



The Mandatory Reporting Task Force | Meeting 21
Specialized Occupations Subcommittee Meeting Minutes | June 5th 2024

Facilitators: Trace Faust
Members: See Appendix A

Introduction	<ul style="list-style-type: none">● Trace Faust welcomed the subcommittee and asked members to introduce themselves.● Trace provided time to the subcommittee to review the resources.● Trace brought the group back and explained that Soledad Diaz with Violence Free Colorado and Onnastasia Cole with CCASA are available as panelists to answer questions. That will be followed by a discussion.
Sexual Assault	<ul style="list-style-type: none">● Onnastasia introduced herself; she is standing in for Gina Lopz and is a part of CCASA. She said that her topics include domestic violence and supporting advocates in safety planning. Their biggest concern is child sexual abuse and ensuring victim safety and support through a safety plan and other supports. She said that there are often different reporting requirements. She said that the subcommittee can consider exempting advocates from mandatory reporting. Other states, like Oregon, have policies at the agency level to provide guidance for advocates; just because someone is not required to report, doesn't mean that they won't. It is not uncommon to have this exemption. She also said that advocates are usually in the best position to create policy because of their special training and experiences. She mentioned that an agency can have an internal policy to call it in as soon as a safety plan is made if the perpetrator is under 15 or an adult in a position of trust. She also wants to highlight directive 11. Teen sexual assault with peers is overlooked and not considered in this conversation. She said that youth have the highest rates of sexual assault but the number of teens that disclose is lower than the general population. She pointed out that a peer or an intimate partner is usually the perpetrator. She explained that these reports go to law enforcement which can be traumatizing, especially for children who already have experience with systems. She highlighted that it's important that victims feel trust between a therapist or another support; this trust can be broken by a report coming to law enforcement. She also said that partner organizations do comprehensive sexual education and they



struggle with reporting a situation disclosed to them since it usually breaks trust. She brought up a study which found that 95% of respondents indicated that they would pursue support services if confidentiality was ensured; that number decreased if a parent or caregiver would be notified to receive the support. She said that, in Colorado, teenagers can sometimes be too old for youth services but too young for confidential, adult services. She also said that mandatory reporters that inform teens of their duty to report can discourage disclosures. She continued that teens in these situations have many negative outcomes like PTSD, eating disorders, academic struggles, and more. She said that many studies show that positive experiences can mitigate the negative experiences of this trauma and that negative experiences can exacerbate them. She explained that CCASA is focused on minimizing fear, shame and blame as well as giving youth agency over their disclosure; there is a shared goal to connect youth with resources so giving youth autonomy over their disclosure is likely to help. She brought up that youth are gaining autonomy over their mental health care in Colorado. She reiterated the recommendation to exempt advocates from the mandatory reporter list; making this consistent would help them do their work best. She also said they could consider giving mandatory reporters discretion based on age and assessments on immediate danger; this would provide them an ability to report child sexual abuse while ensuring a trusting relationship between teens and advocates. She cited laws in New York as an example. She said that the cost is youth and teens not coming forward to seek help. Trace thanked her and summarized that she outlined key concerns and challenges as well as one clear recommendation; the factors are that reports go to law enforcement, teen agency, advocate trust, and a lack of access to resources because a teen did not disclose to anyone. Trace highlighted that these are the reasons for the recommendation to take advocates off the mandatory reporter list. Onnastasia said that was a good recap; she added a long term impact of teens having negative experiences and continuing to not seek services in their adult life. Trace thanked her.

- Ashley Chase asked about safety planning with younger children and an age consideration. Onnastasia said that, considering directive 7, in general



they are supportive of more time for safety planning even in child sexual abuse since family safety is a priority. She lacks context on this discussion. If advocates are exempt and they learn of child sexual abuse, they can still report; internal policies can also encourage reporting. Trace thanked them.

- Zane Grant asked if there should be a conversation about statutory consistency on this topic. Onnastasia said she needs to take this back to her team to think about it but it can be helpful to have a framework; this can create a conversation on how to create that framework and making sure advocates are a part of that. Trace thanked them and asked Soledad for her thoughts.
- Soledad said that she fully supports Onnastasia's recommendations. Thinking about the practicality, she said that something has happened when someone reaches out to an advocate; they are seeking help. They cannot fail when someone is seeking help. When they challenge the trust, the trust is lost in the advocate/ program but also in the system. She thinks that victim advocates build trust to build a bridge to the system and connect them with resources and support. When a teenager asks for help and the organization fails, so much is lost. She said she is focusing on victim advocates who get involved for a special reason when someone reaches out for help; her hope is to separate this from a school counselor which requires a different perspective. She explained that being responsive and trusting on this ask for help is very important for the rest of the process like disclosing to parents or law enforcement because someone that the survivor already trusts is there. Trace thanked her.
- Trace brought up an age consideration. Ashley said that her thought is age and circumstance (like a familial sexual abuse situation) since CPS should be involved in those situations. She said that a victim advocate can see lots of cases and some cases can need a report. She also said that she believes that people will still report even without a mandate to do so. Trace thanked her.
- Stephanie asked what an advocate's approach would be if there is a disclosure from a parent about another parent abusing a child. Soledad said that, as a social program director at a shelter, an advocate makes a report when the family is safe and supported. She said that when CPS



gets involved, the sheltered parent gets investigated and the abuser parent can learn about the sheltered family's location during a CPS investigation. She said that this can expose the family to more harm and destabilizes the family. She advocates for advocates not having to report because bringing the system in challenges their trust. She said that in some counties, the thought of being investigated by CPS is extremely scary for many families with marginalized identities and that there have been times when a family leaves a shelter after CPS investigates. Stephanie reiterated that Soledad is suggesting not requiring making a report and other system actors can make a report as information becomes available to them. Soledad said yes and that they support a parent making a report themselves, if they want to. She said that knowing that she is not mandated to report everything helps her support a parent make the report themselves, since people will still report without a mandate. Trace thanked them.

- Jessica Dotter said that these are valid concerns, especially with teens; an advocate can come into defender peril. She also explained that her organization has a paternalistic role and is thinking about what is best for the community rather than the individual level. She said that there is a divide between community organization and the system due to a lack of trust. She said that she loves working with organizations to build trust. She also said that a fear prosecutors have is cutting off advocates as a supply of information to the system. She wondered about modifying the statute to remove the mandate if the victim is over 15 and there is no immediate danger; this could create more leeway to allow for mitigating worries about young children not being protected as well as physical harm continuing to happen. She also brought up that there are 8 states that call out victim advocates as mandatory reports; this might not mean that Colorado is an outlier since many other types. She also mentioned that there are many different roles that are called out as mandatory reporters that are also housed in victim advocacy programs. She wonders about occupations that are in victim advocacy services and whether that would mean passing responsibility to someone else in the organization who is a reporter. She also brought up that victim advocates were added to Colorado's list in 1995; understanding on this topic has changed since



	<p>then but there has been a legislative document that stated that sexual assault is a huge program and adding advocates can add a psychological perspective to encourage survivors to report the crimes. She points out that there was a reason for adding advocates to the list of reporters and this reason still exists. Trace thanked her.</p> <ul style="list-style-type: none">● Trace reiterated the age consideration. Onnastasia said this warrants a larger conversation. She would go with age 13-18. She said that from her own experience, confidentiality is key. She agrees with parameters around age to consider public safety and reoffenders. She is open to exploring thoughts on this. Trace thanked her.● Soledad said that CCASA has expertise on sexual assault. She thinks age 13 is developmentally appropriate. As a mom, it is important to have certain backup from the system since parents can miss responses from abuse which creates a guessing game; a child could get their needs met with an advocate in that situation. Trace thanked her.● Onnastasia said that discretion with mental health professionals would be great. She did not talk to her team about this but she thinks that a survivor and their family seeking services would benefit from this discretion. Trace thanked her and moved the subcommittee to a break.● Trace moved the subcommittee to a break.
Domestic Violence	<ul style="list-style-type: none">● Cris Menz shared that her community has a safe to tell program. She wants to move CPS to be a supportive system and have the narrative match this; CPS is not there to hurt the situation more or to take away children. She said that there will always be exceptions to laws and that resources can be very limited. She wonders that if reports are not being made based on a protected status, will that create situations where someone fell through the cracks. She mentioned that safety is a huge concern in this area too; she is not clear if giving an exception gives more protection; maybe the laws can create a safety net. She wants to bring this up since rural Colorado has different considerations. She said that advocacy needs to be able to report; she also knows that her job is to try to fix systemic problems. She appreciates all that victim advocates do and collaboration will help make progress. Trace thanked her and said that rural considerations can be something the subcommittee keeps in mind



for all the directives. Trace also mentioned that they have heard the victim advocates advocate more for discretion rather than limiting report making.

- Trace electronically shared the next directive and invited Soledad to share her thoughts.
- Soledad shared that she is from Chile, a woman of color and has many privileges like a law degree. She said that in one day in 2023, 856 domestic victims were served and 262 hotline calls were received. She also shared that 1,200-1,400 calls are made a year and 187 service requests were unmet. She continued that there are about 1,000 people a day reaching out to get services and that community based programs serve, on average, 40-60% people of color. She brings this up to keep in mind who is impacted by the decisions. She also brought up personal stories shared from domestic violence survivors. She continued that it can take 7-8 attempts to leave to actually leave an abusive relationship. She brought an awareness about the time it can take to make the first call and what has to happen prior to that like finding the right time or a triggering event. She continued that it can take 3-8 calls for a survivor to look for shelter; it is difficult to get immediate shelter due to capacity. She explained that if there is a report made after the first call, they are running against time since it will be very hard to put a survivor in a safe place within 24 hours. She said that even if there is an arrest, a perpetrator can be released and there is a lack of resources to provide to a survivor. She provided an example that there can be recourse with a high risk protection order to get guns out of the house but this can take time. She explained that every safety plan will take longer than immediate due to challenges including fear, threats, financial support, shelter, food, transportation, and many others. She brought up the other challenges of an immediate report; there is a historical pressure on black and indigenous survivors due to systemic racism. When she serves a black or indigenous survivor, there is a level of fear and mistrust; systemic racism plays a big role in this. For immigrant populations, legal status can be used as a tool to coerce a survivor as well as cultural aspects used to pressure survivors; if the system gets involved, a person could be deported if convicted of domestic violence so the community can pressure the



survivor with this. She continued that there is also a lack of understanding and distrust. She also brought up that, In her experience, interpreters are not available within 24 hours. All of this is to say, that the immediate reporting requirement is very challenging and there are other challenges around navigating the system; everything an organization can do for a survivor will take longer than 24 hours. She brought up that these survivors are reaching out for help or they were referred by the school, medical professionals or law enforcement. She focused on safety plans; a protection order can be filed and heard within 30 minutes; this is not always the case in every county. She added a complicating factor of seeking an interpreter. She reiterated that there are so many barriers that make it hard to figure out a plan immediately. She asked how the interaction would feel to the survivor, knowing all these barriers. She said that if someone is in a shelter, they have many fears and misunderstandings. She brought up that some survivors have Spanish as a second language with an indigenous language as their first language. She said that a requirement to report immediately makes it very difficult to put together plans. Her recommendation is that victim advocates are not mandatory reporters; they can still report but not immediately. She also brought up having survivors report themselves with an advocate with them to support them. Trace thanked her and highlighted her points of recommending taking advocates off the list but if that is not possible, then redefining the immediacy requirement. Soledad agreed and Trace asked for more comments.

- Jessica said that she likes these recommendations a lot; having a delayed timeframe would be helpful since immediately is a challenging word. She said that immigrant populations have more difficulties in getting support in a timely manner if at all; this is an important consideration. Trace thanked her and highlighted her mention of a 24-28 hour timeframe. Soledad said 48-72 hours would be great and 72 hours is ideal; this would be to create a safety plan and take action on it so 24 hours is still a crunch. Trace asked Jessica's thoughts on this. Jessica said that if someone is arrested, they can be released the same afternoon. She brought up a fear of retaliation after an abuser gets bonded. She said that she doesn't



	<p>have a huge objection to 72 hours. She brought up calls for immediate safety concerns. Trace thanked her and said that this is a details question.</p> <ul style="list-style-type: none">● Stephannie said that she struggles with the disproportionate impact of this law; many victims have resources already and it doesn't become a system concern. She wants to address disproportionality and that it makes her uneasy that some families with resources slip through the cracks. Trace thanked her and asked what this implies. Stephanie said that she understands the advocates' arguments that these laws cause problems for victims trying to seek safety. Trace thanked her.● Kelly Sim said that there is a narrative that the state or law enforcement can be the best projector of children however wrapping families with services to be the healer seems like the main solution. It is about helping families be their own healers without state intervention. Trace thanked her and asked for closing thoughts.
Conclusion	<ul style="list-style-type: none">● Dr. Kathi Wells said that she echoed what Stephanie said and thanked the presenters. Trace thanked her.● Kevin Bishop said that he agrees with Kathi. Everything that puts impacted people in control is better. Trace thanked him.● Jill Cohen said that victim advocates have special expertise and victims might not come back for help after reports are made. She wants people to seek out help and to put discretion in the hands of experts. Trace thanked her.● Soledad concluded that the consequence is people not seeking help. When an abuser is engaged by CPS, violence increases. Community based organizations and law enforcement can build trust together but that should not be placed on the shoulders of survivors.● Onnastasia concluded that their request is to exempt advocates from mandated reporting since teen survivors can suffer negative consequences and that there is already increasing autonomy for teens in many areas. She is excited that the subcommittee is considering this.● Trace thanked them and thanked the subcommittee for their thoughts.



Kevin Bishop
Ashley Chase
Jessica Dotter
Zane Grant
Jill Cohen
Onnastasia Cole (for Gina Lopez)
Cris Menz
Soledad Diaz (for Roshan Kalantar)
Dr. Kathi Wells
Kelly Sim (for Crystal Ward Allen)
Shawna McGuckin