



The Mandatory Reporting Task Force | Meeting 24

Meeting Minutes

August 7th, 8:00 am-11:00 am Virtual Meeting (Zoom)

Facilitators: Trace Faust and Doris Tolliver

Members: See Appendix A

Welcome & Approval of Minutes	<ul style="list-style-type: none">Task Force Chair Stephanie Villafuerte welcomed the task force. She turned attention to approval of the materials. She first asked for edits to the minutes from July 17th; there were none. Ida Drury motioned; Dawn Alexander seconded. There were no oppositions. The minutes were approved. Stephanie then asked for edits to the materials from the data subcommittee from July 17th; there were none. Michelle Dossey motioned; Sara Pielsticker seconded. There were no oppositions. The minutes and the recap were approved. Stephanie then asked for edits to the materials from the specialized occupations subcommittee from July 17th; there were none. Tara Doxtater motioned; Aletha Jenkins seconded. The minutes and the recap were approved. Stepahnne then asked for edits to the minutes from July 24th; there were none. Cris Menz motioned; Dawn seconded. There were no oppositions. The minutes were approved. Finally, Stephanie asked for edits to the recap from July 24th; there were none. Tara motioned; Michelle seconded. There were no oppositions. The recap was approved.
Discussion	<ul style="list-style-type: none">Trace Faust welcomed the task force for a continued conversation of the specialized occupations directives. They provided guidance on meeting the requirements of the directives and focusing on the topics in the directives. They shared directive 7 electronically and read it out loud. They also explained it.Jennifer Eyl said that she perceives the conversation as an either, or; either victim advocates are taken off the list of mandatory reporters or they are provided a delay to make a safety plan prior to reporting. She said that she is not sure she agrees with delaying reporting for all people who make safety plans. Trace thanked her. Jennifer continued that there is no definition of a safety plan; it gets too complicated to consider if someone has enough skill to make a safety plan and others do not. She said she is having a hard time thinking about both removing victim advocates and instituting a reporting delay. Trace thanked her.Roshan Kalantar said that the skill set for a safety plan is really complicated. She said that the conversation started with removing domestic violence and sexual assault advocates from the list of mandatory reporters and having the reporting delay as a stop gap. She said that to 'ensure the safety of a victim' is extremely hard and she is thinking of unintended consequences with this language. Trace said that the language shared electronically was pulled from the directive rather than from the subcommittee; they thanked her for her perspective on this.Gina Lopez said that there are differences between different advocates. She said that they can try to align reporting responsibilities with confidentiality privileges. She explained that there are system based advocates like in the prosecutor's office who can hand off safety planning to community based advocates for a more comprehensive approach; this is because system based advocates are mandatory reporters and these advocates do warn victims of this. She also



mentioned that education in K12 schools about domestic violence and sexual health safety is not always a given in a certain community. She also mentioned that Title IX coordinators are not in every community either. She brings this up to say that schools should implement Title IX. Trace thanked her. Jordan refocused the conversation to the directive.

- Jessica Dotter said that the directive is from the legislature for the task force to consider; the intent was about victim advocates having a specific time frame to exempt them from reporting for the purpose of making a safety plan rather than requiring people, such as teachers or police officers, to make a safety plan, if they lack the training. She said that this is to alleviate the concerns of reporting right away and to allow time to make safety plans. She suggested adding a delay for statutorily defined victim advocates although she is not sure if this is the best course of action since there can be other mandatory reporters who could benefit from a delay in reporting. She also suggested defining immediately to be more of a timeframe; these directives are also interrelated. She supports having a delay for the purpose of safety planning.
- Lori Jenkins suggested using caution on considering which advocates the delay would apply to since some reporters are community based that work in the system. She said that it depends on the context and that there are nuances to this for reporters who are both. Jordan reminded the task force of the directive; they are tasked to analyze a topic which might not mean making a specific recommendation.
- Stephanie thanked the task force and said that the task force cannot make a recommendation on this until it defines who the recommendation applies to; this question could or could not be answered by the task force.
- Stephanie asked Jennifer her thoughts on the conversation thus far. Jennifer said that, in the absence of taking victim advocates off the list of mandatory reporters, the delay would be helpful as a substitute for statutorily defined victim advocates. She said that there is a risk of misuse by allowing the safety planning delay for people who do not know how to. She said that if the question is either, or; then she does not support the delay. Stephanie asked if Jennifer would be in favor of a delay only for statutorily defined victim advocates; Jennifer said yes. Trace thanked them and said that this responds to the directive.
- Trace asked if any members are against a 72 hour delay for advocates. Stephanie clarified if the task force wants to define who the delay applies to.
- Zane Grant said that when a sexual assault occurs, a delay might hinder a victims access to proper evidence collection for a criminal case. Trace thanked him and said that the delay is to provide an option to delay to support the victim's safety rather than requiring a delay; the delay does not preclude reporting right away. Jessica added that a victim advocate would help a victim obtain a sexual assault exam in the hospital. Jennifer agreed and added that if the hospital visit is what the victim wants.
- Gina said that she is concerned about adding more time for children enduring sexual abuse. She also said that there are timeframes with medication around sexual assaults. She also said that a delay would be helpful for people coming to



Colorado for reproductive care. Jordan explained more about the drafted language.

- Jennifer said that a law enforcement involvement is entirely up to the survivor; many times they do not and many times no crime has actually been committed in domestic violence situations. She said that one of the benefits of providing privileges to victim advocates allows for them to provide services without getting systems involved since there are slim odds of obtaining a guilty verdict in these cases.
- Trace asked for any objections or comments about the drafted language that Jordan wrote.
- Roshan said that she doesn't want to lose sight of removing victim advocates from the list of mandatory reporters. She said that she wants to ensure that the 72 hour delay is beneficial for victim advocates instead of unintended consequences of having the delay available for everyone. She also suggested complications and contradictions about the specific advocates which can make it confusing for legislatures. Trace thanked her and said that there was no directive about removing victim advocates; the task force has captured this conversation and it will be in the narrative of the report however the task force must respond to the directives. Roshan said that she agrees and that if the task force responds with the drafted language, then there might be conflicting recommendations regarding the specific advocates. Trace thanked her.
- Jade Woodward asked about including both recommendations under this directive; 'first, exempt victim advocates from mandatory reporting. Second, if that is not possible, then delay the victim advocates' reporting requirement by 72 hours'. Trace thanked her. Stephanie asked if the task force agrees with this; there has not been a straw poll for removing victim advocates as a full task force. Trace thanked her and suggested a quick huddle for the facilitation team to address the straw poll; the task force will take a break.
- Trace explained that there can be additional legislative considerations in the report; the removal of victim advocates can be included in this part. They asked Jordan to provide the drafted language for the task force to take a straw poll on; they explained the drafted language.
- Dr. Kathi Wells asked if victim indicates adult or youth victims. Jordan said that this is within the context of the mandatory reporting statute. Stephanie said that her feeling is that it involves adult victims of domestic violence, sexual assault, or stalking which can include children who have been harmed and would trigger a report. Jessica said that she agrees; the intent was to create time to set up a safety plan for the family even if the initial situation pertained to an adult. She said that the legislature will have to clarify this as well. Stephannie asked if it makes a difference; if a child disclosed a situation of child abuse or an adult indicated that a child is being abuse, there is still a 72 hour delay in reporting.
- Dr. Wells asked if there was support in delaying a report by 72 hours since it can make a public safety consideration depending on the perpetrator. Yolanda Arredondo said that if a youth is disclosing their abuse, she wonders about parental rights and the implications depending on who the perpetrator is. She



also wonders about adult, parental victims who are also perpetrators and how delayed reporting can impact this.

- Yolanda asked how safety planning changes with a child victim or an adult victim. Byron Kelley provided the legal definition of victim advocates. Jessica said that there is no definition of victim; this question might be more of a legislative drafting issue rather than a recommendation issue. Jordan asked about the responsibility of the mandatory reporter and if there is a need to draw a line where the information came from for this directive.
- Dr. Wells said that if a caregiver discloses sexual assault, then the person who received the information can decide if it is urgent especially if the victim is an adult. She said that the victim advocate can make the decision if the report needs to be urgent, depending on who the victim is. Jordan thanked her and said she is still wondering why there would be a distinction between who the victim is.
- Yolanda said that if a child discloses a sexual assault to one reporter, then it is reported immediately but when it is disclosed to a victim advocate then then it is reported 3 days later. She said that this is concerning. Jordan asked if the distinction is who the reporter is rather than the victim. Yolanda said that there can be situations when a child is witness to a situation or is impacted by a situation; some victim advocates can recognize this without the adult victim indicating this. Jordan said that the threshold has not changed; once a mandatory reporter has knowledge of an instance of child abuse, they need to trigger a report; a victim advocate can has 72 hours to report and others have to make a report right away. Yolanda said that the adult victim might not want to engage in safety planning so then would the delay still apply. Jordan said that since the threshold has not changed, then no; the mandatory reporter would still have to report. She said that the delay does not make reporting discretionary or require delayed reporting. Trace agreed and said that this delay would allow for more ability for victim advocates to engage in safety planning when it is needed.
- Jennifer said that, unlike medical care and mental health services, a youth is not legally granted the right to victim advocates; this is important to understand since if a minor is accessing services, they do so with the assistance of an adult. Roshan agreed. Trace said that this addresses how the information comes in.
- Trace electronically provided drafted language on a reporting delay for victim advocates to take a straw poll on; there will be another straw poll for the legislative consideration about removing victim advocates from the list of mandatory reporters. They read the drafted language.
- Yes votes
 - Carlos Castillo
 - Jessica Dotter
 - Dr. Kathi Wells
 - Stephannie Villafuerte
 - Zane Grant
 - Jill Cohen
 - Jade Woodard
 - Gina Lopez



	<ul style="list-style-type: none">○ Michelle Dossey○ Cris Menz○ Ashley Chase○ Donna Willson○ Dawn Alexander○ Ida Drury○ Aletha Jenkins● Trace addressed Jade’s electronic chat about ‘up to 72 hours’; this is a clarification of intent.● No votes<ul style="list-style-type: none">○ Yolanda Arredondo○ Adriana Hartley● Abstain<ul style="list-style-type: none">○ Jennifer Eyl● Trace explained the second straw poll about removing victim advocates from the list of mandatory reporters as a legislative consideration; they provided the language electronically as well as read it out loud.● Yes votes<ul style="list-style-type: none">○ Jill Cohen○ Ida Drury○ Gina Lopez○ Jennifer Eyl○ Jade Woodard○ Roshan Kalantar○ Ashley Chase○ Sara Pielsticker○ Claire Polini○ Donna Wilson● No votes<ul style="list-style-type: none">○ Cris Menz○ Carlos Castillo○ Adriana Hartley○ Stephannie Villafuerte○ Jessica Dotter○ Aletha Jenkins○ Dr. Kathi Wells○ Michelle Dossey○ Zane Grant○ Yolanda Arredondo○ Dawn Alexander● Abstain<ul style="list-style-type: none">○ Ayla Bullock● Trace thanked the task force. They explained that these straw polls will be available for the full task force in a follow up email to capture opinions of members that are not present. They said that this conversation will be captured; it
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	<p>just might not be an official recommendation of the task force. They provided the task force with a quick break.</p> <ul style="list-style-type: none"> ● Trace brought the task force back from the break and provided the directive language about medical child abuse. ● Dr. Wells provided the context of medical child abuse; it is the notion of a caregiver seeking excessive care for an existing condition, a factitious condition, or causing a condition. She said that the treatment can focus on the caregiver but the main focus is on the child who has negative impacts. She continued that the cases involve many systems working closely together; the medical community has a large role in these cases since a medical professional needs to determine if the medical problem is real, exaggerated or created. She said that the question was how or when these cases come to the knowledge of law enforcement; there is a time when the medical community is trying to make determinations on a case and this should be left to the medical community rather than legislation. She said that medical professionals are still mandated to make a report when they have a reasonable suspicion of medical child abuse. She said that the question in the subcommittee discussion was the duty to report and if a medical professional can delegate a report; these addressed the challenging problems. She said that if the task force wanted a deeper dive, only 3 states have a legislation that calls out for factitious disorder by proxy; this could indicate that institutions that employ mandated reporters should have policy to support reporters rather than call out these specific cases. She said that if the task force wanted to include factitious disorder by proxy as a separate situation, then it would be a larger conversation, maybe a study by a third party. Trace thanked her and asked for comments, questions and concerns. ● Gina said that she had a concern around what red flag behavior is grounded in as to prevent harm to marginalized communities who are not always respected in medical settings. She mentioned that an abuser in medical child abuse cases is generally unusually articulate in medical settings; this is concerning since people of color have to be especially articulate as they are not always taken seriously. Trace thanked her. ● Dr. Wells thanked Gina and said that she appreciates the cultural context; it also underscores how complicated these cases are since medical professionals have to believe the information provided to them. She said that, in general, most of these cases involved quite privileged people which also makes it more complicated since they can operate undedicated for a long time and their involvement in their child's care is often seen as a good thing. She compared these cases to the opposite of neglect. She again thanked Gina for her perspective. Trace thanked them and asked for more comments; there were none. ● Lastly, Trace electronically displayed the survey results and explained them.
Public Comment	<ul style="list-style-type: none"> ● No public comment.
Next Steps and Adjourn	<ul style="list-style-type: none"> ● Trace thanked the task force for their work.



	<ul style="list-style-type: none">• Stephanie thanked the task force.• Trace dismissed the task force at 10:30 AM and said that there will be email follow up.
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Appendix A:

- Dr. Kathi Wells
- Cris Menz
- Zane Grant
- Carlos Castillo
- Ida Drury
- Jennifer Eyl
- Sara Pielsticker
- Claire Polini (for Kevin Bishop)
- Gina Lopez
- Michelle Dossey
- Tara Doxtater
- Margaret Ochoa
- Jade Woodard
- Jill Cohen
- Donna Willson
- Lori Jenkins
- Dawn Alexander
- Adriana Hartley
- Jessica Dotter
- Roshan Kalantar
- Aletha Jenkins
- Ayla Bullock (for Shawna McGuckin)