



Mandatory Reporting Task Force | Meeting 17

April 24, 2024, Meeting Recap

Reporting Process Subcommittee

Overview

The Mandatory Reporting Task Force is legislatively charged with analyzing the effectiveness of Colorado's mandatory reporting laws in keeping children safe, connecting families with the resources they need, and providing clarity to mandatory reporters. Integral to this analysis, the task force will continue to examine the relationship of these laws to systemic issues and disproportionate impacts on under-resourced communities, communities of color, and people with disabilities.

Subcommittee Work Overview

This meeting focused on the progress of two subcommittees: the Training Subcommittee and the Reporting Processes Subcommittee. The Training Subcommittee discussed training requirements for professional license renewal and standard training for county department processes. The Reporting Processes Subcommittee addressed reporting processes for joint mandatory reporters and planned to tackle the remaining directives in subsequent meetings. Additionally, the discussion touched upon the structure of Phase Two, which involves reviewing and finalizing recommendations through a series of meetings and group discussions.

Reporting Process Subcommittee Discussion

Jordan Steffen kicked off the Reporting Process Subcommittee's discussion by having subcommittee members complete a survey. 73% of respondents believe that the duty to report concerns of child abuse and neglect should be limited to one's professional capacity. Regarding extending this duty beyond professional capacity for certain professions, there's a near-even split, with 53% against and 46% in favor. Regarding the necessity of extending Good Samaritan laws for reports made in a personal capacity, 33% say no, while 66% say yes. Jordan and Bryan Kelley will use this feedback to draft language for the next subcommittee meeting.

Institutional Reporting and Delegation of Duty Discussion Summary

The discussion began with highlighting issues and questions about the next two directives concerning institutional reporting and delegation of duty. Discussion highlights are captured below:

- Potential issue with current statute:
 - There is a lack of clarification when multiple parties have different information about reporting.

- Additional unresolved points highlighted by Michelle Dossey:
 - There is a need for notification when professionals provide additional information.
 - There is a need to have a larger discussion on cross-reporting memoranda of understanding (MOU) standards with law enforcement.
 - Some expressed interest in implementing a system for professionals to verify report status without making a duplicative report.
- Clarity needed on responsibilities for cross-reporting:
 - County departments of human services' responsibility to notify law enforcement.
 - Some expressed interest in a proposal for reference numbers to simplify confirmation of reports.
- Question about the necessity of multiple reports:
 - Concern about burden on reporters vs. thorough reporting.
 - Michelle acknowledged Kevin Bishop's point about the necessity of multiple reports if one report could suffice to trigger an investigation and explained that while encouraging simultaneous reports is ideal, sometimes different information arises from different sources.
 - This conversation aligns with upcoming discussions on the delegation of reporting duties.
- Cris Menz expressed concern on the regulatory aspect of reporting obligations and how they vary based on professional credentials and regulations.
 - Jordan noted the importance of incorporating this discussion into ongoing deliberations, including those related to certification renewal in the training subcommittee meeting.
 - Jordan and Bryan will ensure alignment and coherence across different discussions in the draft recommendations.
- Dr. Wells highlighted the variability in reporting practices in different settings.
 - She emphasized the need for clarity regarding reporting responsibilities, particularly in cases where the designated reporter may not share the same level of concern as the original reporter.

- Zane Grant shared some of his insights from his licensing board experience:
 - There is an emphasis on the individual responsibility of reporters.
 - There are often concerns about clarity in delegation authority, particularly in cases where institutions such as schools have internal processes that may conflict with individual reporting obligations.

Jordan outlined a plan for follow-up surveys to address various aspects of reporting, including the ability to verify a report and potential methods for entities to cross-report with each other. She also mentioned a survey regarding recommendations for clarifying the "cause a report or make a report" obligation.

Duplicate and Institutional Reporting Discussion Summary

Stephanie Villafuerte provided examples of cases where ambiguity around multiple reports and institutional processes has led to tragic consequences. She cited high-profile cases like Olivia Gant's, where disagreements among professionals resulted in delayed or omitted reports. Similar situations were observed in cases involving schools, where teachers were instructed not to report. Stephanie emphasized the complexity of the issue, highlighting institutional policies, delegation practices, and the need for accountability. She also shared insights from discussions with Children's Hospital, where professionals grapple with balancing patient care with reporting obligations, often navigating delicate situations where reporting could jeopardize patient relationships and care. She underscored the nuanced nature of these challenges. Institutional reporting has dual objectives: streamlining the process and maintaining relationships with families, while also ensuring that child abuse cases do not fall through the cracks. She noted the interconnectedness of these issues and anticipated further discussion on how they intersect with the directives under consideration.

Duplicate reporting is intertwined with discussions on whether individual reporting mandates can be delegated and under what circumstances institutions can establish protocols for centralizing reporting responsibilities.

Doris Tolliver outlined the two overarching directive questions: whether the duty to report may be delegated to another and whether institutions may develop internal policies regarding mandatory reports. Subcommittee members were tasked with identifying aspects they liked and struggled with in other state examples related to these questions, as well as providing suggestions for language. Jordan and Bryan will use member input to come up with language for recommendations. Members worked on individual notecatchers which will remain open for five days to capture additional thoughts.

The discussion included the following points:

- Members expressed appreciation for Maine's institutional delegation based on size.
- Some brought attention to the importance of mechanisms for confirmation and follow-up.
 - Documentation is important to prevent information loss.
- There is a need to ensure protections and narrow application of delegation.
- The importance of clear, individual responsibility for reporting, preferring language from California or Texas that prohibits delegation or reliance on others to make the report.
- Appreciation for standardization in delegation policies.
- There is a need for clear language specifying responsible parties.
- Complexities and liabilities exist regarding secondary reporters.
- Some members noted the importance of clarifying confidentiality provisions.
- There was opposition to allowing reporting duties to be delegated solely to a supervisor, as seen in Idaho and South Dakota.
- Potential value was seen in states where multiple individuals with the same information are encouraged to report simultaneously. This could create efficiencies without sacrificing reliability.
- Differentiation was noticed between reports to department and law enforcement.
- Members highlighted the following potential challenges in rural areas:
 - There should be more reciprocity built into the reporting process to provide reassurance to reporters, especially in close-knit rural communities where concerns about retaliation or relationship damage may arise.
 - Limited capacity must be recognized for officials possibly serving in multiple roles.
- Some noted that advocacy programs and healthcare professionals may have different priorities in cases involving child sexual abuse.
 - These differences create a need for clear guidelines on reporting procedures.

Members were encouraged to add thoughts to the Notecatchers. The discussion on institutional policies around mandatory reporting will continue in the next meeting, with a focus on specific components that should be included in such

policies. Surveys will also be sent to gather further input, as they are crucial for shaping the conversation and informing decision-making.