

Mandatory Reporting Task Force | Meeting 22

July 17, 2024, Meeting Recap - Data Subcommittee

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.

Recap of Previous Data Subcommittee Meeting

Today's discussion largely focused on the directive to analyze "a process for inter- and intra-agency communications, confirming receipt of reports, and, in some circumstances, sharing the outcome of reports with certain mandatory reporters".

Bryan Kelley provided an overview of the last meeting's discussion, highlighting the main topics:

- *Personal Information Collection*: Discussion on the types of demographic data collected and the consistency and differences between Legacy Trails and Mod Trails.
- *Data Collection in Trails Mod*: JP Sleeper demonstrated the capabilities of the Trails Mod system for data collection.
- *Legislation and Reporting Requirements*: Examined recent legislation on reporting disaggregated data and its interaction with current data collection requirements.
- *Consistency in Data Collection*: Emphasized the need for consistent data collection, especially in emerging areas like web platform reports.
- *Challenges in Data Collection*: Addressed issues in collecting race and ethnicity data based on third-party assumptions versus self-identification for better validity.

Today's meeting aims to build on these discussions and further explore information sharing and reporting practices, including (per the directive being considered in this meeting) analyzing communication processes between and within agencies, including confirming receipt of reports and sharing report outcomes with certain mandated reporters.

The same guests from the Colorado Department of Human Services that spoke at the prior meeting also joined this meeting. This included Jessica Starr, Research Analysis and Data Unit Manager, Division of Child Welfare; April Jenkins, Child Protection and Prevention Services Unit Manager, Division of Child Welfare; and JP Sleeper, Trails Product Manager.

Information Currently Shared with Outside Agencies

April began discussion by providing an overview of information sharing between agencies. Information sharing with law enforcement and county departments of human services is largely facilitated through Memorandums of Understanding (MOUs). During an assessment involving law enforcement, information sharing is more fluid, assuming cooperative agreements are in place. Information sharing decreases once the case moves beyond assessment and law enforcement involvement ends. April emphasized that the specifics of information sharing depend on the situation and the agreements or releases in place.

Family Support

Doris Tolliver raised a question about providing services and support to families without the trauma of formal child abuse and neglect investigations. Families can access prevention services through self-referrals or if a referral is screened out. The Community Pathways Option allows families to receive services upstream, before any formal child welfare involvement, ensuring their names are not listed in the system.

April emphasized that there are multiple avenues for families to receive services without entering the formal child welfare system, ensuring support while maintaining confidentiality and minimizing trauma. Often, mandated reporters know a family needs services but are unsure how to connect them without reporting to the hotline, even if they don't believe it's a case of abuse or neglect.

Michelle Dossey raised several points about the challenges and needs in sharing information to provide preventative services without formally involving families in the child welfare system. Counties face difficulties in sharing information with the community, especially with reporting parties (mandated or not) and community partners. There is no clear legal guidance on what information can be shared and when. Arapahoe County has previously had issues in sharing information while running a prevention program, particularly about report status and making referrals for preventative services without confirming a report, causing confusion for families and service providers.

She also mentioned the Handle With Care Program which was intended to notify schools if police had been to a family's house the night before, without involving the child welfare system, to provide support to children who might need it. The county struggled to implement it due to confidentiality concerns.

Michelle highlighted the ongoing struggle to find a balance between protecting family confidentiality and ensuring that families and children receive the support they need without unnecessary formal involvement in the child welfare system.

Jessica shared resources and regulations regarding information sharing and confidentiality in child welfare, specifically Colorado Children's Code (Title 19), which governs access to child welfare records, and guidelines on what confidential information is protected and procedures for

releasing it. The difficulty lies in interpreting what is explicitly listed in the regulations and what is not, creating gray areas.

- **Challenges:**
 - *Information Sharing with Schools:* There are flexibilities and requirements for sharing information with school districts, but implementation issues persist. Schools need timely information on changes in parenting rights and on children placed in foster care and how schools are notified.
 - *Hotline Reports:* Delays in receiving information about hotline reports concerning employees suspected of abuse.
 - *Law Enforcement:* Clarification needed on the role of law enforcement in these cases and how information is shared.
- **Legal Context and Process:** There are broad-based flexibilities in the law for information sharing, but practical application and clear guidance are required. The subcommittee seeks to elevate these issues for better clarity and implementation in the process.

Jessica provided an overview of [C.R.S. 19-1-307](#) pertaining to dependency and neglect records the access of certain persons and agencies to these records and reports. Section 2 of this statute specifies that law enforcement agencies, district attorneys, coroners, and County or District Departments of Human and Social Services investigating a report should have access to records and reports. Clear guidance is needed on what confidentiality laws mean in practical terms, as county staff may not be lawyers and might find the legal language challenging.

Practical Implementation

As the Data Subcommittee discussed these issues, several points emerged that could be helpful to the state, counties, and case workers:

- *Legal Guidelines:* Simplified explanations of confidentiality laws and regulations.
- *Templates for MOUs:* Standard templates that can be customized by counties.
- *Best Practices:* Examples of successful information-sharing practices from other counties.
- *Training Materials:* Resources to train county staff on the legal and practical aspects of information sharing.

In addition to providing specific tools to counties, the subcommittee was urged to develop recommendations to clarify when and how counties can share information.

- *Need for Plain Language:* There's a significant need for plain language explanations of what current laws and regulations entail regarding information sharing. These plain language guidelines should be accessible to both county staff and the general public. It would be beneficial to review the MOU between El Paso County and its public health department to understand its clarity and usability.

- *MOU Template*: April explained that an MOU template was created by a task force to standardize agreements between law enforcement and child welfare agencies. This template is intended to be a working document that communities can adapt to their specific needs. The template covers communication and information-sharing protocols between law enforcement and the Department of Human Services (DHS). It includes specifics on when and how these agencies should interact, such as reporting child fatalities or incidents involving children.

The template is currently being revised to add language about reciprocal sharing of records between law enforcement and county departments of human services. This is in response to concerns that law enforcement sometimes hesitates to share information with county departments of human services. The revised template aims to clarify expectations for information sharing and improve collaboration between agencies. The updated template will be circulated to counties for review and implementation. MOUs are typically reviewed and updated every five to six years.

Adoption of MOUs varies by community, with about half of the law enforcement agencies being willing to sign MOUs with county departments of human services. This variation can impact the effectiveness of information sharing.

Impact on Professionals

Dawn Alexander highlighted some of her concerns regarding information sharing with mandatory reporters. Childcare directors and other professionals sometimes face personal findings that lead to a lengthy and damaging process. There is a strong need for clear communication regarding appeal rights and processes. Professionals should be informed about their rights and how to navigate the appeal process to protect their livelihoods. The prolonged and intense scrutiny can lead to professionals leaving the field, exacerbating issues within the industry.

Yolanda Arrendondo shared the following observations:

- *Reporting Practices*: Generally, counties do not directly report findings of abuse or neglect to schools, daycares, or other agencies. Instead, such findings might be managed internally by the agency involved.
- *Personnel Reporting Requirements*: Employees are often required to report any legal issues or situations that could impact their professional standing to Human Resources, such as criminal investigations or significant traffic citations.
- *Background Checks*: Some agencies conduct annual background checks to identify any issues that might not have been reported by employees.
- *Relational Dynamics*: Information sharing between law enforcement and child welfare agencies often depends on the strength of the relationships between their respective units. For example, specialized units like child abuse units tend to have better information-sharing practices due to established relationships with child welfare caseworkers.

Specified Mandated Reporters

Michelle Dossey brought up the role of specified mandated reporters - individuals with an ongoing relationship with the child who need to know information to ensure the child's safety (e.g., teachers). These reporters can request information about the steps taken after their report is made, up to 90 days later. Non-Specified mandated reporters are individuals like emergency room doctors who do not have an ongoing relationship with the child. They typically do not receive detailed follow-up information.

Challenges and Confusion

The process for specified mandated reporters to request and receive additional information is often misunderstood and not well communicated. Confidentiality laws can be overly restrictive, leading to situations where necessary information is not shared between agencies or with community partners, potentially compromising child safety.

Process for Specified Mandatory Reporters

When a report is made, the county determines if the reporter is a mandated reporter. The reporter must request to be classified as a specified mandatory reporter. The reporter fills out and submits a form indicating their role and relationship with the child. The county reviews the submitted form and certifies whether the reporter is specified. This certification confirms their right to receive additional information.

The reporter must have an ongoing relationship with the child and demonstrate how receiving the information will help ensure the child's safety. Not all individuals in specific roles (like teachers or healthcare providers) automatically qualify. For example, a substitute teacher might not qualify, whereas a full-time teacher with a consistent relationship with the child might.

Once certified, specified mandatory reporters can request and receive additional information about the case within 90 days of the referral to help ensure the child's safety.

This process aims to ensure that only those with a legitimate need and relationship with the child can access detailed case information, balancing confidentiality with the need for safety.

Trails Reporting Process

When a report is made, hotline workers select the reporter role from a drop-down list in Trails. This includes options for various types of reporters, such as specified mandatory reporters. If a reporter is identified as a specified mandatory reporter, this designation is used to determine whether they will receive detailed information about the case.

If a reporter is classified as a specified mandatory reporter, Trails can generate a template letter that provides them with specific information about their report. The letter includes information about whether the report was accepted for assessment, the case worker assigned, and if any services were offered.

Process Variability

The process for determining and verifying if someone is a specified mandatory reporter varies by county. Some counties, like Arapahoe, have a specific sequence where reporters are asked to verify their status and complete a form.

Protection of Privacy

The discussion emphasized the importance of ensuring that information sharing practices protect both the child's privacy and the effectiveness of interventions. Doris Tolliver highlighted the risk that information about child welfare investigations can be weaponized, both intentionally and unintentionally. This concern is especially relevant for communities historically affected by child welfare practices. Even knowing that an investigation is underway can have serious repercussions, impacting how families are treated and the consequences they face, even if the investigation is ultimately unfounded or reversed.

April Jenkins highlighted that the overarching goal is to avoid causing harm, recognizing that incorrect information in the wrong hands can be detrimental. Therefore, it's crucial for case workers to be deeply familiar with the families and situations they are working with so they make informed decisions about what information should be shared.

Doris proposed that for cases where reports are screened out but families still have unmet needs, it might be beneficial to share information about available services and supports without delving into details of the incident itself.

Crystal Ward Allen from Casey Family Programs supported Doris's idea, emphasizing that information about family needs and struggles can be valuable. She mentioned practices from other jurisdictions, such as San Diego 211, which connects families with community resources (e.g., housing assistance) based on needs without sharing details about specific incidents.

The discussion focused on finding a balance between respecting privacy and providing necessary support by sharing generalized information about family needs rather than incident-specific details.

Complexity of Information Sharing

Michelle Dossey discussed challenges in child welfare information sharing based on her experience with Trails in Arapahoe County. Trails has extensive historical data on families, often spanning multiple generations, including trauma histories that provide context for current behaviors. A significant challenge is helping reporting parties understand that families' behaviors may stem from their traumatic experiences.

She also cautioned that while sharing information is important for providing support, there is a risk of misuse. Success stories, like overcoming substance use, can be beneficial but might be used against the family by some community partners.

Yolanda shared her experiences and concerns regarding the intersection of child welfare and prevention services, highlighting several key issues:

- *Early Challenges with Safe Care Colorado:* When Safe Care Colorado was introduced as a preventive resource, there was uncertainty about whether families whose cases were screened out by child protection could be referred to this program without their consent.
- *Concerns About Weaponization:* There was apprehension that declining voluntary prevention services could be interpreted as non-cooperation, potentially leading to more scrutiny or intervention from child protection services. Yolanda noted that this fear could discourage families from accepting helpful resources.
- *Balancing Support and Systemic Judgment:* Yolanda expressed concern about the systemic judgment that could arise if families do not engage with offered services. She worried about the unintended consequences where non-engagement might be used to justify further intervention or judgment by the child welfare system.

Doris expressed a strong concern about the inherent power dynamics in child welfare interactions and how it can affect the perception of voluntary services.

Michelle Dossey suggested that reporting parties should be informed about the disposition of their referrals. This includes communicating whether the referral is accepted for assessment, referred to prevention services, or assigned to a specific caseworker.

Yolanda supports providing basic information to reporting parties, such as whether the report was accepted for further assessment, who the assigned caseworker is, and if any services were offered to the family. This helps maintain transparency while avoiding the disclosure of sensitive details.

Yolanda acknowledged the burden on both reporting parties and counties in terms of verifying and providing information. She highlighted that some counties face challenges in managing this process, especially when it comes to verifying the status of a reporting party.

Transparency for All Reporting Parties

Yolanda advocates for a baseline of information to be made available to all reporting parties, not just specified mandatory reporters. She believes this would ensure that everyone has the right to know the status of their report and contribute to a more transparent process.

- *Understanding Post-Assignment Process:* Mandatory reporters often want to know the next steps once their report is assigned to a caseworker. They seek clarity on what will happen to the family and the process the caseworker will follow.
- *Training Focus:* In her training sessions, Michelle emphasized explaining the different types of responses, such as family assessment versus high-risk assessment, and the associated procedures. This included details on investigation timelines, types of findings, and response times.

The subcommittee discussed the potential approach of providing minimal information to individuals who make referrals to child welfare. The proposed approach would include:

- *Simplifying Procedures*: Reducing the complexity of the qualification process for specified mandatory reporters.
- *Providing Guidance*: Developing clear guidelines on which mandatory reporters should receive information and under what circumstances.
- *Improving Access*: Ensuring that more reporters who are genuinely involved in the child's life can access necessary information without excessive barriers.
- *Providing Basic Information*: Informing the referrer about what happened to their referral. This would also include outlining what happens next in the process and sharing the name and contact information of the assigned caseworker if the report is assigned.

Some potential concerns and considerations were also raised:

- *Privacy and Confidentiality*: Ensuring that sharing this information does not compromise the privacy of the families involved or reveal sensitive details.
- *Managing Expectations*: Balancing the need for transparency with the potential for creating unrealistic expectations or concerns among reporters.
- *System Burden*: Evaluating the impact on the child protection system, including the administrative burden of providing this information and any potential delays it might cause.
- *Consistency Across Counties*: Ensuring that this approach is implemented consistently across different counties to avoid disparities in how information is shared.
- *Perceived Coercion*: Addressing concerns about whether the information provided might be perceived as coercive or pressure families into compliance.

JP Sleeper explained that Trails has a system for generating follow-up letters for referrals, which could be adapted to meet the needs discussed. The subcommittee proposed creating a standardized letter for all reporters, not just specified mandatory reporters, that provides basic information about the referral's disposition. This letter would include the following:

- Whether the referral was accepted for further assessment or not.
- If accepted, the assigned caseworker's contact information.
- General information on what happens next in the process.

Current Statutory Obligations

Mandated reporters are required to make an oral report immediately upon suspicion or knowledge of abuse or neglect and follow it up with a written report. The burden of the written report was discussed. Bryan wanted to confirm whether the majority of the task force agreed with the idea of striking the written report requirement from statute. He asked for any defense of keeping it or counterarguments, to ensure he was accurately capturing the sentiment of the subcommittee. Noting that the written report requirement is not widely followed and creates a disconnect between law and practice, he sought to see if there were objections to removing this

requirement. Since there were no objections, Doris stated that the silence would be interpreted as agreement with striking the requirement.

Reimagining Child Welfare Committee

Yolanda discussed the activities of a different body, the Reimagining Child Welfare Committee. That committee is exploring ways to better manage calls to the child abuse reporting hotline. They are considering implementing a pre-recorded message on the hotline to clarify what constitutes child abuse and neglect. This message would aim to reduce unnecessary referrals by directing callers who need resources rather than reporting abuse to a different line or resource.

Doris suggested integrating the idea of providing additional resources for families into the follow-up notification letter for reporters. This letter could not only inform reporters about the outcome of their referral but also include information about alternative resources and support services for families when the reported issue does not meet the criteria for child abuse or neglect. The goal is to ensure that even if a report is screened out, families can still be connected to appropriate resources and support, enhancing the overall support system for families in need.

Wrap-Up

The entire task force will reconvene next week to review subcommittee recommendations. Members of the public were invited to provide comments but no requests were received, so the task force concluded.