



Mandatory Reporting Task Force | Meeting Two

February 1, 2023, 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-resourced communities, communities of color, and people with disabilities.

At its initial meeting in December, task force members expressed the desire to be bold in addressing these issues. Many expressed the desire to provide Colorado with innovative ideas and actionable recommendations for a new approach to mandatory reporting and family support.

Summary of February 1, 2023, Meeting

Directive Discussed: *The disproportionate impact of mandatory reporting on under-resourced communities, communities of color, and persons with disabilities.” (See C.R.S. §19-30304.2(7)(a)(II))*

Doris Tolliver, Principal with Health Management Associates, led the February discussion by presenting an overview of disproportionality and disparity in the child welfare system and the importance of understanding the impact of decision points, including mandatory reporting. Doris encouraged the audience to be bold and use discomfort as an opportunity to grow and learn.

Among the data presented, national data shows that professionals submitted 66.7% of all child abuse and neglect reports, with legal and law enforcement personnel being the largest source followed by education and medical personnel. Non-professional reporters submitted 17% of reports and the rest were from unclassified sources. In Colorado, Black children are overreported to the child abuse hotline 1.27 times more than their percentage of the population, while white children are underreported at about 0.64 in relation to their representation in the state population. Nationally, more than half of all Black children experience one child protective services investigation during their lifetime.

Additional data indicated that statutory language regarding neglect may not address the difference between intentional neglect and neglect due to a lack of resources. According to one of the panel speakers, mandatory reporting has become conflated with neglect and catching families and children in disproportionate ways, especially those in poverty. This has created barriers for agencies and has made it difficult to differentiate between neglect and abuse. Differential response has been implemented in Colorado, but it only occurs after a family has been reported. The stigma remains, and it's challenging to address neglect.

Doris then facilitated a discussion among a panel of speakers with various backgrounds and expertise, who highlighted the need to rethink the current mandatory reporting system that stigmatizes, traumatizes and often separates children from families. The panel included:

- Dr. Jerry Milner – Director of the Family Integrity and Justice Works at Public Knowledge and former Associate Commissioner at the Children’s Bureau
- Dr. Kathi Wells – Executive Director of the Kempe Center, Associate Professor, Pediatrics Child Abuse and Neglect
- Crystal Ward Allen – Senior Director Strategic Consulting, Casey Family Programs

Overall, the panel suggested creating a community-based approach, in which services and support are available to families, and an alternative reporting structure for reporters who recognize a family's need that does not rise to the level of abuse or neglect. They also emphasized the importance of understanding the trauma that families and children undergo when separated and preventing neglect before it occurs. The speakers also discussed the challenges and lessons learned from both Colorado and other jurisdictions that have developed community support and multi-disciplinary models to address the issues of mandatory reporting and disproportionate impact on vulnerable communities.

Additionally, the panel emphasized that while there is a large budget for child welfare, the majority of it goes towards out-of-home care and only a small amount goes towards primary prevention and community-based services. They advocated for more flexibility in funding and that a trusted, community-driven alternative system with networks of supports could be more effective in avoiding difficult situations for families.

Task force members and members of the public then shared their own insights and observations, highlighted below:

- Concern about the chilling effect on victims of domestic violence in disclosing their need for services.
- Challenges to provider-patient relationship and creating potential risks for the child.
- Striking the right balance between accessing resources and preventing harm to the child.
- A need to refine approaches and challenge assumptions about reporting and referring to child welfare.
- How child removal may increase the likelihood of children involvement in the detention system.
- Changing mandatory reporting laws alone is not enough as child welfare departments are often ordered to investigate and remove children from their families by the judicial system.
- Enhancing the capacity of community partners to serve families is important, but they often lack the skills and resources necessary to engage with families effectively.
- Raising the voices of those with lived experience, especially people of color.
- The need for a trauma-informed approach.