



Mandatory Reporting Task Force | Meeting 20

June 5, 2024, Meeting Recap – Specialized Occupations Subcommittee

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-resourced communities, communities of color, and people with disabilities.

Phase Transition and Subcommittee Organization

Phase One of subcommittee work concluded with recommendations; Phase Two will involve the next four meetings. Subcommittees will work over the next 3 meetings, then the full group will meet to review recommendations. Each subcommittee (Specialized Occupations and Data) has a list of directives for the next three meetings.

Review of New Resources

Bryan Kelley presented new resources developed for the task force. He highlighted the following:

1. *Mandatory Reporting Database Updates*: Added a comprehensive resource listing groups in each state required to be mandatory reporters, available in PDF and spreadsheet formats. He also introduced a new interactive map detailing state-specific exemptions from mandatory reporting, such as clergy and attorney exemptions, with relevant statute quotes and citations.
2. *Resources for Subcommittees*: A "crib sheet" in the mandatory reporting task force Google Drive helps members of the Specialized Occupations Subcommittee identify states with relevant policies for their directives. An electronic reporting platforms folder lists states with online reporting systems, aiding the Data Subcommittee's work.

These resources are accessible on the public website and Google Drive. The task force then broke out into the two subcommittees for further discussion.

Victim Advocates Panel

Trace Faust opened up the Specialized Occupations Subcommittee with a review of the directives being discussed: Directive VII tasks the task force with analyzing "reporting time frames for mandatory reporters who are creating a safety plan for victims of domestic violence, sexual assault, or stalking to ensure the safety of the victim and the victim's family members

while creating the safety plan” and Directive XI charges it with analyzing “mandatory reporting requirements for mandatory reporters who have knowledge or reasonable cause to know or suspect that a child or youth is the victim of dating violence or sexual assault”.

Onnastasia Cole and Soledad Diaz, stepping in for Gina Lopez and Roshan Kalantar respectively, presented their thoughts and responses to the directives, sharing their perspectives as advocates on a Victim Advocates panel.

Onnastasia shared her insights on these topics, focusing on safety planning and advocating for additional time for mandatory reporters to create safety plans for child sexual abuse cases. She emphasized the need to exempt advocates from mandatory reporting requirements, aligning with practices in many other states where victims advocates are not specifically named as mandatory reporters. Onnastasia highlighted concerns regarding teen sexual assault disclosures and the potential negative impacts of mandatory reporting on youth seeking support. She suggested giving youth more autonomy over disclosure and recommended granting mandatory reporters discretion in filing reports based on the survivor's age and relationship to the perpetrator. She stated that mandatory reporting requirements force victim's advocates to betray the trust of the youth, which can then cause them to avoid services and help in the future.

Onnastasia mentioned the need for internal agency policies to guide reporting practices, suggesting that while advocates should be exempt from mandatory reporting, agencies should still have clear protocols for addressing cases of child sexual abuse.

Zane Grant raised a question about whether the need for agency policies should be outlined in statute to ensure consistency in reporting practices. Onnastasia expressed an initial inclination towards supporting some level of statutory guidance to provide a framework for consistency.

Soledad emphasized the practical implications of the proposed changes. She underscored the vital role of victim advocates and the importance of maintaining trust with survivors. Soledad emphasized the role of these professionals to serve as a bridge between survivors and the broader system, facilitating a safer and more supportive environment for reporting and seeking help. It's not just the child or youth themselves who are navigating the system and building trust with victim advocates; it's also the adults who may be advocating on their behalf, such as parents or trusted family members. In cases where a parent or guardian is reaching out for help or support concerning their child, there's an additional layer of trust and responsibility involved.

Subcommittee Discussion

Ashley Chase highlighted the need to distinguish between different types of cases, especially those involving younger children and familial sexual abuse, where CPS involvement may be essential.

Stephanie Villafuerte questioned how victim advocates should handle disclosures of child abuse, particularly when the perpetrator is a family member, and sought clarity on reporting guidelines and age cutoffs.

Soledad shared the difficulties and risks associated with reporting child abuse in domestic violence shelters. She noted that survivors are already seeking safety and stability, and

involving child protection systems can disrupt this process and retraumatize them, especially those from marginalized communities.

Soledad advocated for a nuanced approach that considers the unique circumstances and vulnerabilities of survivors. She suggested that victim advocates should not be mandated reporters in cases where abuse is already known. She proposed collaboration with other systems, like schools, to address child welfare concerns without further trauma.

Stephanie sought clarification on the proposal to eliminate mandatory reporting requirements for victim advocates, particularly in cases of child sex abuse or physical abuse, questioning if other system players could make the necessary reports. Soledad proposed that victim advocates should support and assist parents in making reports themselves, ensuring the process is safe and empowering.

Jessica Dotter acknowledged concerns about the impact on trust and agency, especially for teens. She suggested modifying statutes to exempt certain age groups or situations from mandatory reporting requirements rather than creating an outright exemption.

Although their preference was still for an overall exemption, Onnastasia and Soledad supported age-based exemptions, suggesting a starting point around age 13. They emphasized the importance of confidentiality and autonomy for teenage survivors and the need for system support for parents who might miss signs of abuse.

Onnastasia suggested that mental health professionals should have discretion in reporting cases of abuse, particularly when youth seek services independently, to build trust and effective treatment.

Cris Menz highlighted the unique challenges in rural Colorado, especially in migrant communities, expressing concern about incidents falling through the cracks if exemptions are allowed. She emphasized the importance of advocacy in reporting to protect vulnerable individuals and called for collaborative solutions.

Key Themes from the Discussion:

1. Immediate Reporting Challenges

Immediate reporting can compromise a survivor's safety by not allowing enough time to develop a comprehensive safety plan. It often leads to increased fear and reluctance among survivors to seek help due to potential immediate consequences, such as the abuser's arrest and quick release.

2. Impact on Marginalized Communities

Black, Indigenous, and immigrant survivors face additional layers of distrust and systemic barriers. For immigrant survivors, legal status and fear of deportation add significant pressure and complexity.

3. Resource Limitations

Shelters are often full, and there are not enough resources to provide immediate safe housing. Access to interpreters and culturally competent services is limited, further complicating the support process for non-English speaking survivors.

4. *Advocate's Role*

Some believed that advocates should not be mandatory reporters to preserve the trust and safety of the survivor. The goal is to empower survivors to report at their own discretion with the support and guidance of an advocate.

5. *Urban vs. Rural Implications*

Policies should consider the distinct challenges faced by rural communities where resources are even more limited. The implementation of policies might need different strategies to accommodate these differences.

Consideration of the Idea of Victim Advocates Not Being Mandatory Reporters

Onnastasia and Soledad made two requests, in order of preference:

1. That victims advocates be removed as mandatory reporters to empower survivors.
2. (If the first isn't possible): "Immediacy" should be redefined to allow more time for proper support and safety planning. If domestic violence advocates cannot be removed from mandatory reporting, then a delayed reporting timeframe of 48 to 72 hours is necessary.
 - a. Reasons for Extended Timeframe:
 - i. *Interpreters*: Additional time is needed to secure interpreters, particularly for those speaking less-common languages or dialects.
 - ii. *Protection Orders*: The process of obtaining and serving protection orders requires time.
 - iii. *Safety Planning*: Beyond creating a safety plan, initial steps must be taken to ensure the survivor's safety, which takes time.
 - iv. *Logistical Support*: Arranging travel and other logistical support, such as booking a flight for a survivor to go to a safe place, requires coordination and approval from organizations, which is time-consuming.

Subcommittee Discussion

Jessica Dotter supports the idea of extending the reporting timeframe from "immediate" to within 24 to 48 hours. Allowing a delay would facilitate better safety planning for survivors. She expressed hesitation about completely removing victim advocates from the mandatory reporting requirement. She recognizes that immigrant populations in particular face significant challenges with safety planning, protection orders, and accessing support. She believes it's possible to balance public safety with a more educated and thoughtful approach to what survivors of domestic violence and stalking experience.

Some subcommittee members expressed concerns with these extended timeframes, as captured below:

1. *Public Safety*: Extending the timeframe to 72 hours raises public safety concerns, particularly around the potential for retaliation by the abuser.

2. *Immediate Release*: In cases where the abuser is arrested, they could be released on bond quickly, sometimes the same day, which heightens the risk for the survivor.
3. *Imminent Danger*: The longer timeframe could delay the response to imminent dangers that survivors face, such as retaliation from the abuser.

Jessica suggested considering language that allows for flexibility based on significant safety concerns, indicating that a rigid timeframe may not always be practical.

Stephanie expressed concern about the disproportionate impact of current laws. She highlighted that the current laws disproportionately impact families without resources, particularly those who rely on community-based programs. Many domestic violence victims with resources (e.g., credit cards, support networks) can avoid government interference and manage their situations privately.

Stephanie also pointed out that parents have a constitutional right to raise their children without government interference, which complicates the issue. This right allows parents to seek solutions for their children's safety without involving the government, unless the children are in immediate danger. However, she also understands the advocates' arguments that these laws can create problems for victims seeking safety and is open to reconsidering her stance on the issue.

Kelly Sim expressed reconsideration of the prevailing narrative that the state and law enforcement are the best protectors of children. Families, when properly supported, can be the primary protector and healer. She supports the idea of giving families more time (such as the proposed 72 hours) to address their situations. She also suggested looking at the ages of children when determining how to apply these policies, implying that different approaches might be needed depending on the age group.

Dr. Kathi Wells emphasized the importance of protecting children and acknowledges the barriers that mandatory reporting laws can create for families trying to seek help. She suggested that there should be education around the fact that while a waiting period for reporting might generally be beneficial, there may still be cases where immediate reporting is necessary. This nuance ensures that safety is prioritized in every situation.

Kevin Bishop emphasized the importance of putting control in the hands of those directly impacted by the situation. Kevin believes that allowing affected individuals to decide how to handle their circumstances is crucial. He supports the idea that those experiencing the situation should have the authority to determine the course of action. The people he works with are often prior victims themselves and are disproportionately affected by such laws. Kevin advocated for victim autonomy and supports the exemption for domestic violence advocates, emphasizing the need for those affected to have control over their situations.

Jill Cohen acknowledged the specialized expertise and dedication of those who advocate for victims of domestic violence, emphasizing the complexity and importance of their role. She highlighted the dilemma faced by advocates who must pause their support to fulfill mandatory reporting obligations, which can undermine the trust and continuity of care. Reporting can escalate risks for victims, potentially leading to retaliation and deterring future help-seeking.

Jill described the overwhelming burden on victims who must navigate various systems (such as finances, physical safety, children's safety, and school notifications) while already in a vulnerable state. Mandatory reporting complicates their situation further. Maintaining the trusted relationship between the victim and their advocate is crucial for effective long-term safety planning and decision-making.

Jill advocated for giving discretion to experts, allowing them to assess situations and decide the best course of action without mandatory reporting constraints. This could encourage more victims to seek help without fear of automatic interventions. Observing that other states have similar exemptions, Jill expressed comfort with the idea that not all professionals need to be mandated reporters, promoting a more supportive environment for victims.

Conclusion

Trace concluded the meeting by expressing gratitude to the speakers. The next steps included a quick closeout and checking for public comments, though none were noted. The next meeting is scheduled for June 26th.