

## Mandatory Reporting Task Force | Meeting 25

October 2, 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.

### Review of Recommendations

The meeting focused on reviewing directives and refining recommendations that were developed over the last two years. The task force has already conducted 25 meetings, and two more are planned, with a potential third in December. The goal of the meeting was not to introduce new ideas but to refine and clarify existing recommendations based on prior feedback from surveys, subcommittees, and group discussions.

The recommendations have been shaped by two phases of subcommittees, addressing various directives related to training, reporting processes, specialized occupations, and data. Each phase involved gathering input, refining recommendations, and returning to the full task force for additional feedback.

Participants were asked to review recommendations using three key questions:

1. Are the recommendations clear and actionable?
2. Can specific language improve feasibility?
3. Are there any gaps in addressing the directives?

The process for voting on the recommendations will be done online through surveys, with final voting results shared on November 6th. Task force members were reminded to submit any abstention letters on official letterhead by October 23rd, providing context for any non-participation in the voting process.

Directives 7 and 11 will be addressed in the next meeting, along with recommendations not reached in today's discussion.

**Directive 1:** need for studying the effectiveness of mandatory reporting

This directive asked whether a study should be conducted to evaluate the effectiveness of mandatory reporting in serving children and families. The study would also analyze whether enhanced screening techniques might reduce the disproportionate impact of mandatory reporting on under-resourced communities, communities of color, and people with disabilities.

Michelle Dossey provided further clarification about the language used in the directive, explaining the difference between reporting and the decision-making process within the child welfare system.

The task force voted on proposed language in the chat: "The task force reviewed and discussed existing studies on the effectiveness of mandatory reporting and determined that no additional study is needed under directive one." The suggestion was to also include links to the reviewed materials for transparency. The task force confirmed that no additional study is needed under directive one.

## **Directive 2: the disproportionate impact of mandatory reporting on under-resourced communities, communities of color, and people with disabilities.**

The following points were made during the discussion:

- Consider incorporating language separating poverty from neglect, referencing recent discussions at the White House Children's Bureau.
- Address the hotline's role to ensure reports based on biased characteristics are screened out.
- Rephrase "solely due to" to "substantially based on" to avoid encouraging disguised bias.
- Clarify that no report is required under specific circumstances instead of prohibiting reports, reducing liability concerns for mandatory reporters.
- Maintain language using "solely" to target implicit bias and prevent decisions based on race, ethnicity, or socioeconomic status.
- Balance protections for mandatory reporters with safeguards for marginalized communities who may face biased reporting.
- Encourage drafting language that addresses both bias prevention and reporter liability concerns for further discussion.

## **The inclusion (or exclusion) of sexuality and gender in addressing disproportionality and bias**

Concern was raised about the omission of sexual orientation from the list of biases being addressed (e.g., race, class, gender), despite the inclusion of gender. It was clarified that the task force's original mandate was to address racial disproportionality and disparities in the child welfare system, focusing on race, under-resourced communities, and persons with disabilities. Expanding the focus to other categories could dilute the emphasis on systemic racial bias.

There was acknowledgment that including gender without sexual orientation could create a gap. It was suggested that if the focus is solely on racial bias, under-resourced communities, and

people with disability, the task force should make that clear and avoid leaving out other important categories unintentionally.

It was suggested that if the task force aims to focus only on the communities outlined in the bill (under-resourced communities, communities of color, and persons with disabilities), gender might need to be removed from the list to maintain alignment with the data and directive.

A proposal was made to use "primarily" instead of "solely" to better address implicit bias concerns and avoid limiting the focus to a single factor.

There was a discussion on the importance of staying accountable to the original directive, with a reaffirmed commitment to focus on the specific language and intent in the law, avoiding expansions that could shift away from the primary goal.

**Recommendation 2B:** regarding definitions and classifications related to youth and substance abuse

The task force discussed recommendations on youth and substance abuse definitions, emphasizing the need to distinguish between poverty, abuse, neglect, and mental health. Substance abuse may lead to behaviors constituting abuse/neglect but shouldn't be treated as a sole factor.

Concerns were raised about the term "unaccompanied status" for youth, with suggestions to use consistent legal language and avoid terms that might create barriers for vulnerable populations. "Unhoused youth" was offered as an alternative.

#### *Disproportionate Impact*

Sam Carwyn noted that there is a difference between recognizing the overrepresentation of certain groups in mandatory reporting and the disproportionate impact that this has on them. Sam urged that the language should reflect that the overrepresentation of people of color and under-resourced communities in mandatory reporting leads to a negative impact on those individuals, rather than implying that the impact only occurs after they are engaged with the system. The task force agreed that these concerns will be addressed in the narrative summary of discussions in the final report, ensuring that it captures the broader context of the issue.

#### *Parental Substance Abuse*

Zane Grant expressed concern about mandatory reporters misunderstanding the implications of parental substance use. He suggested that any language added should specify that there must be a clear correlation between a parent's substance use and a child's health, safety, or welfare. He underscored that not all substance use constitutes neglect or abuse, highlighting that if a parent uses substances but ensures the child's safety by providing proper supervision, it shouldn't automatically trigger a mandatory report.

Jade Woodard shared the statutory language changes from 2020 regarding prenatal substance exposure, stressing that child abuse only applies when such exposure directly affects the infant's health or welfare. This addition reinforces the need for clear connections when evaluating cases involving substance use.

Stephanie Villafuerte reminded the task force that their discussions were intended to define abuse and neglect within the context of the mandatory reporting statute, separate from the broader definitions in the children's code. She cautioned against straying too far into substance use discussions that were not part of the original directive.

The task force was encouraged to continue providing feedback, and Michelle Dossey was tasked with refining the language related to "unaccompanied" youth for clarity.

### **Directive 3: standardized training for mandatory reporters**

The current recommendation states that "standardized training for mandatory reporters should educate participants about implicit bias and the disproportionate impacts of mandatory reporting on communities of color, under-resourced communities, and persons with disabilities."

Task force members did not offer immediate feedback or concerns regarding this recommendation, suggesting that they find it satisfactory as written.

### **Directive 4: alternative options for mandatory reporters instead of direct reporting to the hotline**

Directive 4 emphasizes the need for alternatives for mandatory reporters when situations do not constitute abuse or neglect. This includes decision support tools, consultations, and warmlines.

Michelle Dossey suggested that making the decision support tools a requirement could be beneficial, prompting a discussion on the necessity of this approach. Bryan Kelley clarified that the previous conversations led the task force to decide against making it a requirement but acknowledges that the task force could revisit this decision if desired.

The task force discussed the possibility of explicitly stating that the decision support tools would be optional, allowing for flexibility while ensuring clarity.

### *Recommendations for decision support tools and the considerations for special resources related to sexual abuse*

Michelle Dossey expressed her understanding that the task force previously decided against requiring the use of decision support tools. She emphasized that, in cases of clear abuse or neglect, professionals like Dr. Wells in an emergency room should not be burdened with mandatory use of the tool. Instead, she suggests that the recommendation should reflect that using the decision support tool is highly encouraged but not mandatory, aiming to reduce disproportionality in reporting.

Michelle also questioned the inclusion of a recommendation for special consideration in developing resources specific to sexual abuse, as she did not recall prior discussions on this topic. Doris Tolliver indicated that the decision to include special consideration for sexual abuse was settled, and the focus should be on developing the tool and related resources, not revisiting requirements.

Jessica Dotter recalled subcommittee discussions on the complexities of healthy sexual development, highlighting the need for guidance to help mandatory reporters distinguish between healthy and unhealthy sexual behaviors. She suggested incorporating similar resources from previous tools into the new one.

Gina Lopez offered a comment on the proposed language around what is meant by special considerations and emphasized that they should be informed by experts who understand the relevant issues.

Doris offered to share a letter from the Reimagining Colorado Child Welfare Steering Committee that relates to this directive and will send it out to the task force.

Margaret Ochoa suggested moving the incorporation of implicit bias considerations higher in the list of decision support tool characteristics, right after ease of use. This change would prioritize implicit bias in line with the directive's focus.

Jennifer Eyl expressed concern that some of the bullet points, particularly the one about providing guidance to mandatory reporters for meaningful engagement with families, are vague. She suggested that this bullet point could benefit from clearer language, possibly specifying the skills or types of questions intended for meaningful engagement.

#### *Recommendations regarding consultations*

Doris asked for comments, thoughts and refinements from the task force on consultations. Crystal Ward Allen mentioned that some jurisdictions use peer consultation mechanisms, providing an alternative to the more limited recommendation proposed.

Jennifer Eyl pointed out that the second bullet on specialized knowledge regarding abuse and neglect reporting might be too narrow. She suggested broadening it to include other forms of expertise, such as domestic violence, which also impacts children and could intersect with abuse or neglect issues. Her recommendation is to ensure consultation covers all relevant areas, not just abuse and neglect.

Additional points made during the discussion:

- The trauma experienced by families during abuse or neglect investigations should be explicitly addressed, potentially in sections like training, as it is currently more detailed in the narrative explanation than in the consultation recommendations.

- The recommendation about consultations should emphasize the knowledge and expertise required, rather than specifying professional roles, allowing flexibility in who provides consultations.
- Preventive services are sometimes requested when there is an actual child protection concern. Having individuals with strong child welfare knowledge involved could ensure appropriate actions are taken.

There was consensus on framing the recommendation to focus on expertise in child welfare, allowing for a broader range of qualified professionals and perspectives.

### *Warmlines*

Margaret Ochoa expressed that the recommendation to contact organizations like United Way (211) is vague and needs context. She suggests connecting it with the following point about consulting existing networks to learn about processes and implementation, as simply contacting them doesn't provide clear guidance.

Shawna McGuckin emphasized that the first paragraph should clarify the overall goal of establishing warmlines. She advocates for including language that highlights their purpose: to connect families with relevant and timely services. This would provide a more meaningful explanation beyond just providing a contact number.

Donna Wilson noted that warmlines must offer community-based and culturally relevant resources, emphasizing the importance of addressing social determinants of health. She advocates for a deeper understanding of the communities being served and suggests collaborating with local leaders and organizations (like churches and food pantries) to identify existing resources. This approach would ensure that services are accessible and grounded in community needs.

The task force recognized that establishing warmlines requires a commitment to engaging with the communities served. Understanding local needs and resources is essential for effective implementation. This is crucial for ensuring that families can access the support they need without significant barriers.

### **Directive Five - additional training for mandatory reporters**

The task force discussed a recommendation for additional training for mandatory reporters. Ideas highlighted in the discussion include:

- Training recommendations should incorporate trauma-informed expertise and a community-based perspective, leveraging resources like those in the Collaborative Management Program.
- Training should prioritize skill acquisition and behavioral change, not just compliance, including knowledge checks to ensure effectiveness.
- The term "administer" should be reconsidered to avoid limiting who can provide training, allowing qualified experts outside the Department of Human Services to participate.

- Training needs to be standardized and cover legal requirements, with a focus on sexual abuse, as many failures to report involve such cases.
- Topics such as domestic violence, sexual assault, and expertise in adult survivors of child sexual abuse should be explicitly included to address their unique challenges.
- The inclusion of inclusivity, implicit bias, and perspectives from those with lived experiences, especially marginalized identities, is crucial for comprehensive and effective training.

*Administration of training related to mandatory reporting and the role of the Colorado Department of Human Services (CDHS) in that process*

Stephanie Villafuerte emphasized the need to clarify whether the training should be administered solely by the Colorado Department of Human Services (CDHS) or if it should be developed collaboratively with input from various community stakeholders. She highlighted the importance of distinguishing between state-based versus community-based training delivery.

There is a consensus that CDHS should not be the only entity responsible for training. Instead, it should "lead in the development and dissemination" of standardized training while allowing multiple community entities to participate in delivering that training. The task force agrees that the training should be developed through a multi-disciplinary, multi-stakeholder process. This would ensure that diverse perspectives and community needs are integrated into the training content.

The discussion emphasized that CDHS would provide a baseline standard for the training, which communities could then build upon to address specific local issues or needs.

*Implementation of training for mandatory reporters*

Crystal mentioned that many jurisdictions are creating standardized online training programs in partnership with various stakeholders. Some states, like New York, require mandatory reporters to complete this training within a certain timeframe. There is an emphasis on ensuring that the training is accessible and available for free.

Crystal also highlighted the importance of including local dialogue between child welfare agencies and communities, particularly in addressing issues related to poverty and how it is often misclassified as neglect. Jennifer added that in victim services, there are mandatory training requirements that agencies must fulfill annually, which can serve as a model for how consistent training can be implemented across different sectors. This approach can ensure that all agencies receive the necessary training without relying solely on online formats.

**Directive 6 - focusing on the term "immediately"**

Task force members did not offer immediate feedback or concerns regarding this recommendation, suggesting that they find it satisfactory as written.

**Directive 8 - medical child abuse**

The task force determined that further analysis of medical child abuse is beyond its scope. No additional comments or questions arise from the task force regarding this directive.

### **Directive 9 - reporting outside professional capacity**

The task force briefly discussed whether mandatory reporters should report incidents observed outside of their professional capacity. There are no comments or concerns, indicating consensus on this directive.

### **Directive 10 - exemptions for attorneys**

There was a clarification that mandatory reporters employed by an agent or contractor for an attorney providing legal services are exempt from reporting requirements. This directive seems straightforward, with no additional feedback.

### **Directive 12 - reporting process for joint knowledge**

This directive addresses the process for two or more mandatory reporters to report child abuse or neglect if they have joint knowledge.

Key points from the discussion were:

- *Confidentiality Concerns*: Jennifer raised concerns about verifying previous reports without breaching confidentiality, particularly when multiple mandatory reporters share joint knowledge.
- *Clarifying "Duplicative Knowledge"*: There is a need to clarify the language around "duplicative knowledge." The focus should be on whether reporters have the same information, regardless of their specific agency.
- *Joint Reporting Requirements*: Michelle noted that the second bullet in Directive 12 lacks clarity about whether both reporters need to file separate reports or if one report suffices when they share the same information.
- *Avoiding Redundancy*: Bryan discussed the issue of redundancy when multiple mandated reporters, such as police, paramedics, and teachers, file reports for the same incident, leading to complications in review processes and potentially skewed data.
- *Responsibility for Reporting*: Roshan suggested shifting the burden of decision-making from reporters to the agencies receiving the reports, especially when reporters are aware of previous system involvement.
- *Liability Concerns for Educators*: Margaret emphasized the need for clarity on whether educators are protected when relying on report numbers from others, noting concerns about liability if they fail to report.
- *Standard Process for Information Sharing*: Jennifer expressed confusion about the proposal for a standard process for law enforcement and human services, seeking clarity on how it would address the current complications of treating multiple reports about the same family as separate cases.



The task force agreed to refine the language of Directive 12 to enhance clarity. Michelle offered to provide draft language which will be circulated among task force members for feedback.

### **Directive 13- delegation of reporting requirement**

The directive aims to clarify that a mandatory reporter cannot delegate their individual duty to report suspected child abuse or neglect to someone else. This is to ensure that the responsibility remains with the individual who has reasonable cause to know or suspect abuse.

The key points discussed were:

- There is concern about potential conflicts between Directive 12 and Directive 13, with confusion arising from how they are framed. Directive 12 focuses on reporting processes, while Directive 13 emphasizes individual responsibility.
- It was clarified that while Directive 13 states a reporter cannot delegate their duty, multiple individuals (e.g., educators) can still report the same incident. The main issue is ensuring that each reporter understands their obligation and can confirm that a report has been made.
- The distinction was made between delegation (where one person expects another to make the report on their behalf) and multiple reports from different individuals, which are acceptable as long as each fulfills their duty.
- Scenarios were discussed where a teacher should not rely on a principal who lacks firsthand knowledge to make a report, highlighting the importance of firsthand accounts for accurate reporting.
- In hospital settings, a question was raised about whether both social workers and physicians need to report if they have the same knowledge of an incident, suggesting a need for clarification in the language.
- There was agreement on the need for more explicit language in the directive to avoid confusion and clearly define the roles and responsibilities of mandatory reporters across different settings.

### **Directive 15- training, certification, and licensure**

Discussion of this directive included the following ideas:

- The directive recommends that mandatory reporters complete standardized training every three years, with training content reviewed and amended as needed to stay relevant.
- The state should be able to withhold licensure or certification from applicable professionals who fail to complete the standardized training.
- There was a suggestion to adjust the three-year training timeline if significant changes occur, such as new federal or state legislation, allowing the training entity to prompt additional training when necessary.

- This led to a proposal for two sub-bullets: one to address the training timeline and another to emphasize skill acquisition, aiming to ensure that training goes beyond compliance to equip reporters with essential skills.
- A question was raised about who is responsible for reviewing and amending the training, emphasizing the need to identify a specific entity for accountability and ongoing evaluation.
- It was noted that similar language would be included in all training-related directives to clarify accountability, roles, and implementation, ensuring stakeholders understand their responsibilities.

### **Meeting Conclusion**

The meeting concludes with a note that the task force will reconvene on October 16 to continue reviewing the remaining directives. Participants are encouraged to provide feedback.