



## Mandatory Reporting Task Force | Meeting 16

April 3, 2024, Meeting Recap

### 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.

### Introduction to Subcommittee Work

Trace Faust began the meeting with a look forward to when future task force meetings will take place and what they will cover. Today's meeting, as well as the upcoming meetings on April 24<sup>th</sup> and May 8<sup>th</sup> are designated for subcommittee meetings. May 22<sup>nd</sup> is scheduled for a full task force discussion and sharing of outcomes from the subcommittees. The next phase of subcommittees will commence in June.

The Training Subcommittee was tasked with addressing four directives, with a focus on standard training for implicit bias and legal requirements. The Reporting Processes Subcommittee will tackle three directives, including defining timeframes, clarifying the duty of mandatory reporters during personal time and reporting processes for joint knowledge scenarios.

### Mandatory Reporting Database Tool

During the meeting, Bryan Kelley provided an overview of the [Mandatory Reporting Database](#) and demonstrated how the tool can be utilized and its relevance to the task force's work. The database includes 50 state color-coded maps addressing seven specific policy questions related to mandatory reporting. These questions were derived from the language of the task force's authorizing statute and the directives given to the task force. The questions cover various aspects such as timeframes for reporting, requirements for reporting concerns encountered outside of professional capacity, internal policies for reporting, inclusion of medical neglect in definitions, addressing implicit bias and training requirements for mandatory reporters. By clicking on a state, members can view the relevant statute language regarding the specific policy question. Bryan explained the color codes used in the maps to indicate different aspects of reporting requirements across states, and directed the task force's attention to the Additional Info articles written for each policy question. He emphasized that the database captures statutes and does not include regulations or internal policies.

The database is designed to be flexible and open to revisions based on input from task force members. A question was raised regarding the wording of one question and how states were categorized in response to that wording. Bryan thanked the task force for flagging this concern, and promised to modify the resource to make the question more clear. Trace suggested creating a specific survey feedback tool tailored to the Mandatory Reporting Database for the task force members. This tool would allow members to provide detailed feedback on their experience with the database, ensuring a structured and focused approach to gathering input.

The task force was then divided into a training subcommittee and reporting processes subcommittee for more specific discussions.

### **Training Subcommittee Discussion**

The focus of the day for the training subcommittee was on discussing two specific directives: (1) Standardized training for implicit bias and; (2) Standardized training regarding the requirements of the law. The members were reminded that the directives were framed as analyses rather than mandates for implementation. The primary questions for discussion revolved around whether such training should be required and what content should be included if it were mandated.

#### *Implicit Bias Training*

During the discussion on standardized training for implicit bias, the focus was on utilizing the Mandatory Reporting Database to examine examples from other states. Members were encouraged to explore the tool and share their observations and thoughts based on their own expertise and experiences. Bryan provided insight into three specific states: DC, Illinois and New York. Bryan clarified that offering these, or any, examples, does not imply an endorsement. They do, however, provide illustrations of how states have incorporated equity and diversity considerations into their mandatory reporting training.

In discussing the examples from DC, Illinois, and New York regarding standardized training for implicit bias, several key points were highlighted:

- In DC, the statute mandates the development and approval of a training curriculum by the Office of the Attorney General, in consultation with the Child and Family Services Agency. This curriculum includes information on the impact of racial bias on the child welfare system and mandatory reporting, demonstrating a cross-agency approach to addressing implicit bias.
- Illinois requires training for mandatory reporters to include a section on implicit bias and racial and ethnic sensitivity. The implicit bias section provides tools to adjust automatic patterns of thinking and eliminate discriminatory behaviors. The curriculum is developed in consultation with various organizations with expertise in areas such as implicit bias, child abuse prevention, and culturally diverse family systems, illustrating a collaborative effort to inform training content.
- In New York, the statute mandates the updating of training issued to mandatory reporters by the Office of Children and Family Services to include protocols to reduce implicit bias. Mandatory reporters must receive this updated training by 2024. Additionally, guidelines and standards for local child protective services

must be updated to include protocols for reducing implicit bias in decision-making processes. The statute requires the child abuse and maltreatment hotline to utilize protocols to reduce implicit bias in decision-making processes, emphasizing the importance of addressing bias throughout the identification and reporting process.

Members were encouraged to consider what aspects they liked or disliked about the examples from DC, Illinois and New York, and to think about any suggestions they had regarding language or additional considerations for the training. It was emphasized that the focus should not be on detailed curriculum writing, as the task force would not be responsible for that level of specificity. Instead, members were urged to think at a broader level and offer insights and perspectives on whether such training should be implemented and what key considerations should be included. Points raised by subcommittee members include the following:

- The importance of potential collaboration across departments as mandated by the statute. This collaboration ensures that various stakeholders are involved in finalizing the language and approach to training, which is crucial for comprehensive and effective training implementation.
- The inclusion of implicit bias training for both mandatory reporters and the child welfare system ensures both the report making and report receiving processes handle them with sensitivity and awareness of implicit biases.
- An appreciation for the inclusion of implicit bias language in some state's training requirements and the establishment of specific timeframes for retraining.
- Questions were raised about the logistics of tracking compliance with these requirements and the consequences for non-compliance.
- Illinois' requirement for mandatory reporters to undergo a pre-test, training task, and post-test to measure their implicit bias levels was praised. There was some discussion about whether the statute should be so prescriptive in outlining the training process or if it should provide broader guidance for the development of training programs.
- One member stated that a shift in mindset from viewing training as a checkbox requirement to recognizing it as an opportunity for personal growth and self-reflection is incredibly powerful. Instead of simply focusing on cultural sensitivity or implicit bias as something to consider for the sake of others, framing the training as an opportunity to understand one's own limitations and become better at their job can lead to more meaningful and impactful outcomes.
- Some members highlighted a need for continually updated training.
- The opportunity and potential benefits of collecting data to measure the effectiveness of training efforts and using data to inform training requirements was discussed.

Overall, members expressed agreement with the comprehensive nature of the implicit bias training outlined in the examples. Additionally, they highlighted the importance of clearly defining the goals of such training, such as eliminating discriminatory behavior, to provide a clear purpose and motivation for individuals undergoing the training. There

was consensus among members that mandatory reporting training should be required, but concerns were raised about accountability and compliance, specifically who tracks training completion and what consequences would be for non-compliance.

### *Compliance and Accountability*

Bryan offered insights into the varying approaches states take regarding compliance and accountability for mandatory reporting training. Iowa serves as an example of a state with a quite stringent requirement, where failure to complete the training results in the loss of licensure or certification. California, on the other hand, employs a multi-tiered system, with some occupations mandated to receive training while others are strongly encouraged to receive training. Louisiana incentivizes training completion by offering continuing education credits.

Additional ideas surfaced during the discussion:

- Compliance challenges may deter stakeholder engagement.
- Some suggested that employers should bear responsibility for training, with consequences for non-compliance.
- Members considered whether training may be deemed essential for all occupations interacting with children.
- The subcommittee recognized a need for an emphasis on quality and consistency in training content.
- Members considered whether centralizing training oversight may ensure higher quality.

Overall, the subcommittee is leaning towards requiring training but is also considering how to ensure accountability, consistency, and quality in the creation and delivery of training content.

### *Standardized Training*

Bryan highlighted the importance of understanding what "standardized" means in this context and suggested considering options like centralizing training creation or designating an agency to develop uniform training for all mandatory reporters. He also referenced examples from states like Iowa and Louisiana, where training requirements are tied to licensure or certification maintenance, providing both a stick and a carrot approach to compliance.

Members discussed the challenges employers may face in implementing training within specific periods. The conversation highlighted the need to find a balance that meets training requirements without overly burdening employers. The subcommittee also discussed who should be considered mandatory reporters, what their specific training requirements should entail, and how training might vary across different types of occupations.

The subcommittee then discussed whether training should be housed within a state department, such as the Colorado Department of Human Services (CDHS). Some members favored language similar to that used in Louisiana, where the child welfare division or department approves alternative training mechanisms. This approach

balances flexibility with ensuring consistency and effectiveness in mandatory reporter training. Michigan's approach involves a state agency, in collaboration with relevant stakeholders, creating comprehensive training materials, but does not specify how they must be delivered, potentially ensuring a centralized creation of training materials while allowing flexibility in how the training is delivered by employers.

Additional points made include the following:

- What extent of flexibility is necessary in deciding in how training is delivered?
- Whether it would be useful to distinguish between basic mandatory reporting training and more nuanced diversity and inclusion training.
- A potential need for training to be provided by experts with lived experience and a proper understanding of power dynamics and control.
- A need to specify who can provide the training, such as state coalitions or experienced trainers.

The task force's mandates separate two different types of training: one focusing on legal requirements and the other addressing implicit bias. Overall, the subcommittee is grappling with how to strike the right balance and ensure that both types of training meet their intended goals without creating additional burdens or complexities. The subcommittee considered the importance of weaving implicit bias conversations into the training content, ensuring that members develop awareness and sensitivity to their own biases. They also highlighted key components related to the training, including quality, compliance, and accountability.

While some members suggest that the training should be managed by CDHS, others expressed concern that CDHS might not be the best entity due to its involvement in the broader child welfare system, which has been criticized for perpetuating bias and discrimination. There's a suggestion that a separate entity, such as the Ombudsman's office, might be better suited to handle the training to ensure accountability and impartiality.

The conversation also emphasized the importance of clarity and specificity in the training content, particularly regarding instructions for mandatory reporters on what actions to take and when. Vague language in statutes can lead to confusion among reporters, so aligning the training content with clear, actionable guidelines is crucial.

## **Reporting Processes Subcommittee Discussion**

In the Reporting Processes Subcommittee, three main directives were highlighted for discussion: the definition of "immediately," the duty of mandatory reporters beyond their professional capacity, and the reporting process for multiple mandatory reporters with joint knowledge of a concern.

### *Beyond Professional Capacity*

Regarding the duty of mandatory reporters beyond their professional capacity, the focus was on determining whether reporting extends outside professional boundaries. The subcommittee considered existing case law from the Colorado Court of Appeals and discussed the need for potential statutory changes to clarify this aspect.

Jill Cohen raised a question regarding the interpretation of the data, particularly in relation to whether mandatory reporters have a duty that extends beyond their professional capacity. She pointed out an example from the Mandatory Reporting Database where the quote stated "when acting in a professional capacity," indicating that reporting is required only within a professional context. However, the color-coding on the map labeled this as "Yes," indicating that such duty extends beyond the professional realm. The CPO committed to alter the wording of the question so it better reflected state categories, which has since been made.

The subcommittee's conversation centralized around several common themes, as indicated below:

#### *Timing*

- Consideration of using terms like "as soon as reasonably possible" or "as soon as practically possible" instead of "immediate" for reporting child abuse or endangerment.
- Suggestion of implementing a deadline, possibly within one hour, to ensure timely reporting in urgent situations involving child endangerment.
- Concerns raised about potential over-reporting and challenges of a strict 24-hour reporting timeline for different professions.
- Proposal to include qualifiers with the term "immediately" to allow for flexibility in reporting timeframes.
- Emphasis on the importance of timely reporting from a law enforcement perspective to protect children and preserve evidence.
- Suggestions for language that distinguishes between life-threatening situations and cases of neglect, considering varying levels of urgency.
- Proposal to combine phrases like "as soon as practically possible" with a specified time limit, balancing clarity and flexibility in reporting requirements.
- Challenges related to passing reports to other individuals, such as administrators, leading to delays or miscommunication.
- Recognition of the need for additional training and clarification on immediate reporting criteria, especially for secondhand information.
- Balancing clarity and flexibility in reporting duties, considering the frequency of reporting and the need for flexibility in responding to reports in the school system.

#### *Type of Knowledge*

- Discussion on the distinction between "upon receiving information" and "immediately upon knowing" in reporting requirements.

- Recognition of scenarios where individuals overhear information without firsthand knowledge, suggesting the need for time to gather information before making a report.
- Emphasis on the importance of reports being based on firsthand observations to ensure accuracy and completeness.
- Consideration that the current language covering reporting based on reasonable cause to know or suspect abuse already addresses the requirement for reports to be based on firsthand information.
- Caution against adding more language to explicitly address reporting based on firsthand information, as it may complicate the reporting process.
- Emphasis on ensuring that individuals with reasonable cause to know or suspect abuse are responsible for reporting, regardless of whether they personally witnessed the abuse.
- Need for clarity in determining whether a report should be made based on secondhand information, considering factors like the reliability of the source and the potential risk to the child.

#### *Type of Report*

- Discussion focused on Colorado's statute outlining reporting procedures, which mandate an immediate oral report followed by a written report.
- Concerns were raised about the failure of approximately 50% of reporting parties to submit a written report, resulting in discrepancies between oral and written reports.

#### *Professional and Personal Duties*

- Discussion focused on the responsibility of licensed professionals, including law enforcement officers, to report abuse or neglect even when off duty, aligning with their ethical obligation to protect vulnerable individuals.
- Whether reporting should be mandated by law for professionals who are mandatory reporters, expressing concerns about potential increases in reports.
- Suggestions were made to clarify the requirement for professionals to report in their personal capacity, considering categories of professions with tiered reporting requirements based on the public's reliance on them.
- The potential chilling effects on individuals seeking help if reporting mandates extended beyond professional settings.
- The applicability of legal protections for mandatory reporters reporting in good faith if reporting obligations were limited to professional settings.
- Advocacy for simplicity and clarity in mandatory reporting requirements, advocating for a uniform rule across professions stipulating reporting only in one's professional capacity to avoid confusion and anxiety among mandatory reporters.

- Recognition of the challenges faced by mandated reporters, especially when balancing professional responsibilities with personal observations, with emphasis on the importance of not overreporting based on assumptions.

The subcommittee decided to hold off on making a decision about whether to recommend addressing the extension of Good Samaritan protections in the legislation. They may revisit this topic in the next committee meeting or include it in a survey for further consideration.

### *Duplicative Knowledge*

The subcommittee discussed the third directive, focusing on duplicative knowledge, where multiple individuals within the same or different entities possess the same information about a concern. While it's possible that guidance exists in training materials or regulations, it wasn't readily apparent in statutes. They decided to open up the discussion for general thoughts but recognized that they might need to continue it in the next subcommittee meeting if time permits.

- Mandatory reporters with new or independent knowledge must report concerns independently, emphasizing individual accountability in reporting practices.
- Delegating reporting responsibility to another individual does not diminish the original mandatory reporter's accountability, ensuring that all relevant information is reported and addressed.
- If multiple mandated reporters receive the same information simultaneously, only those with different or subsequent information should be obligated to report, preventing redundancy.
- The need for a mechanism to verify if a report has already been made before submitting a duplicate report was highlighted, aiming to alleviate burden and ensure efficient reporting.
- Institutional reporting scenarios, such as when a doctor informs a social work team, will be addressed separately due to complexity, requiring further discussion.
- Protections for mandated reporters facing institutional constraints or conflicting interpretations should be provided, ensuring they can fulfill their reporting obligations without repercussions.
- Recommendations should aim to streamline reporting, enhance collaboration among reporters, and prioritize children's safety.
- Concerns were raised about ambiguity in reporting procedures, specifically regarding whether reports to law enforcement also need to be reported to the Colorado Department of Human Services.
- Feedback and follow-up for mandatory reporters after making reports are essential for confidence in the reporting process, with reference to Governor Hickenlooper's rule allowing reporters to follow up on their reports under certain circumstances.



- Differentiating between regular and specified mandatory reporters, the latter having an ongoing relationship with the child and access to specific information, highlights the importance of timely follow-up and feedback.
- While the TRAILS database system has the capability to provide feedback to reporting parties, it requires modifications to be more effective, necessitating additional resources.
- Cross-reporting to law enforcement is required when a suspect of a crime is involved, but implementation varies by county, indicating the need for clarity and consistency in reporting procedures.

The subcommittee wrapped up with a plan to carry over some discussion points to the next meeting. A follow-up survey will be sent out, and the subcommittee rejoined the main session.

The task force wrapped up the meeting with a plan for future sessions, including addressing additional directives in the next meeting and moving on to drafting recommendations in the third meeting. They also discussed the format for the fourth meeting, where they would present their recommendations and engage in further discussion.