



Mandatory Reporting Task Force

Member Position Statements for Final Recommendation “No” Votes

- Recommendation 2(b):
 - Ashley Chase: OCR is in support of this concept and believes it is important to address. The "no" vote is solely related to the need to flag that any change to this definition must be very clear to avoid creating additional litigation and to ensure that children and youth who need oversight and protections of the court are not inadvertently excluded. We are seeing unintended consequences of similar language in current Colorado Supreme Court cases and need to have the flexibility to work on this statutory language when it is introduced at the state capitol.
- Recommendation 4 (a):
 - Jill Cohen: A third-party tool may be useful, however, the lack of information about cost prevents a yes vote.
- Recommendation 5:
 - Nate Bustamante: I think that it is more than solely CDHS's responsibility to train mandatory reporters. I also think that community leaders within each community that are on the ground directly supporting families are equipped with the most information to assess their communities needs and have the ability to make the most informed decisions like when navigating culturally appropriate services.
 - Michelle Murphy: Schools and other institutions should have flexibility to develop their own trainings, suited for their respective employees. This provision, as drafted, would require all individuals to take the DHS training
 - Jill Cohen: I do not agree that CDHS should be solely responsible for required training for all mandatory reporters. Many community-based agencies would do an excellent job of providing training for their own communities with current expertise their specific community needs (e.g. if they provide services to people with disabilities, work in the harm reduction field, refugee service providers, etc.). They are in a better position to integrate community members into the training curriculum. I am also aware not al reporters are paid for their training time and do not support requirements for their training without specific details about frequency and length.
- Recommendation 6:
 - Jill Cohen: Reporters should make immediate calls to 911 if there is immediate danger (just like the public should). I do not agree with a mandatory 24 hours and ask to consider 48-72 hours, which is common in other states' statutes. This gives families the opportunity to seek support and resources, including from the reporter, if the reporter is in a position to support.
 - Leanna Gavin: I do not believe mandatory reporters should be penalized for making a report outside of a 24-hour window, at least not in every circumstance.



In theory, this sounds like a good clarification. However, compliance is dependent on the MR having a very clear understanding of what constitutes abuse/neglect for purposes of this policy and what they are required to report. While other recommendations made by this task force are aimed at clarifying that, it is not guaranteed that these recommendations will be implemented and will resolve the current lack of clarity for MRs. If implemented, this 24-hour restriction may lead MRs to air on the side of overreporting to avoid being penalized for failure to comply. I also want to be clear that in order for a policy like this to be effective, the definition of who is a mandatory reporter needs to be changed as recommended by this task force. For example, a victim advocate may have good reason not to report within 24 hours to protect their client. If we are going to impose additional obligations and potential penalties on MRs we need to refine the list of professionals who are considered MRs under the statute.

- Recommendation 7(a):
 - Jessica Dotter: It is my position that community based victim's advocates should not be completely exempt from mandatory reporting laws, considering the information especially regarding children under 15 that is often received in their role working with survivors. I do support 7(B) to allow more time for advocates to work with a survivor and support them and educate them about the process before reporting as a reasonable compromise. I also feel that procedurally this should not be included in the recommendations. This is the one recommendation that was outside the purview of directives provided by the legislature, and notably, other concepts and concerns were raised by stakeholders which were not allowed to ultimately fully develop due to that reason.
 - Zane Grant: We agreed by vote in committee (from my recollection) that this would not be included in our recommendations. It remains imperative that victim's advocates continue to report and in recommendation 7B, we are affording them the opportunity to do safety planning with victims prior to the report up to 72 hours. Justice cannot be served and victims cannot be safe and accounted for if the proper authorities are not being contacted by victims advocates. The current statute was researched as to when victims advocates were originally written into this statute and the original reasons remain valid.
- Recommendation 7(b):
 - Yolanda Arredondo: The ability to delay making a report up to 72 hours may result in unmitigated safety concerns for the child or youth.
- Recommendation 9:
 - Margaret Ochoa: I believe the Committee should follow the Court of Appeals' guidance on this point. Mandatory reporters have unique training that enables them to protect children. Their obligation should remain even if they are not in their professional capacity.
- Recommendation 11:
 - Leanna Gavin: I am not comfortable supporting this recommendation because it is vague as to specifically which statute will be changed and potentially conflicts with other recommendations by this task force as to reporting requirements. The



reasons for the specified age group and time frame are unclear as is the policy for reports made that do not fall within the age group or time frame.

- Yolanda Arredondo: The ability to delay making a report up to 72 hours may result in unmitigated safety concerns for the youth.
- Jade Woodard: Illuminate Colorado does not agree with a blanket extended timeline for reporting sexual offenses by any mandatory reporter. In addition, we question teen dating violence as a child welfare issue and would suggest that there is more work to be done on this recommendation.
- Jennifer Eyl: Providing for a delay in reporting does not address the issue the Task Force was tasked with addressing. The issue here is whether a victim of dating violence or sexual violence is entitled to seek supportive services without having either DHS or law enforcement (and their parents or guardians) involved against their will. This is particularly important for teens who are able to access mental health and medical care without parental involvement, but who would not be given the same autonomy in seeking services regarding teen dating violence or sexual violence from someone other than a victim's advocate.
- Recommendation 12:
 - Jennifer Eyl: This recommendation is both unclear and does not align with the discussions had in Task Force meetings. DHS should provide a reporter with a referral number that the reporter can share with coworkers who would otherwise make duplicative reports. DHS should not be providing this to absolve additional reporters from reporting requirements beyond this - meaning it should only be given to the person reporting. Expanding this to ANY duplicative report, and therefore requiring the breach of confidentiality mentioned in this recommendation, was not the intention of this recommendation, in my opinion. We should avoid any recommendations that lessen the confidentiality requirements to which DHS is currently bound.
- Recommendation 13:
 - Jill Cohen: Professionals should have independent decision making about how they fulfill their duties and keep families safe. I support removing any restrictions that create a culture of fear (fear of getting into trouble). If a supervisor or colleague is better equipped to make a timely and accurate call, the state should not dictate otherwise.
- Recommendation 15:
 - Jill Cohen: DORA already holds immense power over credentialing, there is no need to increase their authority in new legislation.
- Recommendation 16 (b):
 - Jessica Dotter: While understanding that it may mean more work for the under-resourced reporters, I am concerned that the exact reason we have for requiring certain reports may be undermined if this requirement does not exist. Reporters can tell an SRO, for example, in a hallway conversation, that suspected abuse has occurred, and then it may be forgotten or fall through the cracks. Reporters open themselves up to more liability if we remove this practice as well - because it cannot be proven one way or another that a report was made



if it is not done via 911 or the DHS hotline, which obviously do provide record of the report. I would support a modification that an oral report for which there is documentation suffices, or else a written report is required.

- Recommendation 18:
 - Kathryn Wells: I do not believe enough data was presented to support the effectiveness and impact of this.
- Recommendation 19 (b):
 - Jill Cohen: If this were limited to Mandatory Reporters, I would agree. However, it is too broad and could include hotline reporters who make malicious reports and this would provide too much confidential information to them.