particularly in rural counties – regarding ignored reports and a lack of accountability within county department of human services structures. He advocated for accountability to prevent reports from being ignored and ensure mandatory reporters feel supported.
- Gina Lopez echoed concerns about consistency and accountability within county systems, emphasizing child safety and the importance of clarity and collaboration across programs to address child abuse effectively.

Regarding the duty and obligations of the state, county departments of human services, or law enforcement to provide information back to a mandatory reporter, Michelle Dossey provided three key points:

1. The statewide hotline, implemented in 2015, records all calls from the moment they start until they end, which mitigates concerns about changing information. The system requires linking calls to referrals, ensuring information remains together for the life of the report.
2. Agencies interpret the statute as not being able to confirm or deny whether a report has been made, leading to potential duplication if multiple reporters inquire. There's a loophole in the interpretation that allows a reporter to be off the hook if someone else makes the report, as long as they can verify it was made.
3. Multiple reports on the same family can affect risk assessments, potentially penalizing families. There's a need to modify Trails to allow for additional information to be added to a single referral, and potential statutory changes regarding confidentiality laws to provide mandatory reporters with information about prior reports.

These challenges may require process changes rather than legal amendments, except for potential modifications to confidentiality laws.

- Stephanie Villafuerte emphasized the need for a simple solution to address multiple reporters calling about the same incident, agreeing with Michelle on listing all witnesses and providing a referral number.
- She highlighted the existing features of the statewide hotline for capturing more information, addressing duplicate calls, potentially reducing disproportionality, and protecting reporters.
- She suggested focusing on cleaning up processes rather than developing new ones.
- Jessica's perspective shifts upon learning about the impact of multiple calls on risk assessments, finding it unfair and reconsidering the need for language in statute.
- She agreed about the need for county departments of human services and law enforcement to handle such situations but noted that current protocols may not fully address nuances.
- Michelle clarified that the risk assessment score is modified only if there's an actual assessment conducted, not for every referral, based on information in the enhanced screening guide. Only if a worker assesses the family incident does it count towards the risk score, and Michelle explains how prior assessments are documented and scored based on specific criteria. During the Review, Evaluate, and Direct (RED) Team review process, all referrals, regardless of outcome, contribute to assessing overall risk and potential disproportionality in families.

Question 3: Standardized Reporting and Sharing Processes

This survey question asked whether the task force should recommend creating a standardized process for county departments of human services and law enforcement to

use when receiving information about potential child abuse or neglect, especially when multiple reports are made. This aims to address scenarios where different parties may provide varying information about the same incident. The goal is to ensure consistency and efficiency in how such information is handled, shared, and acted upon by different agencies involved in child welfare and protection. This conversation took on a number of distinct themes, as presented below.

Streamlining the Reporting Process

The group discussed the need to streamline the reporting process, particularly in scenarios involving multiple mandatory reporter individuals witnessing the same incident.

- *Processes for Law Enforcement and Human Services:* Michelle Dossey called for standardized procedures when multiple reporters provide the same information to law enforcement and a county department of human services, especially in settings like emergency rooms or during emergency responses. Streamlining this process can prevent redundancy and inefficiency.
- *Expectations for Mandatory Reporters:* The subcommittee discussed protocols and expectations for mandatory reporters aware that others have reported the same incident. Clarifying these aspects can improve the reporting process, ensuring efficient sharing and action on relevant information.
- *Diverse Perspectives of Mandatory Reporters:* Cris Menz highlighted the varied training backgrounds of mandatory reporters – such as doctors, social workers, nurses, therapists, and others – leading to different interpretations and responses to the same situation. While this diversity enriches the reporting process, it also presents challenges in ensuring consistent and comprehensive reporting.
- *Establishing Clear Protocols:* Given the diverse perspectives of mandatory reporters, clear protocols and procedures for reporting incidents involving vulnerable children are crucial. It's important to streamline the reporting process to avoid redundancy and ensure effective communication of all relevant information to the appropriate authorities.
- *Balancing Diversity and Standardization:* Finding a balance between acknowledging the diversity of perspectives among mandatory reporters and implementing standardized procedures is essential. This balance ensures efficiency in the reporting process while allowing for varied expertise and insights. Ultimately, it aims to ensure critical information is documented and acted upon appropriately.

Addressing Issues through Legislative Action or Procedural Adjustments

- Kevin Bishop raised concerns about the potential implications of legislative mandates in situations involving multiple reporters. He suggested exploring alternative avenues, such as procedural changes, to streamline the reporting process and ensure all relevant information is captured without imposing unnecessary restrictions.
- This approach aims to maintain flexibility and autonomy for practitioners while achieving effective reporting outcomes and protecting vulnerable individuals.
- Jessica Dotter highlighted that not all recommendations from the task force need to entail legislative changes. She emphasized the effectiveness of procedural or process-oriented recommendations in addressing reporting system issues. This flexible approach allows for a nuanced response to challenges faced by practitioners and agencies, tailoring recommendations to the context of reporting practices and minimizing unintended consequences.
- Stephanie Villafuerte suggested that framing recommendations for process improvements doesn't necessarily mean prohibiting individuals from making reports; rather, it's about streamlining the reporting process for efficiency while still allowing individuals to report if they feel compelled to do so.

Clarifying the Roles and Responsibilities of Different Agencies

- *Distinguishing Roles of County Departments of Human Services and Law Enforcement:* Stephanie distinguishes between the roles of county departments of human services and law enforcement, seeing the former as the initial collection point for reports rather than the entity responsible for immediate assessment and action.
- *Emphasizing Documentation and Trust:* Stephanie emphasized the importance of documenting information from multiple witnesses, trusting that county departments of human services and law enforcement will analyze and act upon it during subsequent decision-making processes like RED Team meetings or supervisor reviews.
- *Strategic Approach to Managing Reports:* By recognizing county departments of human services' roles as a collection point and emphasizing trust in subsequent actions taken by them and law enforcement, Stephanie encouraged a strategic approach to managing multiple reports. This approach aims to avoid redundancy while ensuring all relevant information is appropriately documented and considered in decision-making.

Stephanie underscored the importance of balancing legal requirements with practical considerations. This perspective emphasizes the role of trust and individual responsibility in reporting instances of harm, while also acknowledging the need for systemic improvements to ensure effective responses to reports of child abuse or neglect.

Jennifer Eyl underscored the importance of clarifying reporting procedures in legislation, particularly regarding whether multiple reports are necessary in situations involving multiple mandatory reporters. The practical challenges faced by professionals in different agencies where varying levels of experience or training may exist was highlighted. Streamlining reporting processes can help ensure that all mandatory reporters understand their obligations and can fulfill them effectively, regardless of their experience or role within an organization.

Question 4: Delegation

The next question discussed considered delegation of the duty to report concerns of abuse or neglect. In a survey, the overwhelming majority of respondents (92.3%) said no to allowing mandatory reporters to delegate this duty to another person, while only 7.7% said yes.

The discussion delved into the complexities of determining whether delegation should be permitted in reporting abuse or neglect cases. It prompts further exploration of the implications, challenges, and ethical considerations associated with delegating such responsibilities.

A distinction was made between the two types of delegation:

1. *Designating a Reporter*: This refers to the scenario where one person is designated or chosen to make the report on behalf of multiple individuals who have the same information about an incident. For example, in an organization, if several employees witness the same event, one person might be designated to make the report to the appropriate authorities.
2. *Delegating Responsibility*: This involves transferring the responsibility of reporting from one individual to another who was not directly involved in the incident or who does not have firsthand knowledge of the incident. For instance, an employee informs their supervisor about an incident, and the supervisor, who did not witness the event, is delegated the responsibility to make the report.

The distinction is crucial for understanding the implications of statutory changes regarding reporting responsibilities and clarifying when and how delegation should be allowed in mandatory reporting situations without compromising the timely and accurate reporting of incidents of abuse or neglect. Additional points made during discussion:

- *Independence in Reporting*: There's agreement on the importance of individuals being able to make reports independently, without hindrance from institutional policies or supervisor directives. Clarity in legislation is crucial to empower individuals to fulfill their reporting obligations promptly and effectively, regardless of organizational hierarchies or preferences.
- *Internal Policies for Reporting*: While institutions may develop internal policies for mandatory reporting, there's a consensus against these policies restricting individuals with direct knowledge of incidents from making reports themselves.

- *Concerns about Bias and Collaboration:* Gina Lopez raised concerns about potential biases or collaboration among individuals considering making reports based on shared knowledge. This highlights the importance of ensuring reporting decisions are objective and transparent, particularly where biases or conflicts may exist.
- *Balancing Reporting Policies:* Kevin Bishop highlighted the need to strike a balance with internal policies to assist mandatory reporters without incentivizing excessive reporting, which could erode trust in professionals and exacerbate issues like disproportionality. Careful consideration of policy impact on community trust is essential.
- *Clarity in Policy Objectives:* Michelle raised questions about the purpose and implications of allowing institutions to develop internal reporting policies, advocating for clear language.
- *Practical Challenges for Reporters:* Stephanie addressed practical challenges for mandated reporters in making timely reports, emphasizing the importance of providing space and time for fulfilling reporting obligations. She highlighted the distinction between supporting reporting and encouraging it, stressing the need for realistic expectations and support for reporters.

Questions 6-10: Internal Policies

The discussion shifted to questions 6-10 of the survey, which focused on internal policies within organizations or institutions. The results of question 7 indicated a consensus against using organizational size as a determinant for establishing internal procedures or policies. Instead, participants emphasized the importance of focusing on the role and responsibilities of staff, regardless of organizational size. The emphasis was on ensuring that internal policies do not limit reporting freedom for individuals within the organization.

Question 9 of the survey asked whether internal policies, if they are permitted, should allow a mandated reporter to delegate their duty to report if they inform their supervisor or administrator of their concerns before making the report. Nearly 70% of the subcommittee voted against this proposal, indicating a preference against allowing mandated reporters to delegate their reporting duties in this manner. Only about 31% supported the idea. Discussion centered around several themes, as captured below.

- *Balancing Individual and Organizational Reporting:* The discussion highlighted the complexity of balancing individual reporting responsibilities with organizational procedures. Some argue that delegating reporting duties could streamline the process, while others express concerns about accountability and timely reporting.
- *Hands-off Approach:* Zane Grant suggested a hands-off approach to dictating internal policies within institutions, advocating for institutions to have the flexibility to develop their own procedures while aligning with legislative recommendations, rather than prescribing specific processes.

- *Flexibility for Organizations*: Some subcommittee members expressed an interest in allowing organizations to develop internal policies regarding reporting procedures, as long as these policies do not restrict individuals' reporting rights.
 - Stephanie Villafuerte provided context by highlighting that institutional reporting often involves appointing a third party to decide on making a report. This underscores the importance of ensuring institutions do not inhibit individual reporting rights.
- *Language*: Michelle raised a crucial point about the potential loophole in the language "shall make a report or cause a report to be made," which could allow institutions to dictate reporting procedures. Addressing this language could clarify reporting procedures and prevent manipulation by institutions.