



The Mandatory Reporting Task Force | Meeting 16

Reporting Processes Subcommittee Meeting Minutes

Facilitators: Jordan Steffen

Members: See Appendix A

<p>Introduction</p>	<ul style="list-style-type: none"> • Jordan Steffen welcomed everyone and read the directives that the subcommittee will address. She outlined how the directives are described in the task force statute. Some directives are prompting yes or no answers; some directives require analysis. Michelle Dossey reiterated that the law is very vague about if multiple people witnessing the same incident need to all make a report. Jordan continued to explain a court of appeal decision about professional capacity. She asked for any questions. Dr. Kathi Wells asked about how the task force would interact with the court’s decision. Jordan said that the task force is intended to clarify the law. She asked for other questions. There were none • Jordan explained the note catchers and directed subcommittee members to record their notes and thoughts. • During the note taking time, there was a clarifying conversation about reporters with “the same information”. • Jordan brought the subcommittee back and started the conversation about the definition of immediacy.
<p>Definition of Immediacy</p>	<ul style="list-style-type: none"> • Jordan read the directive and welcomed discussion. • Michelle Dossey said that she appreciates there is a more immediate timeline than we thought; she appreciates the states that use the phrase “as soon as practicable”. She said that she appreciates states that combine the term immediately with a deadline at the end of it. There is a caution to think about the rights of a child getting out of danger and not allowing days to go by before a report is made about the child. She said that if she thinks about who it is that we are trying to honor, she would encourage no more than a 24 hour deadline; 48 hours is a lot for children in specific situations like sexual abuse. Jordan thanked her. • Kevin Bishop said that when looking at the definition, it means without hesitation and that creates so much opportunity for problems. He said he is not in favor of only using the term “immediately”. He said that he trains on a 24 hour timeline. With his particular field, he is required to get consent to share information so he has constraints like difficulty getting into prisons. He is in favor of a little more time but not completely against 24 hours. Jordan asked about addressing these concerns in the specialized occupations conversation and keeping a 24 hour time limit. Kevin said yes as long as people have time to consult. Jordan thanked him. • Jessica Dotter said that she agrees with Michelle. She prefers states that have a 24 hour time limit along with the phrase “as soon as practicably possible” as this leaves a lot of leeway and discretion for particular situations. She noted the complexity by saying that while she wants to give reporters more clarity and less fear, but by having 24 hours there could be instances like Kevin was explaining where it could put people in a pinch. It is important to balance giving a time frame limit and the potential issues it could raise. All in all, she agrees with as soon as



practicably possible and no later than 24 hours is a good combination. Jordan thanked her.

- Cris Menz said that her population is mainly youth as she was in the school system. She said that she lacks the ability to get more information when it is presented to her. “Immediately” might not always work as a timeframe since she has back to back appointments so she likes the use of a time frame maximum. She asked about ‘upon receiving information’. She asked if this would be first hand or hearing it from someone else which can be very vulnerable to biases. She was always trained on reporting rather than investigating. The clarification would be around hearsay knowledge. Jordan thanked her. Michelle mentioned that it is about first hand knowledge but there should be clarity here. Jordan thanked her and asked for more comments on timeframes before talking more about second-hand knowledge.
- Carlos Castillo said that he is in favor of how it is currently; this topic has not seemed to have created any problems so far. Average people know what immediately means as the next opportunity that they have. Law enforcement wants this information as soon as possible to get processes started. Jordan thanked him.
- Zane Grant said that he likes immediately since it is about protecting children. He worries about that causing issues. When thinking through scenarios, immediate could be used for instances that are life threatening. There could also be a difference between abuse versus neglect. There are times that call for in the same moment immediate versus times that are less urgent. He wonders about including language on urgency to help reporters delineate. He hopes that most reporters are reasonable and can understand the urgency of the citation. His other point was about first-hand knowledge; sometimes people confide information with him in an informal consultation so he would like to clarify first-hand knowledge. Jordan thanked him.
- Kathi said that she wants to talk more about specific scenarios but as far as the timeframe, she thinks that it should stay immediate as well as practicably possible. It should also include a “no longer than” amount of time. She would rather have this be explained clearly than teased out in other areas. It’s helpful to include this so people can understand what is expected or if they need to make themselves available instantly to address making reports. She also brought up making a report before information from tests come back. If more information is coming but there are kids to be worried about, there is discretion there. A report can go in before all information is back so it could be more helpful to wait until more information is obtained. In sum, she likes immediately or as soon as practicably possible but no later than 24 hours. Jordan thanked her.
- Lori Jenkins said that she agrees with everything said. She wants to clarify passing off reports to someone else. She has found that the information is not passed correctly to law enforcement of child welfare. So the result is that the situation gets screened out and the abuse continues. She likes the idea of immediate but it needs more clarity on what this means. She also said that



people tell her things in informal consultations so she would also want more clarity around second-hand knowledge. Jordan thanked her.

- Jordan checked time and recapped the process for the subcommittee meetings. She also took a straw poll about this directive. Michelle Dossey said that the database lacks the specificity of the forum of the reporting; she highlighted Colorado language about oral reports happening immediately and following up with a written report. Most reporters do not follow up with a written report and when they do, the information is different between the reports. She thinks the subcommittee should consider immediate oral reports or online reporting. Jordan thanked her. Jessica asked where to find the oral and written distinctions in statute. Michelle said she would send it to her. Jordan highlighted the points of the conversation: time frame language, source of information (first-hand/second-hand), manner of report (oral/written), special circumstances and professions which will be talked about more in coming phases. Jordan asked for any more comments about timeframe language. There were none. Jordan asked for a loose poll of people who like language about 'immediately/reasonable time but no longer than 24 hours'; Michelle, Jessica, Zane, Kevin, Ashley, Lori, Kathi, Chris all responded yes. Kathi asked for language that people prefer if they did not vote yes in the loose poll. Gina Lopez said that her concerns around the discussion of urgency is the type of abuse being considered. The potentially fatal aspect of some types of abuse is the only reason she did not vote yes. Jordan asked for any additions to the conversation about timelines; she is also recording the electronic comments in the chat.
- Zane said that the subcommittee should clarify that the knowledge leading to a report being required should be first-hand. He has seen policies that directed teachers to tell admin who would make the reports; he suggests having the people who made the observation or was told the information to make the reports. This is because there are certain aspects and facts that get left out when reports are made by second-hand sources. Jordan thanked him.
- Jessica said that she wants the person who has the information to be the one reporting. This is achieved in the language. The person who has reason to know or suspect abuse should report. She thinks that the clarification would be around having a supervisor report. She hesitates to include language around hearsay since it is a different definition in and out of the courtroom. Jordan thanked her.
- Kathi said that whatever is done, the task force should distinguish that a reporter does not have to witness the abuse in order to make the report. Some clarity around situations when a parent tells a reporter that a child told them concerning information but the reporter witnesses nothing to that effect would be important. There are considerations around if the parent is protective or not and if a child is too young to disclose anything. These distinctions would be helpful.
- Jordan said she is going to send a follow up survey around the other points. She asked for the language shared electronically to be added to the survey.
- Kathi said about institutional reports; for example, telling a social work team to make a report. Jordan said this is a separate conversation in the next subcommittee meeting. She moved the subcommittee to the next directive.



<p>Professional Capacity</p>	<ul style="list-style-type: none">• Jordan read the directive regarding professional capacity and welcomed conversation.• Cris made an analogy of therapists to law enforcement professionals to illustrate that her duties do not end off the clock; ethically it is not okay to ignore it. If there is a license attached to a job, then that should be at stake when things are not reported. Jordan thanked her.• Michelle Dossey said that this is something she struggles with a lot. She thinks that reporters should be encouraged to report all the time as it is a moral obligation but she is unsure that it should be mandated for all reporters to make reports from their personal capacity since that will increase the amount of reports. Jordan thanked her.• Jessica said that mandatory reporting is required for some professions but anyone can report. She said that she agrees with Kevin that it should be clarified in the statute. She said that she lands where Michelle is at. A podiatrist might not continue this duty beyond their time at work. However, there are professions that people especially rely on regarding reports of abuse and neglect, maybe these professions could be extended but not others. This might go into the conversation about who mandatory reports should or should not be. There could also be tiers for reporters regarding anytime or only within a professional capacity. This could be decided by who is relied on frequently and if these people are specially trained. She said she is curious about other states. Jordan thanked her.• Kathi said that she is conflicted too; there are moral and ethical aspects to consider. As a pediatrician, she gets many questions and it can be hard to delineate professional and personal capacity. She thinks that the mandate should apply when people are working in their professional capacity and while there are ethical and moral issues, she worries about a chilling effect on building trust if the mandate always extends beyond a professional capacity. She also had a question: are the protections as a mandated reporter reporting in good faith still available for those reporting outside of their professional capacity. Jordan thanked her.• Zane said that this was the point he was going to make. He is in favor of making mandated reporters on the clock all the time. He likes Jessica's idea of a tiered approach. He recalled a situation when he reported a neighbor and being a mandated reporter protected him. Jordan thanked her.• Kevin said that he has noticed that there are degrees that require being a mandated reporter rather than a profession. He also brought up mandated reporters that changed jobs and if this continues a requirement to be a mandated reporter. He appreciates Jessica's points. Jordan thanked him.• Ashley Chase said that her instinct is to have the requirement exist only in a professional capacity and not take a tiered approach. She thinks that nothing will prevent someone who thinks a child is in danger from calling. The fields discussed like social workers and doctors are more likely to call regardless since they are more familiar with this. The egregious examples discussed are not causing the problems the task force is looking to solve; we have problems with people thinking that they have to call, not people not calling enough. The worry
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	<p>comes from reporters feeling a burden on them constantly and feeling anxious about liability. If there is a clear capacity, it could take away some of the anxiety. She brought up Zane's comment and said that a person she knows had to stop seeing their family since they did not want to make a report against them. It's hard to balance both sides of this coin. She tends to prioritize adding clarity and guardrails to reduce anxiety since people will report when they need to.</p> <ul style="list-style-type: none">● Jill said that her comments are almost exactly the same as Ashley's. She said that she supports language about mandatory reporting being in someone's professional capacity 100%. She also brought up the concept of a mandatory supporter in her personal capacity. When thinking about the examples discussed, people will not get prosecuted if they report something outside of their professional capacity. The professions discussed are also typically the ones that feel the most compelled to make careful decisions about these topics. Jordan thanked her.● Michelle Dossey said that she wants to lift up what Jill said about being a mandated reporter in a professional life. She wants to avoid disproportionality when reporters do not have enough information. It is not always a community members' duty to investigate. Some situations get overreported due to assumptions. This is why she landed on not requiring reports outside of a professional capacity but encouraging reports in a personal capacity since these reports can lack important information. Jordan thanked her.● Jordan moved to a straw poll: "clarify the law to limit a duty to one's professional capacity". Michelle, Kathi, Kevin, Ashley, Jessica, Jill, Tara, Gina, Cris, all answered yes. The second question is "provided the recommendation, the legislature should address extending good samaritan laws if someone reports personally". Jill asked if non-mandatory reporters are covered if they make a non-malicious report. Jessica said not necessarily. The statute covers any person participating in the good faith of making a report or otherwise pursuing their duties of mandatory reporting. Kevin said that it doesn't feel like it's there. Jordan said that the language could strengthen it. Jessica said that maybe it could be held at the next subcommittee meeting to give people time to read the language. Jordan said that she will include the question in the survey. She asked for any last comments; there was none.
Duplicative Knowledge	<ul style="list-style-type: none">● She explained the directive regarding duplicative knowledge and said that it could be discussed more in future subcommittee meetings. She said that there is not a lot of information about this topic in other jurisdictions.● Kathi said that they would need to clarify any mandates for a reporter to report and new or independent knowledge. Another thing would be to not diminish the response of the mandated reporter. In her lens in a hospital, the social work team makes the report. If the social work team decides not to report, someone could still have a responsibility to report. There should be clarity around this. Jordan thanked her.● Michelle said that there should be clarity if there are multiple mandatory reporters hearing the same information at the same time and if they are excluded from



making a report. This way the people with different information or who hear it at different times will still make separate reports. She brought up Kevin's comment about situations in the past. Someone could call to see if a report was already made and if the information matches, then they would be alleviated from making a report. Another recommendation would be to make reports together; TRAILS documents when there are multiple reporters and gives the reporters the same confirmation number to document that they made a report. The issue that Kathi raised happens most frequently when there is an institutional requirement to run information past a supervisor. There needs to be protection for these scenarios. Someone should have to verify that a report is made. If a report was made, then the other reporter can get the same confirmation number to protect themselves but if not then they can make the report and again protect themselves. Jordan thanked her.

- Cris said that, to Michelle's point, if someone duplicates a report then there should be ways to share the report number to demonstrate that someone did their job. She also said, to Jessica's point, it should be first-hand information. Principals will not always report, especially in small rural communities. Each individual should report since the information can be different. She wonders if there is such a thing of overreporting since she has only gotten one notification that one of her reports went through. Jordan thanked her.
- Kevin said he wanted to lift up Michelle's thoughts on the process. Maybe this could reduce the responsibilities of county departments of human services and they could open up another call line to check in on reports. Prior reports made should count for something and hopefully there is a process to address this without burdening county departments of human services. Michelle said that a report would be made anyways so it would save them time. Jordan thanked them.
- Carlos said that each agency can make their policy on who reports. It might not be best to prescribe who reports for each agency. This is his struggle with this. He liked Kathi's language suggestions. Jordan thanked them.
- Gina suggested another complexity about school systems reporting but due to jurisdictional issues with tribal government, the reports do not get investigated by the county that the children go to school in. There is a population of kids where their cases go into limbo. The federal police could not investigate a sexual abuse case between two kids and this was because there was a lack of laws about sexual abuse in this community. Children are asked to switch personalities and try to navigate learning before switching back to a survivor in a different jurisdiction. She thinks that this should be kept in mind. Jordan thanked her.
- Zane said that he wants to highlight a few things. Like Carlos said, reporters have to cause a report with either a county department of human services or law enforcement so he said that he gets a lot of questions from reporters about what happens after and how this relationship between county departments of human services and law enforcement works. He suggested having case numbers for making reports at both county departments of human services and law enforcement. Now, he suggests for people to make a report to both county



	<p>departments of human services and law enforcement in writing just to make sure people cover their bases. He also mentioned that there is a missing piece of telling reporters that their report is progressing. He suggested having a conversation about a way for reporters to follow up with their reports. He brought up efforts from Senator Hickenlooper to this effect. Michelle said that there are specified reporters who have a need to know as well as an ongoing relationship with the reported party and these reporters can obtain more information on a case. The county has to share specific information and, within 90 days of the referral, reporters can obtain more information. Zane asked if there is room in the task force's work to get more information back to reporters after a report like a confirmation slip. Michelle said that this is a discussion in counties, TRAILS can send confirmations to reporting parties to let them know of the disposition of their report but the system is not completely set up. In Arapahoe County, people can call back to inquire about their report but due to capacity there would need to be funding and workers to establish this further. Jordan thanked them.</p> <ul style="list-style-type: none"> ● Kathi said that this was enacted after the child welfare committee to provide useful information to professionals. She discussed a balance; if an ER doctor makes a report, then the primary care doctor should be notified that a report was made. Minimal information coming back would be helpful since the belief that reports just fall into an abyss creates distrust in the system. Jordan thanked her. ● Jordan asked Michelle about reporting to law enforcement or county departments of human services. She also asked about cross reporting. Michelle said that anytime it's thought that a crime occurred, then they make a cross report but it is different in every county. Some counties have more police departments than others so it gets complicated. There is an unwritten guideline to determine if a crime occurred then it must be cross reported. This leads to missed reports and complaints so there is a new policy to always cross report. The police departments struggle to keep up with the number of cases reported. Each county is different and the law is vague enough to create these problems and loopholes. Sometimes county departments of human services are not notified in situations of child abuse or child fatalities. This part of the law needs to be strengthened, maybe not in this task force but it should be recommended. Jordan thanked her. Michelle said that the law says either or and not both. She trains people on making reports to county departments of human services since some situations are not criminal offenses. Kathi said that this could be a part of the training since this is a struggle in other settings. Jordan thanked them. ● Jordan said that there are aspects to pull into the next conversation. She asked if it would be helpful to have more time with these aspects; the subcommittee nodded yes. She also said the task force could potentially discuss interagency relationships. The subcommittee nodded yes.
Conclusion	<ul style="list-style-type: none"> ● Jordan thanked the subcommittee for their insight. She asked for any other points or topics for the next subcommittee meeting. Michelle said that there is information that the other subcommittee could use so she suggested information sharing. Jordan said that the meeting materials will be shared to everyone so



	<p>everyone can read the recap and minutes as well as watch the recording. The facilitation team also meets to coordinate.</p> <ul style="list-style-type: none">• Jordan said to expect a follow-up survey. She moved the subcommittee to a break and directed them to rejoin the large task force afterwards. She dismissed the subcommittee.
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Appendix A:

Carlos Castillo
Ashley Chase
Jill Cohen
Michelle Dossey
Jessica Dotter
Zane Grant
Gina Lopez
Cris Menz
Ashley Prow
Kathi Wells