

Mandatory Reporting Task Force | Meeting Two

April 5, 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 April 5, 2023, Meeting

Directive Discussed: *Is mandatory reporting effective in serving children and families in Colorado? (See C.R.S. §19-3-304.2(7)(a)(I))*

Purpose of Child Welfare Services

Doris Tolliver, Principal with Health Management Associates, opened the April discussion by providing an overview of the goals of child welfare in Colorado, which include strengthening families' ability to protect and care for their children, minimizing harm to children and youth and ensuring timely permanency planning. These goals are reflective of a movement towards a more family-centered, prevention-oriented system in child welfare, but their actualization in policy and practice is still being determined. Members discussed a concern that the safety component of child welfare may be lost. As the group continued its discussion of the goals of child welfare, members detailed additional points the Task Force should consider when discussing outcomes for children and families who are the subject of reports by mandatory reporters.

Among the ideas raised during discussion:

- A distinction between reporting abuse or neglect and reporting concerns about a family.
- The language around the goal of child welfare reflects a philosophical shift towards prevention and using family and community as a primary intervention point to keep children safe.
- Concerns about the lack of representation for children in the reunification process.
- The current legal system seems to favor the parents over the welfare of the child.
- Mental health is identified as an important factor that needs to be considered.

National Perspective on Effectiveness

Dr. Kelly Fong, assistant professor of sociology at the University of California, Irvine, presented her research regarding mandatory reporting. Her research focuses on child protection services and the effectiveness of mandated reporting. The goal of her work is to understand the intention and impact of mandated reporting on children, families and communities.

Dr. Fong focused on the perspective of mandated reporters and outlined the challenges and obstacles they face. Mandated reporters operate in an environment where families are often experiencing poverty, domestic violence, mental health needs, substance use and homelessness. Mandated reporters do not have enough time to do everything they want to do for a family or child. They also have limited resources to navigate the social services system, making it difficult to provide the support they believe is needed. Because of this, they resort to calling child welfare services to solve problems, and reporting has become routine. Dr. Fong emphasized that mandated reporting laws, training and policies structure this culture of routine reporting. The main question raised is how mandated reporting laws, training and policies can be improved to provide better support to mandated reporters, families and children.

The conversation focused on the impact of such laws on educators, who have high rates of unsubstantiated reports. Dr. Fong explained that, in addition to legal obligations, educators often have moral obligations to report suspected abuse or neglect. However, concerns about prosecution for failure to report can also drive educators to report anything that could be perceived as abuse or neglect, which results in many unsubstantiated reports. The conversation also touched on the variation in mandated reporting protocols among organizations, sectors, and locations. Finally, Dr. Fong shared insights from her research, including the need for training and support for educators and the importance of balancing legal and moral obligations in mandated reporting.

The questions Dr. Fong proposed to the group:

- Is reporting to child welfare services the right tool to meet these needs?
- What are the aspirations of mandated reporters that we want to realize?
- What's the best way to do things like connect families to supportive services or to respond to these children in need?
- How can our laws and policies shift to facilitate that?

Lived Experience Panel

Four members of the task force – Shayna Koran, Nate Hailpern, Sam Carwyn and Tara Doxtater – shared their experiences and positions regarding effectiveness of mandatory reporting, and the reality of lived experience at a variety of intersections with mandatory reporting.

The panel members detailed their experiences with mandatory reporting as both children and parents. They acknowledged some positive aspects of mandatory reporting but also express concerns about biases, inaccuracies and potential weaponization against families.

Among the points made during the panel discussion:

- Concerns about biases, inaccuracies and potential weaponization against families, and the interpretation of what is reportable can vary.

- The positive aspects of mandatory reporting, including access to services and intervention opportunities.
- Feeling that child welfare services have been weaponized and the loss of sibling relationships and parent-child bonds.
- The cumulative impact of past involvement with child welfare services and the long-term consequences of having reports made, including legal restrictions.
- The trauma of separation for both children and families and the difficulty of reconnecting with children after being removed from them.
- Despite the access to services, there are still concerns about the overall impact of child welfare services on families.
- Anonymous reports are not truly anonymous, which prevents the growth of relationships between families and child welfare workers.
- The difficulty of being believed without certain titles or credentials.

In discussion with members, the following questions and thoughts were raised:

- Replacing mandated reporting with alternative strategies for families in crisis.
- Importance of building trust and providing options/resources instead of reporting to child welfare services.
- Need to focus on prevention over intervention and addressing judgment and parenting biases.
- Importance of communication, understanding and giving benefit of the doubt before reporting.
- Importance of cultural competency in addressing the needs of families from different backgrounds.
- Disconnect between mandated reporting and communities served, need for support and intervention that meets their needs.
- Importance of safety planning, identifying triggers and finding alternative solutions to prevent relapse for clients with substance abuse disorders.
- Building rapport with clients to create open and honest relationships, prioritizing child safety.
- Challenges of recruiting individuals from the same community to work in a harmful system.
- Importance of considering community perspectives and parallel referrals to community resources
- Need for honesty about personal biases and utilizing support from colleagues to center the child and avoid harm.
- Importance of policies and procedures that serve all individuals and disrupt racism and other forms of bias.