



## Mandatory Reporting Task Force | Meeting 10

January 10, 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.

### Focus on the Definition of Abuse and Neglect

Input from task force members has indicated that there is a common interest in delving deeper into the statutory definition of abuse and neglect. During this meeting, the group worked on refining general concepts and preferred language. Jordan Steffen and Bryan Kelley with the Office of the Colorado Child Protection Ombudsman will provide the group with a summary and draft language for them to further refine during the meeting on January 24, 2024, and the plan is to finalize the definition during the meeting on February 7, 2024.

### Exclusions from Neglect

Trace Faust reviewed results from the member survey about different exceptions to the definition of neglect. Twenty-two members responded to the survey. Doris Tolliver led the discussion for members who completed the survey to verbally share their thoughts and rationale. Additionally, those who did not complete the survey were invited to express their thoughts, reflections and rationale on specific exceptions. The goal is to blend today's conversation and survey findings to begin crafting language for participants to react to and refine as they navigate the intricacies of mandatory reporting.

The following themes and responses from the survey were shared:

1. **Socioeconomic Status:** Of the 22 survey responses, more than 80% were in favor, a few were unsure, and one participant opposed. Examples from other states provide a variety of approaches, and the goal is to learn from existing models and ensure that the best elements from each are considered in the formulation of recommendations.
2. **Unaccompanied or Unhoused Status:** A strong majority supported this idea. While there are more responses in the "no" and "unsure" categories, all options had a majority in favor. California and Washington led in terms of exceptions related to unaccompanied or unhoused status. Bryan highlighted a lack of preference for Wyoming's approach.
3. **Services Not Offered or Unavailable:** This topic had a more divided response, with just over 50% in favor, a significant number unsure, and an almost even split between "no" and "unsure." In

terms of state examples, Arizona stood out, leading in responses, along with a mention of Arkansas.

4. **Disability Status:** There was an overwhelming majority in favor, with one person opposed.

A note catcher was shared which also helped capture member input. Participants were encouraged to express what they liked and disliked in examples from different states, as well as offer suggestions on language.

### ***Socioeconomic Status***

Members discussed the states that have created an exclusion from their definition of abuse, based solely on socioeconomic status. The discussion included the following points:

- Several participants favored versions that were brief, specific, and succinct.
- The importance of using understandable terms, given the wide variation in discretion among caseworkers.
- Challenge in defining socioeconomic status beyond financial aspects and considering input from others on proper terms.
- Appreciation for language that included economic status beyond the parent's control.
- Refining language to encompass the person responsible for care rather than just the parent, recognizing that this can include guardians.
- The value of language used by states that emphasizes that child abuse and neglect should not be considered found solely as a result of socioeconomic status, emphasizing that this alone is not a basis for a finding.
- Use the term "socioeconomic hardship" for the purposes of making a report, with an acknowledgment that the term can be defined more specifically.
- The language around "solely because of" or "solely based on," emphasizing that it is helpful, and expresses a preference for the term "hardship."
- Importance of considering terms used in Colorado statutes and having clear definitions for them.
- More specific and clear guidance for reporters regarding the exception for socioeconomic status. The goal is to minimize room for reporters to insert personal judgments about what parents or caregivers should be doing and offer clear criteria for appropriate care and child safety.

Zane Grant raised a question about the extent of economic hardship as an exception and emphasized the importance of considering the nuances mandatory reporters face in decision-making.

Doris differentiated between the group's current focus on mandatory reporting and another component, which deals with policies, practices, and laws guiding decisions from the hotline onward. Doris acknowledged Zane's consideration of downstream impacts and suggested that addressing implications from recommendations may be a topic for a different task force focused on broader child welfare conversations.

### ***Cultural Considerations***

Members discussed the states that have created an exclusion from their definition of abuse, based solely on cultural considerations. The discussion included the following points:

- Need to discuss exceptions related to religious and cultural child-rearing practices in addition to the considerations already explored for narrowing or providing exceptions in the definition of abuse or neglect.
- The need for clarification regarding cultural barriers, particularly in a community with a high migrant population.
- Concern about specific verbiage related to work and labor laws, raising questions about how children are treated based on their place of birth or their parents' place of birth.
- Michelle Murphy stated concerns and questions about the purpose of adding language related to carve-outs. As an educator and a reporter, she sees these carve-outs as adding complexity and raising questions about whether reporters should refrain from reporting due to uncertainty about family circumstances. Michelle wonders if there's an expectation for reporters, such as teachers, to delve deeper into family situations and make decisions about the root causes of perceived abuse or neglect. She highlights the potential criminal consequences for teachers choosing not to report and expresses uncertainty about how these considerations will better protect children and support families.

### ***Disability Status***

Members discussed the states that have created an exclusion from their definition of abuse, based solely on disability status. The discussion included the following points:

- Defining disabilities, there is existing case law in Colorado addressing this aspect.
- Jessica Dotter appreciates Washington's language on disability exceptions, finding it robust, understandable, and useful.

Sam Carwyn emphasized that the focus of exemptions is to protect families rather than professionals worrying about their licenses. There is a need to avoid over-reliance on child welfare services for services not within their scope, and Sam suggested involvement of Family Resource Centers, legal support, and community resources. Sam advocates for an exception for families actively engaged in seeking help, expressing concerns about the impact of hotline calls on families who are already receiving assistance and addressing potential barriers to accepting help during an investigation. The Group also discussed the consideration of capturing an exception if services are not available or haven't been offered and emphasizes the importance of discussing an exception for families actively seeking services, highlighting the need to address situations where families are making efforts to engage and seek help.

Exploring alternative approaches, such as a warm line or triage system, where mandatory reporters can seek guidance and support in complex cases was highlighted.

### ***Unaccompanied / Unhoused Status***

Members discussed the states that have created an exclusion from their definition of abuse, based solely on unaccompanied / unhoused status. The discussion included the following points:

- Concern about categorizing homelessness and unaccompanied minors together. Concern about the implications and bringing families unnecessarily into the system.
- Missouri's language for homeless and unaccompanied status, emphasizing the importance of addressing kids who are homeless due to abuse.
- Yolanda Arredondo expressed concerns about setting the age at 16 in definitions related to homeless and unaccompanied status, fearing that it might imply that if a youth is experiencing homelessness at 16, it's not an issue to be reported.
- Zane emphasized the practical challenges faced by rural organizations, such as limited resources and shelters for homeless youth, leading to a need for clarity in this area.

### ***Bias and Disparity***

Members discussed the challenges of anti-bias training reaching everyone, including all mandatory reporters. The emphasis is placed on the importance of ensuring that the statute is as clear as possible, providing effective guidance to inform decision-making. They also discussed the importance of considering decisions made at the hotline and downstream, including the perception of services as voluntary and the potential consequences of rejecting offered services, is highlighted. Yolanda's note about services and resources being perceived as voluntary and the possibility of rejection leading to a report for neglect is noted.

### **Additional Highlights**

- The importance of distinguishing between "solely" and "primarily" in the language used to list reasons, as the former may lead to longer lists of reasons.
- Positive outcomes from a call don't necessarily justify the call itself; the goal is to reduce unnecessary entries into the system.
- Word choices like "inability" rather than "failure" to shift perspectives on families.
- Understand reasons behind service denials rather than using CPS as a tool to enforce personal preferences.
- Focusing on defining neglect clearly instead of having exceptions.
- Vagueness of the neglect statute, especially regarding "prudent parenting" and "child in need of services."
- Specifying criteria for what constitutes impact on the child.
- Considering specific examples and criteria to determine if a report is warranted based on the impact on the child.
- The appropriateness of the term "neglect" and suggests focusing on abuse or maltreatment.
- A multi-disciplinary team response to reports to address biases and provide multiple perspectives.
- Discomfort with language around families rejecting services and suggests focusing on the requirement to offer support.
- Parallels to the medical reporting change in 2017 where doctors must document connecting survivors to services.
- The need for reporters to connect families with resources to address concerns about the child, even if it doesn't constitute neglect.

- A participant raised a concern about language in statutes stating that a judicial officer cannot deny solely because of certain factors. This language might result in officers consistently finding something else to justify their decisions.

Doris emphasized the idea of redefining neglect instead of creating exceptions. It suggests considering language that provides a narrower definition of abuse and neglect rather than having a broad definition with exceptions. Additionally, it highlights the importance of helping reporters better understand community resources.

Jessica stressed the complexity of the current legal structure regarding child abuse and neglect in Colorado and emphasized the need to provide specific information in the report to legislators for clarification and workable recommendations.

Jordan addressed concerns raised about the challenge of drafting specific language changes to the law and potential impacts on other sections of the statute and access to services for families. There is a shared understanding that having a vague definition of neglect is unhelpful, and there is agreement on the need for greater specificity and clarification in the language of the law. The group plans to draft a broad recommendation, seeking more input on specific language changes and considerations for future discussions.