



## The Mandatory Reporting Task Force | Meeting 10

### *Meeting Minutes*

January 10, 8:00 am-10:00 am Virtual Meeting (Zoom)

Facilitators: Doris Tolliver and Trace Faust

Members: See Appendix A

### Welcome & Approval of Minutes

- Dr. Kathi Wells welcomed the group; Stephanie Villfuerte is out today on annual leave so she is leading the group. Addie Fischer took attendance.
- Kathi asked for approval of the minutes. There were no edits. Tara Doxtater motioned; Sara Peilsticker seconded. Minutes approved. Kathi, Sam Carwyn, Ida Drury, Jennifer Eyl, Cris Menz, Roshan Kalantar, and Nate Hailpern abstained. Kathi asked for approval of the recap. There were no edits. A motion and a second was not asked for. Recap approved. Kathi moved forward to the next order of business.
- Jordan Steffen congratulated the group on the interim report and thanked them on their feedback! The report has been submitted to the governor's office, CDHS, and relevant committees in the general assembly. The report is posted to the website. She said members also have been sent the report and can share the document as they see fit; it is a public document. She also introduced Shawna McGuckin as a new member; Shawna introduced herself and she is with Family Resource Center Administration. She is joining after a staffing change; she is standing in for Tess McSean.
- Jordan moved to administrative updates. Bryan Kelley, Trace Faust, Doris Tolliver and Jordan have reviewed notecatchers, recordings and minutes to decide the best topic to start with. The survey sent out prior to this meeting falls in line with the timeline. Today's meeting will be to discuss concepts and to start to put pen to paper for a recommendation to include in the final report. The discussion will also be about what state examples people liked and disliked. Jordan thanked people who included drafted language in the survey and encouraged them to add it to the note catcher. The next meeting will heavily focus on and respond to the drafted language of the definition; Jordan and Bryan will draft the language for a loose definition but it is not required the Task Force keep the recommendation as it is first written. The road map is as follows. January and February is focused on the definitions needed to support the directives the Task Force will dive into.
  - 01/10/2024: Definition of abuse and neglect (possible exemptions and possible language from other states)
  - 01/24/2024: Definition of abuse and neglect (respond to draft language)
  - 02/07/2024: Definition of abuse and neglect as well as reasonable cause to know (finalize draft of definition of abuse and neglect as well as possible language for reasonable cause to know)
  - 02/28/2024: Finalize reasonable cause to know
- Jordan also explained subcommittees. During the subcommittee meetings, people will break into smaller groups and discuss the topics. Then, they will come back together to discuss the topics as a large group to decide what to move forward to a final report. Everyone can select their subcommittees but if there is



	<p>not a great balance, Jordan will ask folks to divide out to make the groups equal as well as to ensure the right people are in the best group. Once the dates are decided, Jordan will include it in the road map. The conversations about definitions will inform the subcommittee conversations on the following topics:</p> <ul style="list-style-type: none"><li>○ Warmlines and alternative reporting</li><li>○ Technical Components of the law group 1 (institutional reporting, timely, delegation of duty, scope of duty, etc)</li> <li>○ Exemptions and carve outs (social workers on legal teams, domestic violence and sexual assault safety clauses)</li><li>○ Technical component of the law group 2</li> <li>○ Required Trainings</li><li>○ Ongoing Education and Certifications</li></ul> <ul style="list-style-type: none"><li>● Jordan finally explained that Bryan is working on a 50 state comparison of the mandatory reporting laws. It will be broken down by applicable provision and will include all the definitions used; it will be an online web based database for the Task Force to use as well as a national resource. She asked for questions; there were none.</li></ul>
Survey Results	<ul style="list-style-type: none"><li>● Trace welcomed Sam Carwyn back to the group! They also reviewed the survey results; over a majority of members completed it and it will be helpful for the group to see these high level themes. Trace will share the data and Doris will lead a conversation to dig into the results. There will also be a note catcher to provide a narrative for the survey results as well as to provide language for the final report. It can also be used to reiterate points. There are multiple opportunities for input since the group has to move pretty quickly on these topics. Trace also highlighted that the inputs combine together.</li><li>● The survey asks if members support a certain exception; it also asks for calling out specific state examples. First, over 80% of the 22 respondents said that there should be an exception for socioeconomic status; a few said no and a few were unsure. A little more scattered but, 7 of the 22 respondents appreciated CA's example. Traced asked for input; Jordan had nothing to add. Bryan said that there is overlap between the states, like for this example, CA and WI. He said that he will keep this in mind when building a model for the group to respond to.</li><li>● Second, over 70% of the 22 respondents said that there should be an exception based on unaccompanied/homeless status; there were more on the no and unsure side on this question. There were almost 20% unsure so Trace will be sure to help clarify things for these folks. 11 of the 22 respondents appreciated WA's example. No one liked WY's example. They also brought out Bryan's point about overlap.</li><li>● Over 50% said that there should be an exception if services are unavailable or have not been offered. There were also a few no and unsure responses. 10 of the 22 respondents appreciated AZ's example.</li></ul>



	<ul style="list-style-type: none"> <li>• Over 70% said that there should be an exception based on disability status. There was 1 no response and a decent amount of unsure responses. The group equally appreciated CA and WA's examples. Trace thanked the respondents!</li> <li>• Doris said that the responses will be brought into potential recommendations for exceptions. She asked for comments about the survey; some respondents included drafted language which she asked elaboration on. She also asked comments from those who did not respond to the survey. This is all to draft language for the group to respond to and refine. She moved the group to the note catcher. The note catcher will include a focus on other state's models.</li> </ul>
Large group discussion	<ul style="list-style-type: none"> <li>• Doris brought the group back. She highlighted the exception for socioeconomic status. She mentioned that many members appreciated states with succinct, brief and specific language. She also noticed that people also appreciated language that specified economic status that is beyond the family's control. She also noticed a conversation around refining language and moving beyond just 'parents' and specifying 'people responsible for care' like a guardian. She asked for comments from the group, specifically for thoughts about what they liked from other states; the conversation will then move on to challenges.</li> <li>• Jessica Dotter said that in terms of specific language to encapsulate this group of people, it'll be important to use terms carefully whether it's lack of financial resources, financial inability, or something else. Terms should be understandable. Discretion varies widely throughout caseworkers. She is looking to others for proper terms. But it's hard! Socioeconomic status is more than just finance. She said that she liked other states' definition of 'child abuse call not be solely based on socioeconomic status', or 'in it of itself'. She said that she likes this language for many other topics too. Doris thanked her and called out the importance of defining 'socioeconomic hardship' as well as 'solely based on' for drafting a report. Jessica said that she likes the term hardship since it gets used in other settings like jury selection; it would be important to consider terms used in CO already.</li> <li>• Cris Menz said that an important question is, 'is the socioeconomic hardship imposing danger to children?'. She recalled a situation when a house is infested with bedbugs due to socioeconomic status; the parents continue to refuse services and bring the children to school, creating a health problem for others. She asks for clarification on this. She also mentioned cultural barriers like rural communities with many migrant families; some of the terms need clarification based on these cultural and contextual considerations. She called out MN law about exempting teachers and allowing them to use cultural rearing and discipline practices. Doris thanked her; she called out considering exceptions related to religious and cultural child rearing practices.</li> <li>• Jennifer Eyl commented on the 'solely because of' term; this sometimes just means that people will find another thing to base their decision on. This might create situations where reporters just find something else to report beyond socioeconomic status. Doris thanked her and brought up disproportionality.</li> </ul>



	<ul style="list-style-type: none"><li>• Michelle Dossey said that the more clarity offered, the fewer loopholes, the fewer self-defining, then the better off people will be. Reporting parties need more clarity to help mitigate their perception, assumptions and their values. She doesn't want it left open to the reporting party's assumptions and values. She brought up an example of children sharing a bed with a parent or with someone else in the house; sometimes this is value based. She doesn't want it open to the reporting party's interpretation, values, assumptions and perception. She appreciated the states with detailed information. She also worries about the term 'prudent parenting' since that can also open up to biases and discrimination. It is important to think through this. She also mentioned what Cris said and asked how people would know what the family has done or not done. The default is to call CDHS to make sure that the family is doing what the reporting party wants them to do. The problem is that reporting parties lack clarity so they insert their assumptions. Doris thanked her for her comments and for adding the state examples that she likes in the note catcher! This provides an opportunity to define what reporters should report and leaves less opportunity for them to insert their judgments around what parents/caregivers should be doing to keep children safe.</li><li>• Zane Grant said that he is struggling with the word 'exception' as it is protecting the reporting party rather than the children. There are obvious exceptions like social workers in legal offices and domestic violence workers however, he is concerned about mandatory reporters making these definitions. He brought up Michelle's point about clarity. Child welfare is the repository of these calls and for making these decisions. He brought up an example about a landlord not having adequate housing safety and CDHS intervened to have the landlord come into compliance. He said that he would rather keep the decision making and action taking with CDHS. He said that he doesn't think that mandatory reporters to feel like they are exempt from making calls and protecting children if the group is not very careful in defining the exception. He also did not see a state example that made him 100% comfortable about how they define things. Doris thanked him and said that his point is well taken. She brought up the charge of the Task Force of looking into mandatory reporting and the influx into CDHS; there is another component which is not the charge about polices, practices and law abouts how decisions get made at the hotline. She appreciates his concern for the downstream consequences of this but it might be a topic of another task force.</li><li>• Doris directed the group to the chat; Jill Cohen commented about how anti-bias training will not be perfect since it won't reach all mandatory reporters so the statue needs to be as clean as possible to provide effective guidance. Jennifer said that hotline workers will also need training about implicit biases. Doris brought up again the downstream consequences of the Task Force impacting other components of the child welfare ecosystem. Roshan also mentioned the context of a family rejecting care. Yolanda also mentioned that services and resources might not be perceived as voluntary; this is about the idea of if services are actually voluntary if the family gets reported for neglect if they refuse services.</li></ul>
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	<ul style="list-style-type: none"><li>● Michelle Murphy said that she agrees with Zane; carve outs add complexity. She asked if reporters should dig deeper into a family. She also asked if there would be criminal consequences for reporters who chose not to report. She wonders how this will better support children and families. Doris thanked her! She also said that the roadmap allows for these conversations later on. Michelle said that- to Jennifer's point- she likes the 'solely because of' term but human services should decide whether to intervene or not rather than a teacher, for example.</li><li>● Adriana Hartley said that she agrees with Zane and Michelle. She pointed out her experience as assistant county attorney that deals with dependency and neglect cases frequently. She said that she likes that 'poverty in itself is not cause for abuse or neglect' but she is worried about adding the exception into the mandatory reporting laws. She said that she can imagine mandatory reporters wondering if this exception means that they need to dig deeper into families. She said that she thinks that if the group agrees on an exception that it should go in the children's code rather than mandatory reporting laws. This is because it would not provide the guidance the group is seeking in the mandatory reporting laws. Second, she also talked about defining disabilities in case law; the definitions are not perfect since they are case law not statute but, there are examples of prohibiting disability as the only means for termination. She is happy to pull some of that language. Jordan said that they were looking where the exception would live in 19.1.103. It was not intended that this exception would go into the mandatory reporting laws in 19.3.304. She said that the group can put the exception wherever they want and, of course, there will be overlap between the statutes but they researched definitions in 19.1.103. Doris thanked her and followed up that this exception would live in the broader child welfare laws rather than the mandatory reporting laws. Jordan said that the intention was not to write 'mandatory reporters shall not report if...'. Doris said the clarification is really helpful! She mentioned that the recommendation can be broad and include contextual conversations, like this one, for the general assembly to consider. She finally said that it would be helpful to know if the group wants to continue looking at an exception for socioeconomic status to narrow the front door. Doris thanked her!</li><li>● Jill Cohen said that her concern is protecting families rather than worrying about her license. She recognizes her privilege in that. This is because families shouldn't get swept up unless they need the help. She said that Zane's example is a good example of CDHS doing work beyond their scope. If the landlord refused to comply then, that family would need a lawyer and community support to obtain new housing. The culture is to rely on CDHS however CDHS should not be providing these services. Families should rely on resource centers instead so they don't have to worry about a refusal of services resulting in a removal of children. She also said that she would love an exception for families who are actively engaged in getting help and participating in the process. Doris thanked her; she reiterated an exception when services are not available or have not been</li></ul>
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offered as well as when a family is working to obtain services. There will be more time to discuss this.

- Jade Woodard said that her opinion is similar to Zane and she is worried about the term 'exception', specifically for physical or sexual abuse. She feels different about an exception for neglect. She also said that she appreciated CA's model; specifically that it was not a presumption of a need for services or a presumption of abuse or neglect. This phrasing was in the disability section but it could be an interesting way to frame other aspects. She finally said that changing this piece will change so many other aspects of child welfare; changing child abuse laws in 19.1.103 will change what mandatory reporters have to report as well as child welfare expectations. She said that there would also be a risk of mandatory reporters not having the training that they need to be able to understand a situation and the nuances of an exception. This will put pressure on mandatory reporters. She returned to the idea of a warmline or a triage to refer support and services. She thinks the group needs to wrestle with the question of, 'to what extent will the exception allow?'. Doris thanked her for her comments and called out her mention of warmlines which will be discussed later; she also clarified the group's focus on this specific part of the definition about neglect and poverty. This is because there is a common conflation of poverty and neglect so this would provide guidance and clarity around what is neglectful and what is a family doing all they can but is just poor. Jordan thanks Doris for clarifying and continued that the topic is abuse and neglect but the focus of this conversation would be on neglect. This is because the group's goal is to try to limit people coming into the system who do not need to be there. She invited the group to cross reference recommendations to make sure that the group covers all topics in the remaining year. She also reminded the group to think at a high level and then move to define and refine.
- Sam said that most of her comments were already said. She recommends using the word primarily instead of solely. She also said that just because something good comes out of a call, it doesn't mean that a call is necessary. Her focus is to reduce the number of people who are coming into the system unnecessarily. In this vein, she said that she liked the word 'inability' rather than 'failure'. She also mentioned that there are reasons a family denies services; CDHS is not a way to bully families into doing what others expect of them. Doris thanked her.
- Nicci Surad said she is thinking outside of exceptions since the definition of neglect is super vague and caseworkers even struggle with it. She brought up having clear definitions around child impact instead of exceptions. If the child is being impacted by a situation, then it needs to be reported. There can also be specific examples of what this impact is referring to like malnourishment. Doris thanked her.
- Elizabeth Newman said that she wanted to lift up the CA example, which Gina Lopez appreciated, as the most clear way to address the concerns. She said that she wants to go back to the word neglect and if this is the best term to be using. NY has a definition in statute that distinguishes if it is abuse or maltreatment and if it is by people who are legally required to care for the child. She is happy to



look for these definitions. She mentioned the situation of teen sexual assault by another teen. These children are not getting services because if they tell anyone about it, then they would need to go to the police. These situations are abuse, statutorily, but not by someone who was legally responsible for care. These situations probably should be reported but she named that they are not reported for many reasons. She concluded that, in terms of a response, Gina really wanted a multidisciplinary approach to field reports rather than an individual to cut out biases. She echoed Sam's point that the goal is mandatory reporting is not surveillance since that leads to bias, inequity and people feeling cut off from services. Doris thanked her and highlighted Ida's link in the chat about NYC's efforts to narrow the door.

- Roshan Kalantar said that the goal is not only to not be harmful but also to provide support and resources. She doesn't like language around families refusing services. She suggested something around connecting people to services to at least offer support, rather than reporting. Her example was about doctors not being allowed to report sexual assault unless survivors ask them to, the rule requires doctors to provide refers to resources. Doris thanked her and connected her comments to warmlines that connect families with resources about the concerns with a child even when the situation doesn't constitute a caregiver being neglectful. She also brought up the difference between an exception/carveout and a redefining of neglect in a narrower way. She also brought up Jennifer's chat about how narrowing the front door won't work if there are no alternative ways for families to access resources; those community resources also have to exist. This can be included in the report even if it is not the charge of this Task Force.
- Jessica Dotter said that she wanted to take notice of the many definitions of neglect in statute. She highlighted Jordan's point that there is already a complex structure that it seems like everyone agrees is not working. The group will give recommendations on how to best clarify, as the experts in the field. The policy makers will do the policy decision making, the stake holding, and the drafting. This will be done after the Task Force. The group is generally saying the same thing; she wanted to move the group to the homelessness and disability aspects. Doris thanked her and moved the group along to other definitions.
- Sam said she wants to be accountable to a child's disability. Doris thanked her!
- Jessica said that she agrees with Sam. She also said that, to her, homeless children and unaccompanied children are different considerations. To her, she is worried about only 4 other states having an exception for homelessness. She is not placing homelessness in the same area as socioeconomic status and disability. She said that homelessness has a different impact so the group needs to be more careful about that. She also said that, for disability status, the group should build off existing definitions in statutes. She worries about statues using 'mental or physical capacity' since that is very broad. WA had robust and useful language. Doris thanked her and mentioned MI's example. A specific call out could be children who are homeless due to abuse.



	<ul style="list-style-type: none"><li>• Doris asked for more comments and there was none. Trace said there was no public comment. They invited members of the public to comment.</li><li>• Doris mentioned Yolanda's comment about homeless children aged 16. Yoldanda elaborated that this is in line with a larger conversation about self protection. She doesn't like other state's exception to not reporting homeless children aged 16-18. She brought up Jessica's point and she wonders of the unintended consequences of listing age 16, especially when children need protection from child welfare. She also brought up the context of the homelessness; if reporters do not know this context, it could result in harm. She mentioned the balance of autonomy but she hesitates putting the burden to self protect on 16 year olds. Doris thanked her for her comments! She also highlighted what Yolanda liked state's that clarified that families experiencing homelessness is not a sufficient ground to constitute neglect.</li><li>• Zane highlighted what Yolanda said; he thinks we should avoid putting chronological age in statute since it can be different than developmental age. He also said that he gets calls about unaccompanied or unhoused children very often; but, that there is a big lack of resources. He thinks this area could use some clarity. Doris thanked him and brought out comments in the chat from Cris about reporting versus investigating. Elizabeth also mentioned in the chat that a person can be worried about a family but if that worry constitutes making a report is the question. Jessica commented in the chat that child abuse for criminal purposes dose not refer to definitions in title 19.</li><li>• Trace said that there is no public comment. They asked for priorities of the group prior to Jordan and Bryan drafting language. They also invited people who have not spoken yet. Doris said that she will reflect what she noticed. Jordan said that, based on the conversation today, she will not be able to draft specific amendment language. She will write a general recommendation to bring to the next meeting and decide if there is actual draft language the group wants to move forward with. Bryan included all the different definitions of neglect in CO statute; Jordan asked people to review that so the next meeting can be a discussion where they could add this amendment and what that would look like. This will be to move on beyond a general recommendation.</li><li>• Doris said that she heard a consternation around specific language changes due to the related impacts of other areas of the statue. There was also a concern about how families can get resources; this will be further discussed in the warmline conversation. There was fair agreement that a nebulous definition of neglect is not helpful so a specific definition on when to involve child welfare would be helpful. There was also agreement on making the language more specific and clear. People were struggling around the specifics of what the law would say. She also highlighted different states' examples that people liked and finding the overlap between them. People gave a thumbs up to this recap; some gave a sideways thumbs up. She concluded on the priorities of the group; there was a large discussion on socioeconomic status and a need for further clarity on</li></ul>
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	<p>this. There was a consensus on disability not being the sole reason behind a report.</p>
Public Comment	<ul style="list-style-type: none"> <li>No public comment</li> </ul>
Next Steps and Adjourn	<ul style="list-style-type: none"> <li>Trace asked members to review the materials and that the group will reconvene on 01/24. They also said that the note catchers will be available until tomorrow and invited people to add their thoughts. As always, the group can reach out with any questions or comments. The group adjourned at 10 AM.</li> </ul>

**Appendix A:**

- Jennifer Eyl
- Kaycee Headrick
- Zane Grant
- Margaret Ochoa
- Nicci Surad
- Sara Peilsticker
- Kathi Wells
- Shawna McGuckin
- Morgan Baptist
- Donna Wilson
- Nate Hailpern
- Cris Menz
- Morgan Baptist
- David Hansell
- Jessica Dotter
- Ida Drury
- Jill Cohen
- Tara Doxtater
- Carlos Castillo
- Kevin Bishop
- Adriana Hartley
- Michelle Dossey
- Roshan Kalantar
- Michelle Murphy
- Jade Woodard
- Leanna Gavin
- Ashley Chase
- Jill Cohen
- Kelsey Wirtz
- James Connell
- Dawn Alexander
- Staci DeVore
- Melanie Jordan



Stuart Jenkins  
Yolanda Arredondo  
Lori Jenkins  
Stacie Colling  
Melanie Jordan  
Elizabeth Newman  
Sam Carwyn  
Dennis Fletcher