



Mandatory Reporting Task Force Panelist Pre-Meeting Survey Responses

Overview

The Mandatory Reporting Task Force is currently focusing its attention on the following directive:

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

During the meeting on Wednesday, July 19, 2023, the Task Force will continue the series of meetings in which they hear from broad categories of professionals currently listed as mandatory reporters under Colorado law. We have created very broad categories of professionals including:

- Medical / Mental Health
- Provider
- Education
- Legal
- Advocacy

Each Task Force member has been assigned to one of these broad categories based on their experience, current position and designation on the Task Force. A panel discussion will correlate with each category of professional and each panel will be asked to participate in a pre-meeting survey. Each survey will include the same questions, slightly tailored for each profession.

These documents are meant to serve as a primer for the larger discussion head during the meeting.

During the July 19, 2023, meeting, the Task Force will hear from two panels: the Provider Panel and the Education Panel.

Provider panel members:

- Cris Menz, LCSW - LotusOm, LLC
- Brynja Seagren, Chief Operating Officer for Boys and Girls Clubs of Metro Denver
- Zane Grant, MSW, LCSW - Executive Director for CASA of Pueblo

Provider panel member answers are below, education panel members and answers follow.

Question One : What is your perspective regarding the proportion of calls being made by professionals in your field in Colorado? Please feel free to provide specifics as they relate to your current role and/or experiences.

- **Zane Grant**
 - o “From the reports that we receive in our office, a vast majority of cases that end up being filed with the courts are due to a family’s interaction with law enforcement or mandatory reporters calling in suspicions, like hospitals when a new-born has tested positive for a controlled substance or schools when they have concerns about a child’s welfare.”

- **Cris Menz**
 - o “I agree that as a clinician it is important to make the calls. The lines get crossed in recognizing how often we report the same thing, same clients, and nothing continues to change. Sometimes we are the only hope that our vulnerable clients have at finding a way to fix their current situation. It is disheartening to know that we can treat them effectively in office, advocate for them and yet still they continue to be subjected to their daily trauma without hope of it changing. This is where the system is broken. We are trained to understand the long term effects for our clients and it seems to fall on deaf ears when we have those making their life decisions based on their legal training without taking into concern their mental health.”

- **Brynja Seagren**
 - o “Most calls being made are out of true concerns for child safety - specifically as it relates to physical abuse situations.”

Question Two: Generally, Task Force members have identified three broad reasons for why mandatory reporters file reports: (1) Concerns about the safety of a child; (2) Desire to connect children and families with resources and services; and (3) Concerns about legal liability for failing to report. In your experience, which of these broad categories is the reason most often cited by professionals in your field for making a report, and which is the reason least cited. Why?

- **Zane Grant**
 - o “Usually 1 and 3 are the two responses I receive when I train professionals on the current mandatory reporting statute. The conversation is generally something like, "I was concerned about the child and certainly didn't want to get in trouble for not reporting." I rarely hear mandatory reporters say that they made a report for resource purposes. It seems generally understood (regardless of accuracy) that we report only when there are concerns about suspected abuse or neglect.”

- **Cris Menz**
 - o “Concerns about the safety and welfare of the child. Our youth disclose many things to a clinician they have built rapport and trust with, thus disclosing very intimate and private details about their life to us. Least would be legality from failure to report. If we suspect, we report, not investigate. Better to report than to keep a child in need from not getting services they need.”

- **Brynja Seagren**

“Number 1 is the most often cited because our approach as a community organization with trusted adults opens this door. We are often the first disclosure for kids in our programs.

Number 2 is the least cited. As a community organization, we know that navigation of resources is usually ineffective through mandated reporting and there is a stigma attached to this source with our families. We are much more likely to refer families directly to other community organizations and agencies.

Number 3 is incredibly important to discuss as the consequences for failure to report for an organization and individual are more severe than consequences for over reporting.”

Question Three: To the extent reports by medical/mental health professionals are intended to request services or resources for children/families -- not intervention or removal -- what sort of alternative reporting method would you suggest?

- **Zane Grant**

- “I believe that it is not up to callers to worry about this. We should have internal standards within DHS to make determinations about what services would be appropriate for families after the call is appropriately screened. Otherwise, I fear that we will convolute our expectations and standards about keeping children safe while still being able to offer services. DHS should remain as the "clearinghouse" for these calls. The reporting method should remain consistent and stable for mandatory reporters working outside of child welfare.”

- **Cris Menz**

- “This is tough and every case is different. Sure services are awesome in cases of neglect, maybe emotion/physical abuse, but the child has to feel safe. I find removing child is difficult, for several reasons. I do not have an answer to this as I believe this is a process that may not need to happen if the reporting and investigation process were more regulated. Not sure.”

- **Brynja Seagren**

- “We should discuss a statewide framework for resource navigation through community organizations who already have minimized barriers of access to families and built trusted relationships. This needs to be funded to the organizations by the state.”

Question Four: Do you feel the outcomes of mandatory reports made by yourself or others in your profession match the intent behind making a report?

- **Zane Grant**

“I'm not sure I fully understand the question. When reports are made in my organization it is to take measures to protect the child or children in the situation. However, when we are involved, there has already been substantiated allegations of child abuse or neglect and sometimes the children involved in the case continue to be subjected to abuse or neglect by their caregivers - including foster parents or kin providers.”

- **Cris Menz**
 - “Yes, but intent is one thing, acting on the intent would be to investigate. Clients can’t be helped by us simply reporting, and many times that is where it stops.”
- **Brynja Seagren**
 - “Absolutely. Reports made are out of intense concern for the physical, emotional safety of kids.”

Question Five: The Task Force is required to consider the following: “Whether institutions that employ mandatory reporters may develop procedures to assist mandatory reporters in fulfilling reporting requirements, as described in section 19-3-307.” (See C.R.S. 19-3-304.2(7)(a)(XIV). What are your initial thoughts regarding internal procedures for making mandatory reports?

- **Zane Grant**
 - “I believe it is extremely helpful and important for professionals working within an institution to have guidance and assistance from their employers when they are required to report. There should be policies and procedures in place as well as transmittal forms to follow up in writing after a report has been made.”
- **Cris Menz**
 - “I think it should be more regulated to protect the client, family and the person reporting.”
- **Brynja Seagren**
 - “I think this level of discretion will drive massive inconsistency between institutions and lead to harm to children. I serve on a national committee for BGCA on this topic - and we see a HUGE variety of reporting procedures between states. Imagine the disparities with the procedural decisions living at the institution-level. Instead, we need to narrow the statute and carve out poverty indicators from true abuse/neglect.”

Question Six: What are the biggest barriers or frustrations for professionals in your field in making mandatory reports?

- **Zane Grant**
 - “Lack of response by DHS, frustration with getting DHS to understand their concerns about the safety and welfare of the child. Overall, there is a lack of training for mandatory reporters in many communities, especially rural communities. There are also troubling policies that sometimes exist that can interfere with a mandatory reporters duties - like a school district policy that doesn't allow teachers to make a report but rather it has to be routed to a school counselor or principal who then makes the decision about reporting. I believe that this violates the statute and is very frustrating to teachers in the classroom that have concerns that they believe should be reported.”
- **Cris Menz**
 - “No follow up with client or clinician after report has been made.”

- **Brynja Seagren**
 - o “That real concerns for child safety are often not investigated or inconclusive.”

Education panel members:

- Dawn Alexander, Executive Director of the Early Childhood Education Association of Colorado
- Michelle Murphy, Executive Director for Colorado Rural Schools Alliance
- Colleen O’Neil, Ed. D - Associate Commissioner, Colorado Department of Education

Education Panel Survey Answers:

Question One: In 2021, approximately 20% of reports filed by mandatory reporters in Colorado were made by education professionals. (This figure is from data prepared by Casey Family Programs.) What is your perspective regarding the proportion of calls being made by education professionals in Colorado?

- **Dawn Alexander**
 - o “I’m surprised it’s not a much higher percentage. Children are present with education professionals a majority of a day. It makes me believe there is a difference in interpretation of the regulations between school professionals and those in the early childhood industry. I would bet that a large portion of the 20% are in early childhood because of industry compliance requirements.”

- **Michelle Murphy**
 - o “Is this number high or low as compared to other mandatory reporters who engage with children regularly?”

- **Colleen O’Neil**
 - o “This number does not surprise me although it feels very high. Educators spend upwards of 7 hours a day, 184 days of the year with students. If the educator coaches or is an after school educator or sponsor, they spend even more time with their students. Some of that time is over the weekends and possibly in athletic events that take many hours of travel together and many overnight stays. Educators often know students at a level that many other professionals do not. And kids share information and/or share stories of their perception of events. It is hard for educators to balance the perceived needs of students with the reality of situations.”

Question Two: Generally, Task Force members have identified three broad reasons for why mandatory reporters file reports: (1) Concerns about the safety of a child; (2) Desire to connect children and families with resources and services; and (3) Concerns about legal liability for failing to report. In your experience, which of these broad categories is the reason most often cited by education professionals in making a report, and which is the reason least cited. Why?

- **Dawn Alexander**
 - o “Most cited: Liability (98% of the time); Least cited: concerns about child safety (2% of the time). Regulations in the early childhood industry remove any and all opportunity to make a decision on whether or not something might be abuse/neglect. If a new staff

member puts a leg over a child on a mat thinking it's a way to help calm their bodies so that they can nap, it becomes a reportable offense rather than a training opportunity. Everyone is told that it is not up to them to decide what is abuse/neglect and that everything has to be reported. If a child is out of sight, on a fully enclosed playground, safe but hiding or distracted and the teacher gets to the classroom before realizing that the child isn't in line they have to report it to the county. The county has to make a determination in all cases as to whether it's abuse/neglect.

When I was a licensing specialist I reviewed a situation, reviewed the director training response, saw improved outcomes for their new staff member. I was told to go back to the facility and cite them for not reporting it as abuse. I pulled up the definition of abuse and showed my supervisor that this situation did not meet the definition. I was told to go cite the program. When I did so, I gave them information and verbiage on how to file a stringency appeal but the damage was done. That is when I started looking for another job because I was not going to be a part of the system that was causing harm to the people who care for our children.

It was refreshing last month to hear medical personnel discuss their concerns about reporting. That is much more in alignment with the intent of the mandated reporter laws than what is happening in the child care industry.”

- **Michelle Murphy**

- “As an attorney, my discussions with educators focus on concerns about legal liability. After the report, when educators are called to testify in court proceedings related to the report (which should be confidential), concerns around primarily around safety for the child and the ongoing relationship with the family.”

- **Colleen O’Neil**

- “I would say it is a toss up between 1 and 2. Educators equally fear for the safety of students and want to connect them to resources when there is a perceived need.”

Question Three: The Task Force is required to consider the following: “Whether institutions that employ mandatory reporters may develop procedures to assist mandatory reporters in fulfilling reporting requirements, as described in section 19-3-307.” (See C.R.S. 19-3-304.2(7)(a)(XIV). What are your initial thoughts regarding internal procedures for making mandatory reports?

- **Dawn Alexander**

- “If a Director does any kind of internal review in order to understand what happened and provide support to staff in reporting they are cited for interfering with an investigation. The second a staff member is involved, communications surrounding the incident have to stop immediately until the county comes out in person. They can't even watch a video of the incident so that they can confirm what they were told. For school districts, I've been told in parts of the state (when I worked for the health department) that they tell their personnel that they only report internally and it is handled there.”

- **Michelle Murphy**

- “Schools are already required by law to develop these procedures and provide training. This requirement makes sense in law and must be coupled with resources and supports from the State. Without adequate supports in place if/when reports are made, mandatory reporting seems to create more problems than it solves.”

- **Colleen O'Neil**

- "I think many school districts, charter schools and BOCES would appreciate clear procedures and help in assessing the need for students. Teachers want to do what is best for kids (like so many of us) and they default to the process they think is in the best interest of the child. I personally have learned so much about the system just during this working group. Teachers often don't understand the pitfalls and problems that can happen if they report without clear determination. They just want to help kids. Better policy and procedure to assist in filling out mandatory reporting forms would sincerely help out educators be more clear about the reporting and their concerns."

Question Four: To the extent education professionals intend to request services or resources for children/families -- not intervention or removal -- what sort of alternative reporting method would you suggest?

- **Dawn Alexander**

- "We encourage programs to provide resources (coat exchange days) and printed resources for food banks, etc. in their community. In over 15 years in the industry I've never once heard of someone calling because clothes were dirty or the family appeared to be lacking in resources. It's all about the licensing requirements for the industry."

- **Michelle Murphy**

- "My primary concern in this context is around building the support network necessary to provide services and resources for children/families. However, I do have concerns around mandatory reporting when applied to teachers and other professionals who have ongoing (and often confidential) relationships with the children/families and see the need for alternative reporting methods in that context (atleast)."

- **Colleen O'Neil**

- "This is a tough one for me, as in some cases, teachers will come to me as a school or district leader and mention that they need resources (as opposed to mandatory reporting) and I can help make that connection. I think one needs to pay particular attention to the school setting because teacher are with these students so much of the day/month/year. Better training and a simpler format for reporting for resources could certainly be helpful. Just asking that question often is helpful in the process (are you looking for resources for the student/family or are you concerned with safety?) Asking that question over and over helps teachers get clearer in the need."

Question Five: Do you feel the outcomes of mandatory reports made by yourself or other education professionals match the intent behind making a report?

- **Dawn Alexander**

- "The outcomes consistently undermine the child care community. Frequently county staff walk in with threatening demeanors, indicating that they will close down a program before anything has been investigated, even posting signs on entryway doors that an investigation is underway. I have numerous horror stories from this year alone in 3 different parts of the states. Heavy county response, heavy state response (licensing after the stage I report follows up with a stage II investigation to look for licensing concerns---even if something is unfounded by the county). CANDORS expunges the record, or the court finds a teacher not guilty. Those early childhood professionals leave the industry because of the way they've been treated. No support. No system mindset

that we are in this together. It is so destructive to a program and frequently begins with a mandate to self report the incident.”

- **Michelle Murphy**

- “In light of my earlier response, as an attorney, the report limits concerns @ legal liability. However, additional concerns arise in this context if called to testify. Also, all too often, resources provided for short of what the family needs (due to a myriad of reasons)”

- **Colleen O’Neil**

- “No, not always. I will also say that we don’t always know what happens and aren’t familiar with the outcomes.”

Question Six: What are the biggest barriers or frustrations for education professionals in making mandatory reports?

- **Dawn Alexander**

- “The majority of incidents are self reported because of the licensing requirements (even though they fall outside of the definition for abuse/neglect). The county never comes in taking that into consideration. They enter in attack mode and they leave people in shambles when they depart. Then to add to the shock and awe of the situation, child care licensing comes out, having been predetermined from the county report, licensing violations (2 months or so after the incident). If anything is founded by the county then they are, in the majority of cases, placed on probation. The process for that determination takes at a minimum, 6 months. Then they are usually on probation for 1 year. Licensing says that it can be for 6 months but I’ve never seen that. From the point that the stage II is conducted going forward, they are inspected every 27 days at a minimum. From start to finish, a program is embroiled in the system for about 2 years before they see any relief from a self report. We lose early childhood professionals over so many situations that don’t meet the definition of abuse/neglect. It’s tragic how the entire process makes people feel.”

- **Michelle Murphy**

- “Lack of resources once a report is made, capacity of local responders, damage to relationships, lack of clear understanding as to what behaviors must be reported.”

- **Colleen O’Neil**

- “Clarity of process and requirements. Reducing the fear associated with reporting and the fear associated with not reporting. Positive presuppositions are also really important here. It is frustrating when an educator reports and then feels somewhat vilified if the report is unfounded (I also know parents/families feel that same way when not founded - it can be a real catch-22).”