The Mandatory Reporting Task Force | Meeting 15

Meeting Minutes
March 20, 8:00 am-10:00 am Virtual Meeting (Zoom)
Facilitators: Trace Faust, Doris Tolliver
Members: See Appendix A

Welcome & Approval of Minutes	● Chair Stephanie Villafuerte welcomed the task force, and took attendance. The minutes and recap will be discussed later when the task force has more time to review the documents.

Procedure	● Trace Faust welcomed the task force and explained the agenda: the task force will work though drafted recommendations they had been sent previously. Looking ahead, the task force will not revisit these topics until the final report is drafted. The task force will also divide into subcommittees to work through the rest of the topics (see below). They asked for questions; there were none. They then provided task members time to review the recommendations.
	
	■ Phase 1
	    ● Training subcommittee
	        ○ Standardized training for implicit bias (Directive III)
	        ○ Standard training regarding the requirements of the law (Directive V)
	        ○ Training requirements for people applying/renewing professional licenses (Directive XV)
	        ○ Standard training for county departments in determining which reports meet the threshold for assessment (Directive XVII)
	    ● Reporting Process Subcommittee
	        ○ Definition of "immediately" and timeframes for reporters (Directive VI)
	        ○ Whether mandatory reporters have a duty that extends beyond their professional capacity (Directive IX)
	        ○ Reporting process for two or more mandatory reporters who have joint knowledge (Directive XII)
	        ○ Whether the duty to report may be delegated to another (Directive XIII)
	        ○ Whether institutions may develop internal policies regarding mandatory reports (Directive XIV)
	■ Phase 2
	    ● Specialized occupations subcommittee
	        ○ Reporting timeframes when domestic violence,

	sexual assault or stalking is involved (Directive VII)
	○ Reports involving children/youth who are the victim of dating violence or sexual assault (Directive XI)
	○ Reporting requirements for employees/agents of attorneys providing legal representation (Directive X)
	○ Reporting medical child abuse, standards and processes (Directive VIII)
	● Data subcommittee
	○ Analyzing the personal information of a child collected for a report (Directive XVII)
	○ Benefits of an electronic reporting platform (Directive XVIII)
	○ Process for inter- and intra-agency communications, confirming receipt of reports and, in some circumstances, sharing the outcome of reports with certain mandatory reporters (Directive XIX)
Decision Support Tools	● Trace brought the task force back and provided level setting. The task force should aim for an intermediate level of detail in the recommendations it provides. The legislative process will involve a lot of changes to the recommendations, so there is no need to spend a lot of time on very intricate details. At the same time, the recommendations sent to the general assembly should not lack all details so it can be a helpful guide in creating policy rather than just platitudes. The agenda today is to go through each recommendation for discussion. They invited people to share if the recommendation meets the expertise of the task force. They read the recommendation and the included details.
	● Ashley Chase said she is not sure they need a third party to create this tool. This reminds her of the family first group; it was a small nimble group that created a tool for another group to flesh out. This is because it's an added expense. Another question to consider is whether this task force will be in existence when the recommendations are being considered and possibly implemented. Trace thanked her.
	● Margaret Ochoa said that the language crafted could be broad enough to encompass both the option for a third party and for the task force to create the decision support tool. Trace thanked her. They mentioned chats around the cost of the tool before voting on it; they said that the report can acknowledge this by noting that the implementation can vary based on the cost.
	● Donna L. Wilson said that none of the recommendations mention equity. She asked about ensuring that the third party works through a lens of equity. Trace asked if there should be a specific language. Donna said yes. Trace thanked her. Donna said that the task force needs to be including equity so it is included from

the beginning. Trace thanked her and also said that this will be said at the outset of the report but it can also be reflected in the recommendation itself. Donna said that it cannot be an afterthought and increased equity should be centered in everything; it's the reason the task force exists.

- Jennifer Eyl said that, building on that, there are members who work with domestic violence and expertise in this area is not always a given. So, in addition to equity, there are concerns of domestic violence advocates being mandatory reporters as well as the piece of domestic violence situations being made worse with the tool through investigative work by mandatory reporters. Trace thanked her and suggested adding more language about including a lens of domestic violence.
- Trace continued that there is not enough time to do the financial modeling, while hearing everyone's thoughts on it. The language can recommend a tool as well as include the challenges of the decision; the task force can make recommendations for any results of a financial analysis. The priority is that the tool is created. How it is created happens after the financial analysis in the legislative process. Stephanie said that it is both. Fiscal modeling will be good for about 8 weeks; it is a moving target. She also noted that the state can find money for projects. She guesses its cost would be a few hundred thousand dollars; it is an investment but it's not as expensive as other projects. Budgets are a sense of a moral document; the recommendations are to fix the problems that Donna is bringing up. She doesn't want to stop before starting. Ashley said that the fiscal piece is only one part of the questions she had about the third party. The small nimble group could include all of the aspects that the task force prioritizes. She is not sure yet about what this might look like.
- Trace brought the conversation back to the specifics of the recommendation. Jennifer said that she worries about the mandatory reporters without expertise using the tool. She wants to be mindful of this; there are situations where this is great but there are situations where this adds a complicated burden. Trace asked if the aspects in the recommendation include her thoughts. Bryan Kelley said that they were imagining this would be an optional offering, but this is an open question for the task force to consider. If it was an optional tool, then any concerns about the implications for individuals who are forced to use it would be moot. Trace suggested adding that conversation at the end.
- Jessica Dotter said that on similar lines, she thought of this being optional; this should not be created as an additional step. Trace thanked her.
- Jade Woodard said that she worries that if this is optional, then people won't use it and then reports will still be made that don't make sense. Trace thanked her and said that the task force will come back to that after the elements conversation. Trace asked for more comments before moving to the second element. There were none.
- Trace read the second bullet and Bryan provided further explanation. The language outlines that there is a time stamped proof that someone completed the tool. This is a helpful way to put off liability concerns. This was to have the

positives of documentation without the negatives of potentially revealing confidential information. Trace invited comments.

- Jade said that she would hold her comment.
- Jill Cohen said that transparency and ethics go hand in hand; there might be times for domestic violence and sexual violence confidentiality concerns. But, she said that she thinks that if someone uses the tool, they should put their information on it. Trace thanked her.
- Roshan Kalantar said that taking domestic violence and sexual assault victim advocates out of it changes things for her. She wonders about the creation of paper trails. When thinking about families that are over-reported, the more documentation created around these families can lead to harmful outcomes. Transparency is important but it can also harm a survivor. Trace thanked her. They also asked Bryan about the use of the tool and how the receipt would protect the reporter. Roshan suggested including where the tool lives, who can use it, and where the data is stored in the recommendation language. Trace thanked her. Roshan also said that she wonders if the tool's data could be used when it's needed but not used when it's not needed.
- Trace asked the task force about a central data repository. Michelle Dossey said that unless they change the consequences of failure to reports, then reporters need to have proof. People want accountability when a child is unsafe and someone knew about it but did nothing about it. Reporters should have proof to show that they used the tool and it told them not to report. Trace asked about a receipt or a central data repository. Michelle Dossey said that a receipt is fine and suggested a code without any identifying information. There can be ways to be creative about how to protect reporters and survivors. Trace thanked her and mentioned chats about the receipt being an additional helpful aspect. Jennifer said that the failure to use the tool could work against them; she mentioned mandatory or optional usage of the tool as well as evidence that could harm someone. Trace thanked her.
- Carlos Castillo said that he liked what Michelle Dossey said and the form can have a disclaimer box indicating that this is only a tool and someone still needs to fulfill their responsibilities as a reporter. There could be a requirement that this box is checked in order to proceed with the tool. There can also be documentation if the tool is used. They can get feedback if the tool is helpful or if no one is using it. This can inform possible changes to the form down the road. There should be some type of record keeping and feedback. Trace thanked him.
- Jessica Dotter said the task force is getting a little in the weeds; Evident Change's model did not have any way to put in people's information. She has no concerns about breaching confidentiality. This is the equivalent of looking up resources about reporting. She agrees that there should be an option to have the receipt emailed to them. She said that the central repository is not really a choice. Law enforcement can get a search warrant for the custodian of a website and review any receipts sent to a particular email or see the emails sent in a particular time. She is almost sure the company would keep records; this is how it is for almost anything. Trace thanked her and said that the values of the comments will

be included at a high level; the details will be determined in implementation. Jessica added that if someone was not trained on the tool and didn't use it then they cannot use that against them but if they were trained on it but did not use it then that's an avenue for possible action. Trace thanked her.

- Ida Drury mentioned looking at data from the tool to make sure it is being used for equitable screening. Trace thanked her.
- Trace moved the conversation to the next element about the paper option of the tool. There were no comments.
- Trace moved the conversation to the next element. Bryan explained that this one is about a reporter going to a family to gather information so this provides guidance to follow up without interfering with an investigation. The tool will provide guidance on this process about when to follow up. Jennifer said that it is important to acknowledge that this is a paradigm shift since many reporters are told that they are not investigators and they do not ask more questions. This is not a bad thing per se, but it is important to name. Stephanie said that the tool is for assistance so she suggests putting this thought into training if changing the paradigm is what is desired. Trace thanked her.
- Sam Carwyn said that she disagrees and said that talking to families is very important; it is about the level of report and relationship. Trace thanked her and said that part of the tool can be to recommend talking to families more.
- Roshan said that the tool should encourage people to support and provide resources to families. She wants to clarify that this is not about investigating families more. Trace thanked her and said that these comments cover the next element.
- Trace moved the conversation to the remaining elements and asked people to send chats about language changes. They read the element about training. Bryan said that the element is about how training is important in using the tool. Trace thanked him and mentioned the consideration around making the tool required or not. They suggested embedding a training before using the tool if the tool is widely available. Bryan agreed; the Evident Change model had this baked in. Trace read the last element. Jennifer said that her work sees challenges with domestic violence, sexual assault, stalking and trafficking. She elaborated that many people see a child in a home with domestic violence as child abuse. So, there has to be some nuance to this. Trace thanked her.
- Jessica said that child physical abuse also requires whoever is creating the tool to have this expertise. Trace thanked her.
- Trace took a quick poll about if this tool should be required or optional.
  - Optional: Jessica Dotter, Stephanie Villafuerte, Jennifer Ely, Kathi Wells, Yolanda Arredondo, Margaret Ochoa, Shawna McGuckin, Dawn Alexander, Aletha Jenkins, Jill Cohen, Ashley Prow, Carlos Castillo, Ashley Chase, Ida Drury, Gina Lopez, Sara Pielsticker, Donna Wilson
  - Required: Zane Grant, Adriana Hartley, Sam Carwyn, Jade Woodard, Leanna Gavin.

	- Michelle Murphy asked about absolution of liability. Trace said that there will be a receipt for using the tool. Absolution is not in the control of the task force. Michelle asked if this is a recommendation; Trace said not at this time. - Trace asked for public comment.
Consultations	- Doris Tolliver moved the task force to the recommendations about consultations. She explained the first element; there were no comments. - Doris moved the conversation to the next element. Jade asked about including the word 'professional' to indicate who has experience. Doris thanked her. - Jennifer said that they should include the topics from the last conversation into this one, including domestic violence and equity expertise. Doris said that, when thinking about the team that would provide the consultation, who else would be included. Jennifer said that it would be equity, domestic violence, child physical abuse, stalking, and trafficking. Doris thanked her. Kathi added emotional abuse and child medical abuse. She said that this is where the task force can be really innovative. She brought up an example of a bruise on a 2 month old being concerning for abuse while a broken lower leg on a mobile toddler is not concerning for abuse. She said that she likes Jade's comments about professionals; having them would be helpful. Doris highlighted Ashley's chat about the challenges of listing people. She also highlighted Gina's chat about the Indian Child Welfare Act. Doris asked for more comments. - Dawn Alexander said that if a reporter uses this option that there should be documentation on this as well; they need something to show that they took steps. Doris thanked her. - Sam said that her understanding was that other states included people with lived experience providing the consultation. She also mentioned substance abuse as an additional category. Doris thanked her. She asked for more comments. - Doris moved the conversation to the next element. Kathi said she likes the coaching opportunity around topics related to bias. Doris thanked her. - Ashley Chase said that she wonders who will be staffing this line since it's going to be really hard to find the people with the right expertise. So, she suggested thinking about a panel of people. She also thinks it is better to build off something that exists rather than starting from scratch. Doris thanked her and said that the desire is to have a multi-lens team that has expertise in a number of areas. The hope would be that at least somebody on the team has expertise in each of these areas. - Michelle Murphy asked if the team would be at the state level. She said she worried about response time. She also is cautioning against duplicating this to make sure it is thoughtful around rural communities. Doris thanked her and said that these are important considerations for implementation. Doris highlighted chats from Kathi and Jade about standardized use and an evaluation component. - Jessica said that some of the best recommendations are guidance since the legislature will need to work details out. The task force can guide them rather than creating something very prescriptive. Doris thanked her.

	● Donna said that in her experience, legislatures are always looking for specificity since these topics are outside of their expertise. Doris thanked her and highlighted the balancing act. She asked for more comments. ● Doris moved to the last element. She asked for comments. Donna asked about naming things as optional and how to track if the optional things are effective. Doris said that one of the things that gives her pause is that, thinking about equitable impact, people will use these tools in biased ways and families of color will still get over-reported since this is the default. Doris reposed the question of option versus mandatory; she offered that perhaps a mandatory reporter should be trained on all of these options. ● Jennifer said that there is another layer here since the reporter still has the option to report or not regardless of the tool; the implicit bias will be there either way. This guides the conversation to training. Doris thanked her. ● Doris suggested that perhaps a question entered on the backside of a report be whether a tool helped to prompt the report being made, and if so which tool. This could get at if a tool was used and if they are being used to make reports. Doris highlighted Donna's chat about bias being baked into the tool and said that the tools should be designed to disrupt bias. Doris also highlighted Crystal's chat about training on decision support tools so people know all their options prior to making a report. Crystal's chat also mentioned that if the support tools are mandatory, there could be significant implications for capacity. ● Roshan said that she is coming back to a funding question. She also said that the tool can create a false sense of security since no tool is perfect. There is going to be fault in the system so how can they protect against that as much as possible. It's worse to create a sense that bias is solved with one tool. Doris thanked her. She also said that there can be ways to slow down decisions and disrupt bias. She asked for any additional considerations. ● Margaret said that she wants to name that she has gotten calls from educators about if they should report or not; it puts her in a high anxiety mode due to her lack of knowledge. She defaults to recommending that people report and investigate which might not best serve families. ● Stephanie said that Donna's point needs to be discussed or revisited. Trace suggested taking a poll about liability or not liability. Doris said that, to her, the question is about the burden on the mandatory reporter to either be required to use the tools before making a report. Jordan Steffen said that she is hearing both questions. Trace suggested following up on this via electronic survey; they encouraged members to check their email. Based on the results; they can decide on how to move forward on these bigger questions. Doris agreed. Ashley Chase said that the question of whether these are required or not will change things in court if someone uses the tool or consults.
Warmlines	● Trace moved the conversation to recommendations on warmlines. They read the recommendation and all the related elements. Trace asked for comments. Jennifer said that her concern is with the sentence about assuming that a family needs resources. She suggested adding something like 'if appropriate'. Trace

	thanked her. They also highlighted Ashley's chat about using a third party to connect people properly. ● Shawna McGuckin said it would be important to include why this warmline is not simply a 211 service, since it includes coaching and a strength-based lens. Trace thanked her and said this can exist in the recommendation that explains that the warmline goes beyond 211 services and focuses on resourcing families in a meaningful way. ● Donna said that the resources should be culturally specific; this needs to be added. Trace thanked her. ● Jade said that she is thinking about how a warmline is building off the current landscape in the state. Trace thanked her and highlighted thinking about recommendation language to address this; maybe an assessment for a landscape analysis to know what is working and what is not rather than just finding phone numbers. ● Doris said that there needs to be someone who gathers insight on services and supports for families in underserviced areas. These can be more informal supports from a cultural broker. They are probably not captured in any warmline currently. They need to know the resources today that are not known to professionals. Trace thanked her. ● Roshan said that she is thinking about money since the state is already not funding resources. She wants to make sure that they would not be doing a disservice to resources that are already underfunded. Trace thanked her. ● Shawna said that a warmline would be helpful statewide but it would be helpful to know what is already being done to coordinate care. Trace thanked her and highlighted that it is not just a list but an analysis of current services to emphasize efficiency and avoid competing for funding.
Public Comment	● Doris invited public comment. There was none
Next Steps and Adjourn	● Trace thanked everyone and reminded them to watch their email for the survey; the survey results will help refine the recommendations further. The task force adjourned at 10 AM.

Appendix A:
Dawn Alexander
Yolanda Arredono
Sam Carwyn
Carlos Castillo
Ashley Chase
Jill Cohen
Michelle Dossey
Michelle Murphy
Jessica Dotter
Ida Drury
Leanna Gavin

Zane Grant
Nate Hailpern
Adriana Hartley
Jennifer Ely
Gina Lopez
Shawna McGuckin
Cris Menz
Sara Pielsticker
Margaret Ochoa
Roshan Kalantar
Dr. Kathi Wells
Donna Wilson
Jade Woodard
Aletha Jenkins
Bryan Kelley
Stephanie Villafuerte
Trace Faust
Doris Tolliver
Ashley Prow