Mandatory Reporting Task Force | Meeting 15

March 20, 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.

Alternative Processes and Services

Prior to this meeting, draft recommendations on alternative processes and services were shared with the task force. This included special provisions for decision tools, consultations and warmlines. The discussion held during this meeting will be incorporated into revision of those recommendation drafts, and then refined into final recommendations for inclusion in the final report. These revised recommendations will be presented and voted on later. This meeting aims to conclude the conversation on alternative processes and services.

Looking Ahead

Trace Faust provided a survey of what the coming task force meetings will look like. At the next meeting, the task force will again divide into two subcommittees to address remaining legislative directives. Phase One will involve the formation of training and reporting process subcommittees to tackle relevant directives. After these meetings, the subcommittees will then change their focus. In Phase Two, subcommittees will focus on reporting requirements for specialized occupation and the collection and utilization of data.

Trace reminded the task force that the recommendations will undergo a legislative process where additional stakeholders will be involved. It is crucial to strike a balance between providing sufficient detail to make the recommendations meaningful while avoiding getting too deep into the specifics, as some details will be addressed in subsequent legislative steps. Trace encouraged participants to contribute to the discussion while keeping in mind the need to maintain an appropriate level of detail. They highlighted the intention to ensure the recommendations are well-rounded and effective in guiding the decision-making processes.

Decision Support Tools

The discussion revolved around the recommendation to contract a third party to develop a decision-support tool for mandatory reporters regarding child abuse and neglect. The proposed

tool aims to be user-friendly, provide clear guidance on state laws, address implicit biases and offer resources for alternative solutions if a report is not warranted.

Ashley Chase initiated the discussion by questioning the necessity of outsourcing this task, citing potential costs and suggesting the expertise within the task force might suffice. Other members expressed varying opinions, considering factors such as cost, the need for ongoing feedback, and the flexibility of language in the recommendation. Margaret Ochoa suggested broadening the language to encompass both options—contracting a third party or utilizing internal expertise—to provide flexibility. The primary focus should remain on the necessity of the tool, with cost analysis addressed as a secondary concern through the legislative fiscal analysis process. This approach ensures that the recommendation captures the nuances of cost while emphasizing the importance of the tool itself.

Donna L. Wilson emphasized that the task force's primary focus should be on eliminating or mitigating disparate outcomes for children and families of color. She highlighted the need for explicit language in the recommendations to ensure that any third-party contractors prioritize equity in their decision-making processes and stressed the importance of embedding equity principles from the beginning and not treating it as an afterthought. There was general agreement to revise the language of the recommendations to reflect this central principle and to ensure that equity is integrated at every level of decision-making.

Jennifer Eyl suggested that the decision-support tool should be tailored to address the specific needs of survivors of domestic violence, sexual assault, stalking and human trafficking. The discussion highlighted the importance of integrating specialized knowledge and resources into the decision-making process.

Considering the time constraints and the need to balance financial considerations with the urgency of creating the tool, it was suggested that the creation of the tool was the primary goal. The recommendation could indicate a preference for internal development but leave room for third-party contracting if deemed necessary and funds are available. The remaining discussion covered:

- Whether it would be possible to involve a small, nimble group of practitioners with practical experience, particularly in advancing equity. There could be potential issues if multiple third parties are involved in developing related but distinct tools.
- The potential burden on individuals completing the tool.
- The hope that framing the tool as optional would address concerns about individuals who may not have the interest or time to use the tool effectively.
- Concerns about effectiveness if the tool is not widely used or required.
- Whether there is an optional method for documenting tool completion with a timestamp for liability concerns.
- Concerns about compromising confidentiality, particularly for individuals working with victims of sexual abuse or domestic violence. The option to not timestamp or record participation in the tool would allow them to benefit from informed decision-making without compromising confidentiality.

- A task force member cautioned that equity and transparency are interconnected, and this can promote and emphasize accountability. Documenting use of the tool could ensure transparency in decision-making.
- Some members highlighted potential risks for mandatory reporters, particularly domestic violence and sexual assault advocates, being required to document their use of the tool. This documentation could inadvertently disclose sensitive information, such as a survivor's location, putting them at risk. The importance of preserving confidentiality for advocates and survivors, especially considering the potential misuse of documentation, particularly within over-reported communities.
- Clarification was suggested regarding the tool's intended use and access, with safeguards against misuse.
- Members discussed a desire for providing protection for mandatory reporters using the tool, ensuring proof of use.
- Alternative measures to protect reporters' identities were considered.
- Members discussed incorporating disclaimer and feedback mechanisms for improvement.
- The task force also discussed a need for transparency about data storage and access.
- It was suggested that the task force clarify the tool's purpose as a resource for documentation, not for punitive measures.
- Some discussed that a lack of training on the tool would not be punished, but failure to use the tool after receiving training could be considered.
- The task force discussed the promise of leveraging third-party expertise through working with organizations like Evident Change.
- Task force members discussed a need to consider equity in decision-making process and data collection metrics.

Additional ideas raised include:

- Develop a paper version of the tool to ensure accessibility for individuals without internet access or technology.
- Create guidance to assist mandatory reporters in gathering additional information from families or other sources to answer tool prompts. Providing guidance for mandatory reporters to ask follow-up questions could represent a paradigm shift. Traditionally, reporters are trained not to act as investigators and to rely on the information provided to them.
  - This aspect might be better addressed as part of the training component rather than directly within the decision-support tool. The task force discussed possibly asking the training subcommittee to explore how to effectively implement this change if it aligns with the goals of the initiative.

  - This aspect should be explicitly addressed within the tool itself rather than relegated solely to training materials. It should guide reporters regarding the level of rapport and interaction required with families to ensure informed decision-making. This feature should be clearly outlined as part of the tool's functionality.

o The need for clarity regarding the distinction between engaging with families for information-gathering purposes and conducting investigations. The task force believes that the language should emphasize the importance of partnering with families in dialogue and providing support rather than implying investigative responsibilities.

Training on Decision-Support Tool

The task force recommends ensuring that individuals who have access to the tool are adequately trained in its use. However, there is a need for clarification regarding the term "required," as it could be interpreted differently. The discussion also explores the possibility of embedding training within the tool itself to make it more accessible to users. The task force recommends that special consideration be given to developing resources and tools specific to sexual abuse, domestic violence (DV), stalking, human trafficking, and the impact on children in these situations. A vote was held on whether the tool should be optional, with 19 task force members voting yes.

Consultations

The task force then discussed draft recommendations for implementing a consultation model to assist mandatory reporters in determining whether a concern meets the threshold requiring a report to the hotline. Key considerations include locating the consultation service in a central statewide system rather than in county or institution-specific offices to ensure formal consistency and widespread access.

Discussion of these consultations included the following:

- A preference among task force members for ensuring the consultation service is staffed by professionals with specialized knowledge regarding abuse and neglect reporting.
- A task force member suggested using the phrase "professionals with experience" instead of specifying child welfare or public health individuals to encompass a broader range of expertise.
- One task force member reflected on the challenge of listing specific specialties due to potential exclusions or the need to include all types.
- Similar to the previous decision-support tool discussion, the task force also discussed the merits of providing documentation for those who choose to use the consultation option to ensure they have evidence of taking appropriate steps.
- A task force member raised the importance of emphasizing the coaching component in the consultation model, particularly focusing on issues related to bias and culture.
- Some members pointed to a need for a multidisciplinary team with expertise in various areas, including lived experience, physical abuse, sexual abuse, and substance use disorders.
- Members were also eager to include individuals with lived experience in the consultation team.
- The task force discussed locating the consultation service in a centralized statewide system to ensure accessibility to all communities, while considering concerns regarding capacity, workforce availability and funding.

- Standardized protocols or tools to streamline the consultation process and facilitate evaluation were discussed.
- The facilitation team reminded the task force of the aim to provide guidance rather than prescribing specific actions in the recommendations to the legislature, aiming for reachable goals and being mindful of creating unrealistic expectations.
- Task force members discussed the merits of providing specificity in recommendations to legislators, noting that legislators often seek concrete details to understand proposals effectively. One member highlighted the need to find a balance between providing overarching guidance and including specific elements to ensure clarity and comprehension by legislators. This approach ensures that legislators have both a clear direction and specific details to incorporate into legislative packages effectively.
- Some task force members addressed the challenge of maximizing impact when many recommendations are optional. Doris Tolliver expressed concerns about equitable impact, noting that optional approaches may be exercised in biased ways, potentially impacting families of color differently.
- The task force discussed the importance of training at every step of the process to address implicit bias.
- Discussion also hit on how these processes can be designed to slow down decision-making and disrupt bias by prompting individuals to consider their reasons for reporting.

The discussion brings attention to the fact that educators often face dilemmas about whether to report concerns of abuse or neglect, and having access to consultation services could alleviate some of this anxiety.

The discussion then turned to whether consultation services should be optional or mandatory. Jordan Steffen proposed sending a follow-up poll to the task force to gauge preferences on this matter.

Warmlines

The drafted recommendation language for warmlines was then considered by the task force. Some potential refinements or considerations for the creation of the warmline system include:

- Clarifying that assistance is provided only when it has been determined that it is needed or desired by the family, rather than assuming all families contacted will require resources.
- Ensuring that the third party tasked with creating the inventory of existing resources consults families with lived experience to gain their perspectives.
- Conducting thorough outreach in every county to understand the unique challenges, strengths, cultural, socioeconomic and other social elements of each jurisdiction.
- Implementing measures to keep the list of available resources current and relevant over time, rather than allowing it to become outdated.
- Collaborating with organizations such as United Way and similar existing networks to compile a comprehensive list of resources.
- Learning from other states' processes, implementation structures, and lessons learned to inform the development of the warmline system and identify best practices for implementation.

- Clarify in the recommendation itself that the warmline system is not just a list of phone numbers for referrals, but rather a comprehensive support system that includes coaching, motivational interviewing, and a strength-based approach to assist families in accessing resources in a meaningful way. This distinction should be highlighted to underscore the unique value and purpose of the warmline system compared to existing resources like 211.
- Ensuring that the recommendations prioritize community-based and culturally specific resources, aligning with the principles of the social determinants of health. The goal is to make these resources accessible to people within their own communities, minimizing the need for extensive travel and ensuring that the language used in the recommendations reflects this commitment to inclusivity and cultural relevance.
- Using different terminology that emphasizes assessing and analyzing existing resources to determine how they can be utilized and enhanced for the development of a warm line system.
- Identifying informal services and cultural brokers that may not be captured in formal databases but are crucial for under-resourced communities.
- Leverage existing resources like Family Resource Centers that already provide resource and referral services as well as comprehensive coordinated care for families. Coordinate them effectively at a statewide level.

A poll will be sent out to gather feedback on the liability aspect and other considerations raised during the meeting, with clear language to ensure understanding.