



The Mandatory Reporting Task Force | Meeting 6
Meeting Minutes

August 2nd, 2023, 8:00 am-11:00 am Virtual Meeting (Zoom)
 Facilitators: Doris Tolliver and Trace Faust
 Members: See Appendix A

<p>Welcome & Approval of Minutes</p>	<p>After member welcome, Task Force Chair Stephanie Villafuerte recorded Mandatory Reporting Task Force attendance and approved minutes from the previous meeting. The motion for approval was provided by Tara Doxtater, seconded by Shayna Koren, with 2 abstentions. The Meeting Recap motion for approval was provided by Margaret Ochoa and was seconded by Michelle Dossey. Trace Faust, Keystone Policy Center, outlined the agenda for the day including multiple panels and data presentations.</p>
<p>Effectiveness of Mandatory Reporting Panel 1: Legal/ Law Enforcement</p>	<p>Doris Tolliver explores the question, “Is mandatory reporting effective for the professionals charged with making the calls?”; it condenses concerns about a child's safety, the desire to connect families and children with resources and services, and concerns about legal liability for failing to report. Task Force members are asked to remember the following questions while disseminating their thoughts on the effectiveness of mandatory reporting. Doris Tolliver introduces the Taskforce Member Panel of Legal/ Law Enforcement Professionals: Leanna Gavin, Ashley Chase, Carlos Castillo, Kevin Bishop, and Jill Cohen. Each panelist provided a small biography of their experience as a Legal/ Law Enforcement professional with mandatory reporting. Within this introduction, panel participants stress that working with legal/law enforcement entities has never prevented them from providing support to families lawfully. Doris Tolliver asks the panelists questions to inform the Mandatory Reporting Task Force. After the panelist's stories, Doris Tolliver inquires about their perspectives regarding the proportion of calls being made by legal/law enforcement professionals in Colorado. All comments are individual and not to be attributed to the Task Force.</p> <ul style="list-style-type: none"> ● It is valuable to champion and protect the rights of the family and to be mindful of learning/social disabilities. The court can hold implicit bias. Most cases do not have state intervention, even if there is a safety issue; the stage can respond differently like with mandated therapy. White or affluent families are less likely to be reported due to privilege. ● The majority of people within the justice system and the Department of Human Services are disproportionately black and brown individuals. ● Attorneys should not be mandatory reporters as confidentiality is paramount. Confidentiality can be upheld as long as consent to report is provided. Attorneys do not witness crimes and thus are often not taken seriously when reporting. <p>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. Doris Tolliver inquires what of these broad categories is the reason most often cited for making a report, and which is the reason least cited. Why?</p> <ul style="list-style-type: none"> ● From a law enforcement perspective, call topics are seasonal or deeply impacted by social change. For example, child assault or family violence are common and are constant, but calls regarding Fentinayl and migrant families are rising. Culture can play into calls being made. <ul style="list-style-type: none"> ○ A member highlights the Lived Experience Panel and recollects the stories shared by panelists that highlight the need for intervention and support rather than removal. <p>Lastly, Doris Tolliver inquires about the extent to which reports by advocacy professionals are intended to request services or resources for children/families rather than an intervention or removal. What sort of alternative reporting method would you suggest?</p>



- Alternative systems that wouldn't require reporting are valuable. Most families in the court system do not need legal intervention, but a mechanism to access services equitably. Abuse and neglect should be more robustly defined or there should be an alternative pathway to request resources and support.
 - It is important to center safety over Abuse vs. Neglect.
- Working as a legal/law enforcement professional is often in tandem with a multidisciplinary team. The code of ethics for attorneys and social workers is a great reference. The attorney's ethics guide the social worker's work.
 - A member shares that self-harm or harm against another is the most reported. Allowing a social worker's input gives a more clinical lens to a multidisciplinary team. Social workers can benefit teams by providing high-level engagement. It is highly unpredictable how the system will act, county to county when a report is made.

Mandatory Reporting Task Force Members share their commentary regarding the Legal/Law Enforcement Panel below:

- Do you think the mandate to report sexual/physical abuse should apply to attorneys?
- In my experience working with social workers in legal settings (nonprofit law firms, specifically), they often believe that the NASW ethics standards that require reporting overcome attorney-client privilege. How do members of the panel propose to overcome this with state law?
 - It could/should be made black and white - suggested language to capture this would be an exception for a person who: "is employed by, an agent of, or a contractor for an attorney who is providing legal representation and the basis for the suspicion arises solely in the course of the legal representation"
 - The analysis on attorneys must be broken down into private versus public attorneys too; prosecutors have different roles and no privileged communications. I think this is obvious but want to point it out. Thoughts on what roles attorneys play and how that impacts whether they should be mandatory reporters?
 - The Police Department was also mandated to hire social workers because it was deemed best practice in representing youth. The Office of the Alternate Defense Counsel agrees that multidisciplinary teams are best practice.
 - Including attorneys as mandatory reporters in Colorado would be a huge step back. There are a few states that require attorneys to report and Colorado is way ahead of those states in where our child welfare system is headed. I don't think that question should be on the table. The issue is whether their agents can be excluded from the mandate when they are part of the legal team.
 - Mandatory Reporters of Child Abuse and Neglect.pdf was shared by a member and is accessible [here](#).
 - Attorney's ethical rules are clear that Social Workers in an "agency relationship" are bound by attorney ethics and cannot report; I think the question for this group is making this distinction clear in the law rather than making attorneys mandated reporters. Do others see this differently?
- I have seen a spike in Type B Personality Disorders (Borderline, Narcissistic, Anti-Social, and Psychopathy). These personality disorders are not acknowledged in the legal system which leaves the children as pawns for the abuser to hold hostage against a partner in a similar way to domestic violence scenarios; these are very emotionally volatile scenarios. How do you think we



	<p>can educate the legal system about the bigger picture?</p> <ul style="list-style-type: none">• I am having a difficult time as many of these cases I work with have a CFI report typically either in favor of the personality disordered person or neutral due to the “charismatic chameleon”. However, I would generally come to recognize the case is about the “win” against the partner and then the kids are discarded once the “win” is given. These families are not in service and the damage the youth have experienced through these “reunification” trials are more traumatic than the original relationship. It is so frustrating to try to assist these kids to work through their trauma when they continue to be in it with a custody case. Just a note, most of these cases begin when the child support order is asked to change.• I just think these kids need representation if the courts are not going to hear them. Maybe a solution is for judges being mandated to speak to each child involved, regardless if the child is in the system or not.
<p>Effectiveness of Mandatory Reporting Panel 2: Advocacy</p>	<p>Trace Faust introduces the Task Force Member Panel of Advocacy Professionals: Roshan Kalantar, Gina Lopez, and Jennifer Eyl. Each panelist provided a small biography of their experience as an advocacy professional with mandatory reporting. Trace asks the panelists questions to allow the panelist's points of view to inform the Mandatory Reporting Task Force. After the panelist's stories, Trace Faust inquires what, in their perspective, are legal requirements for mandatory reporting as an advocate. All comments are individual and not to be attributed to the Task Force at large</p> <ul style="list-style-type: none">• There is a lawful privilege for intimate partner violence, not family violence, with a confidential advocate. It is greater protection than afforded to attorneys. Domestic violence advocates do not have to report at-risk adults but must report child abuse and neglect. State and tribal communities have different laws and mandatory reporters can be subpoenaed to court. Tribal and rural communities often have stronger connections with resources and support-based organizations rather than law enforcement. Doris Toliver highlights to the Mandatory Reporting Task Force how tribal communities should be considered when reviewing inequities within the Mandatory Reporting Task Force systems. <p>Trace Faust inquires about the largest barriers and frustrations of mandatory reporters.</p> <ul style="list-style-type: none">• Advocacy professionals have difficulty providing support for teenagers, especially regarding domestic violence and dating violence. Domestic violence victims are fearful to report out of fear of child removal or system intervention.• Domestic violence is about power and control and advocate professionals attempt to restore power to the victim. Survivors and victims can communicate risk and safety. Safety can look differently for everyone, but leaving an abusive partner is the most dangerous. There is often an assumption that survivors and victims do not care about their children, when in reality survivors and victims often report making their decisions based on the safety of the children. mandatory reporting puts folks within a system that does not benefit them.• Systems of safety do not apply to everyone in the same way. Identity is a large component of what safety looks like. Native survivors can lose power and control due to bureaucracy within tribal governments. Child abuse and sexual crimes are often deferred to the federal government as many tribal governments do not have laws or sentences. Additionally, Assault Evidence Kit Tracking is not accessible for tribal and indigenous communities depending on jurisdiction. Sovereignty is an inalienable right of tribal communities and regulations can not be applied to other systems. <p>Trace Faust inquires to the existing opportunities in the mandatory reporting system.</p> <ul style="list-style-type: none">• Examples include; open lines of communication, resource building, equitable resources across the state, holding meaningful conversations about the struggles



	<p>of supporting survivors, system changes that allow for and celebrate indigeneity, promotion of tribal or native-informed advocacy pathway.</p> <ul style="list-style-type: none">• Victim advocates shouldn't be mandatory reporters as it prevents support to victims and hinders children. Victims are often blamed for "failure to protect". Reporting as a victim advocate can cause more harm by amplifying a dangerous situation. The requirement to report is the main reason for reporting.• When recommendations are made, it should be acknowledged that there are gaps in funding and resources. Domestic violence is a social issue and would be less of a problem if resources were accessible without reporting. LGBTQIA+ and BIPOC communities are the most systematically impacted by mandatory reporting. <p>Trace Faust opens the dialogue to the Task Force for both panels to answer questions from members. All comments are individual and not to be attributed to the Task Force at large</p> <ul style="list-style-type: none">• A member shared 'love this conversation! Thank you all for educating us on these dynamics.'• CO is only one of 9 states who have this requirement.<ul style="list-style-type: none">◦ This fact will be reviewed and verified.• "Mandatory Supporting" cannot be achieved without resources.
Data Discussion	<p>Doris Tolliver welcomes Steve Ellis and Crystal Ward Allen of Casey Family Programs to review and present the National Mandatory Reporting Data and Colorado Specific Data for Reports Made by Legal/Law Enforcement and Advocacy Professionals Accessible HERE. Mandatory Reporting Task Force Members were invited to ask Steve Ellis and Crystal Ward Allen inquiries regarding the information presented, all comments are individual and not attributed to the Task Force.</p> <ul style="list-style-type: none">• Does Colorado continue to utilize census data for racial data division? Youth with 2 or more races are often placed as one or the other. Example: The youth is Native and Hispanic but would only be considered Hispanic.<ul style="list-style-type: none">◦ Steve Ellis shares that information imputed will be applied to racial profiles. If youth have 2 or more races, they are considered multiracial.◦ Crystal Ward Allen highlights DHS and DCW are currently attempting to address gaps within race.<ul style="list-style-type: none">■ A member highlights it is an assumption that caseworkers enter biographical data (Trails does not mandate the race/ethnicity fields be filled out). Sometimes reporting parties misidentify race/ethnicity and sometimes caseworkers don't ask and make their own assumptions.<ul style="list-style-type: none">• A member shares in Trails the questions are "Ethnicity" Hispanic, non-Hispanic, unknown. Then select "Race" category.• LGBTQIA+ identities are not reported by Trails, is it included in the data?<ul style="list-style-type: none">◦ Crystal Ward Allen shares LGBTQIA+ data is not collected.• No data is collected on Middle Eastern and North African folks is that correct?<ul style="list-style-type: none">◦ Steve Ellis, Casey Family Programs shares that AFCARS/NCANDS doesn't look at ethnicity, unfortunately.• Would still be interested in the distinction between law enforcement vs. legal teams/firms if those are distinguishable in the data<ul style="list-style-type: none">◦ Steve Ellis, Casey Family Programs shares they can not be separated and he is unsure where advocates would be represented in data.• A member inquires around data, I want to mention a piece that I did not get to dive into especially around data and Native/Indigenous children. There is a



	<p>growing population of children who will continue to not meet blood quantum thresholds set in each tribe who all set their own percentage in order to be enrolled members of those tribes. Especially around school enrollment, our families are having more difficulties figuring out where they land in terms of the tribe they "belong" to; in most situations, it's perfectly fine to self-identify how folks do, tribe-wise. But where this comes up with children is the impact or application of ICWA (Indian Child Welfare Act) which was recently visited and stands as a protected practice and right of tribes. These protections and rights only apply to those kiddos who are enrolled members of recognized tribes. Who has the responsibility for these kids when they are being harmed?</p> <ul style="list-style-type: none">○ This member followed up by sharing that they have also served on our tribal enrollment committee and have seen in real time how those decisions can be made. I found it to be very destructive and cruel how enrollment decisions come about. I imagine all tribal nations who have to navigate those things are in similar situations. Those kiddos need consideration as well.
Public Comment	<p>Sarah Perkins- Parent with Lived Experience</p> <ul style="list-style-type: none">● “Hi, I'm Sarah Perkins. I'm a parent with lived experience of mandatory reporters and Child Protection Services removals; our kids were taken about a year ago and it was national news and several, about a dozen or two dozen different news sites including the front page of the Washington Post and Fox National, reported on it. And because of that, we've had more than 100 families reach out to us who are currently experiencing struggles with mandatory reporters and CPS (Child Protection Services). And I just think it's useful to remember just how destructive and coercive the Child Protection Services is. It's a system that functions by taking kids and using the threat of taking kids to coerce behaviors from parents. And the services they offer are not hopeful and usually retraumatizing. The parenting classes are very aggressive. So, I'm so glad to see that we're talking about exempting certain professions from mandatory reporting. But as long as we're having conversations about this, I think entirely eliminating mandatory reporting needs to be on the table. When we're deciding who goes into the system, it has to be determined by something other than personal liability. Particularly, because there's so little research that shows that making more people mandatory reporters actually decreases children's death by neglect or abuse, or maltreatment. And there's a lot of evidence or there's good reason, I think, to bring humanity to the room rather than a liability. And so, again, I'm glad to see that we're having conversations about exempting certain professions. But I think there are really good reasons and arguments for entirely eliminating mandatory reporting in favor of informed, rare, voluntary reporting. And for parents and families who need help and support, I think we need to be able to provide them with services through departments and organizations that are entirely removed from CPS.” <p>Stephanie- RMCP</p> <ul style="list-style-type: none">● “Have there been discussions on how to keep the least restrictive intervention - when ONLY telephonically hearing the allegations and having limited information on a person?”
Next Steps and Adjourn	<p>After receiving the exit ticket, Task Force Chair Stephanie Villafuerte shares her gratitude for all the panelist's participation, Steve Ellis, Crystal Ward Allen, and all present members for the passionate dialogue. Mandatory Reporting Task Force was adjourned at 11:00 am</p>



Appendix A:

Dawn Alexander
Yolanda Arredondo
Kevin Bishop
Carlos Castillo
Jill Cohen
Michelle Dossey
Jessica Dotter
Tara Doxtater
Jennifer Eyl
Leanna Gavin
Zane Grant
Nate Hailpern
Shayna Koran
Gina Lopez
Margaret Ochoa
Colleen O'Neil
Sara Pielsticker
Roshan Kalantar
Nicci Surad
Kathi Wells
Donna Wilson
Stephanie Villafuerte

Appendix B:

Micheal Teagues
Sarah Perkins
Brittney Nobel
Lisa's iphone
Austin Sack- FOX 21
Gina Lopez
Stephanie
Cantania Jones