



Mandatory Reporting Task Force | Meeting 19

May 22, 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.

General Recommendation Review Introduction

This meeting focused on finalizing discussions about the work of two subcommittees: the Training Subcommittee and the Reporting Processes Subcommittee. This session marks the first time the entire task force is reviewing the recommendations. The task force read through the provided PDF document containing subcommittee recommendations, then provided feedback. The emphasis for the review was on broader concepts rather than detailed wordsmithing to ensure a rich and productive discussion. Members were encouraged to flag any significant issues or inaccuracies.

The August 28th and September 25th meetings have been canceled.

After today's session, the task force will divide into two more subcommittees: the Specialized Occupations and Data subcommittees. Members will be polled on their next subcommittee participation preferences via email, with a special note for those in specialized occupations to join the respective subcommittee.

Training Subcommittee Recommendations Review

Gina Lopez was asked to share her general reactions to the training recommendations discussed in the subcommittee. She expressed appreciation for several aspects including keeping people engaged, addressing disproportionate issues, the consistency in the requirements and the mechanisms to ensure participants are paying attention and retaining information.

Special recognition was given to Dr. Donna Wilson for her extensive input and collaboration with Bryan Kelley in drafting specific recommendations related to checking for understanding.

Broader Accessibility of Mandatory Reporter Training

Jennifer Eyl suggested making the training accessible to those who are not mandatory reporters. She highlighted the importance of understanding the role of mandatory reporters, especially as the task force plans to discuss changes to the list of who qualifies as a mandatory reporter.

Roshan Kalantar supported Jennifer's suggestion, emphasizing the value of educating the broader community, especially for those in domestic violence work, where mandatory reporting guidelines can be confusing.

Margaret Ochoa agreed about the importance of specialized training for different professionals, noting that cross-sector understanding benefits everyone, including the public. She advocated for making all training available to the public and increasing implicit bias training to improve overall cultural understanding and accuracy in dealing with abuse cases.

Trace Faust acknowledged the importance of making training accessible to the public but suggested deferring the discussion on this recommendation to a later point, possibly in the conversations of the Specialized Occupations subcommittee.

Ashley Chase highlighted concerns about over-reporting and emphasized the importance of reassessing who is required to report cases. She expressed discomfort with having untrained mandatory reporters and advocated for narrowing down the list to individuals who can receive training on all relevant issues.

Creation of Standardized Training for All Mandatory Reporters

Margaret raised a concern about the vagueness of language regarding the frequency of training, suggesting that the recommendation should specify a defined cadence for training in statute to provide clarity. The task force agreed with Margaret's suggestion to include a sub-bullet recommending explicit definition of training recurrence in statute.

Doris Tolliver suggested including language regarding new employee training in addition to recurring training for mandatory reporters. She proposed that new employees in mandatory reporting roles should be required to undergo training within a certain time frame of assuming their roles. Trace noted that the subcommittee had previously discussed this aspect and they agreed to include a specific sub-bullet addressing onboarding requirements for training.

Sam Carwyn raised a concern about the feasibility of implementing specific timelines for new employee training due to potential system backup issues. It was urged that the recommendation have this context in mind, rather than prescribing exact timelines.

Implicit Bias and the Disproportionate Impacts of Mandatory Reporting

The subcommittee stressed the importance of weaving discussions of equity and disproportionate systemic impacts throughout the training rather than treating them as separate sections. Bryan emphasized that the topic of implicit bias and its disproportionate impacts is highlighted both at the beginning of the recommendation and as a bullet point within it. He explained that this was done to emphasize its importance and ensure that it is woven throughout the training, demonstrating the subcommittee's commitment to addressing this issue comprehensively.

Standardized Training Administration and Compliance

This recommendation suggests that this responsibility may be assigned to a single entity or divided among multiple entities. It emphasizes the importance of consulting a diverse external stakeholder team, including individuals with lived experience, professionals providing direct services, and advocacy organizations representing various impacted populations.

Alternative Processes and Services

Trace noted that the purpose of this recommendation is to provide mandatory reporters with a comprehensive understanding of available resources beyond reporting. This includes decision support tools, consultation options, warmlines, and other resources recommended by the task force. The goal is to ensure that mandatory reporters understand that reporting is not the only option and to provide them with a range of resources to address different scenarios effectively.

Ensuring Knowledge Versus Mere Compliance

Attribute five, which Dr. Donna Wilson contributed to, focuses on ensuring knowledge and skill acquisition in standardized training rather than mere compliance or completion. The recommendation includes several components to achieve this, such as conducting pre-post tests to measure knowledge growth, offering knowledge checks during training for real-time feedback, using a learning management system for immersive situational scenarios, and providing opportunities for participants to practice skills through role play and activities.

County Department Processes

Attribute six addresses the inclusion of information in standardized training about the county department's process for determining which reports meet the threshold for assessment and investigation. Aletha Jenkins, representing the county perspective, highlighted the importance of clarifying that mandatory reporters understand the county's process rather than being responsible for determining which reports meet the criteria for investigation. She expressed concern about the wording potentially implying that mandatory reporters have this responsibility, which may lead to confusion. Her point was acknowledged and the team will revisit the wording to ensure clarity.

Dr. Kathi Wells and Roshan suggested refining the wording of the recommendation to emphasize the county department's process for determining which reports meet the threshold for assessment and investigation, rather than implying that mandatory reporters need to understand this determination. Dr. Wells proposed using language like "process in which the county determines" to clarify the focus. Roshan echoed this sentiment, emphasizing the importance of helping mandated reporters avoid oversharing and providing inaccurate information to families.

Jennifer clarified that the intention behind the recommendation is to ensure that mandatory reporters understand what happens after they make a report, including the county's process and determinations made. She suggested using language like "to educate mandatory reporters taking the training" to clarify the target audience. This adjustment aims to prevent confusion and ensure that the focus remains on mandatory reporters' understanding of the process.

Doris highlighted potential interpretations suggesting that it could refer to two aspects: understanding the process after a report is made and gaining insight into the criteria for determining whether a report meets the threshold for assessment or investigation, suggesting that there might be overlap with attribute seven.

Jordan Steffen clarified that attribute six was designed to address a specific directive focused on educating mandatory reporters about the county department's process for determining which reports meet the threshold for assessment and investigation. This distinction aimed to provide clarity on the intended focus, which is distinct from attribute seven and the broader training content related to reporting qualifications.

Michelle Dossey emphasized the importance of providing comprehensive training for mandatory reporters. She highlighted several key areas that mandatory reporters typically want to understand, including defining abuse and neglect, providing necessary information for making reports, explaining the process after a report is made, clarifying response times and system impacts, and managing expectations about the outcomes of reporting. Michelle suggested that addressing these areas would help ensure that mandatory reporters have a clear understanding of their role and responsibilities in the reporting process.

Engaging Stakeholders in Training Curriculum

The recommendation emphasizes that the curriculum for standardized training should be developed by a body representing a wide range of stakeholders, including those with lived experience. The goal is to ensure inclusivity and diversity in developing the training curriculum, with the language "including but not limited to" allowing for flexibility in identifying relevant stakeholders.

Gina highlighted the importance of including stakeholders from various sectors, especially in situations where ambiguity exists. Gina sees this recommendation

as an opportunity to prompt partnerships and foster cross-disciplinary collaboration to improve child welfare practices.

Shawna McGuckin raised a question regarding whether the group responsible for developing the training curriculum is separate from the one overseeing compliance and administration. She wondered if these are two distinct groups or if there is overlap between them.

Summary of Points on Review and Amendment of Standardized Training

The following summarizes the discussion on reviewing and amending standardized training.

Data Collection: Data should be collected continuously regarding the disparate impact of mandatory reporting on children and families of color, under-resourced communities and persons with disabilities. Data should also be collected on the impact of mandatory reporting on addressing children's safety.

Review and Amendment: The standardized training should be reviewed and, if necessary, amended on a recurring basis. This process should involve reviewing and evaluating the data mentioned above, informing necessary changes to the training and highlighting potential progress made in reducing disparities.

Considerations for Clarity: Define "ongoing basis" explicitly to avoid ambiguity. For instance, specify a timeframe such as annually or biennially. Ensure the data collection and review process is systematically structured to maintain accountability and transparency.

Dr. Wells emphasized the importance of evaluating the effectiveness of mandatory reporting and its impact on implicit bias. She suggested that a specific process should be established for this evaluation, ideally involving a third-party entity. This entity should analyze data not only on the completion of training but also on its effectiveness and the progress in reducing implicit bias. Dr. Wells proposed that explicit recommendations be made to the legislature to secure funding for such third-party evaluations to ensure an unbiased and thorough analysis of mandatory reporting practices.

Jennifer suggested that the current language regarding the disparate impact of mandatory reporting is too narrow. She emphasized that it does not adequately address the unique challenges faced by LGBTQ+ children and parents, who may not fall under the categories of children and families of color or under-resourced communities. Jennifer recommended broadening the language to encompass all marginalized communities, ensuring it covers a wider range of communities experiencing disparate impacts.

Reporting Process Subcommittee Recommendations Review

Doris began the session by explaining the approach, similar to the training conversation, and invited the task force to read through the recommendations.

Reporting Timeline

The first recommendation involves analyzing the definition of "immediately" and how reporting timeframes affect mandatory reporters from various professions. The recommendation suggests replacing "immediately" with more specific language. The change aims to clarify the timeline, providing a maximum of 24 hours to make the report, while acknowledging that mandatory reporters might not always be able to report immediately due to their professional duties (e.g., teaching a class or working in a hospital).

Jennifer suggested that the phrase "as soon as reasonably possible" is redundant and unnecessary. She recommended simplifying the language to either "as soon as possible" or "as soon as reasonable," especially given the inclusion of the 24-hour time frame. This could make the wording more concise and clear.

Sam highlighted the importance of linking the revised reporting timeframe language to the training work. Having clear, defined timeframes allows mandatory reporters to have real conversations with families, helping them feel less blindsided.

Jennifer highlighted the potential benefit of allowing a 24-hour period before making a report. She noted that this timeframe can enable a protective parent to take necessary actions to ensure their own and their children's safety.

Joint Reporting

The task force recommends clarifying the law regarding the process for when two or more mandatory reporters have joint knowledge about a case of child abuse or neglect. The recommendations include the following:

Amend Legislative Language: Remove or amend the phrase "or cause a report to be made" to reduce duplicative reports that might negatively impact the child or family.

Provide Verification: Require county departments to provide mandatory reporters with verification if a report has already been made, including a reference number for the case.

Standard Process for Information Sharing: Create a standard process for departments of human services and law enforcement to share information and contacts from multiple mandatory reporters regarding the same concern of abuse or neglect.

The goal is to ensure that all relevant information is gathered efficiently without causing redundant reports that could harm the family involved.

Jennifer raised a point regarding the challenge of adding additional witnesses to a report in county departments, which currently requires a separate reference number and a complex process. This highlights the need for streamlining the reporting process to avoid duplication. Additionally, Jennifer expressed concerns about a county department of human services' obligation of confidentiality and the sharing of information with mandatory reporters. Specifically, she questioned whether a county department of human services can disclose information about an existing report to another mandatory reporter who calls with the same information, especially if they work in different agencies.

Michelle Dossey provided further insight into the challenges posed by current statutory interpretations regarding confidentiality and reporting procedures. She explained that, under current regulations, a county department of human services is unable to confirm or deny the existence of a report, which can hinder effective communication among mandatory reporters. Michelle emphasized the importance of streamlining the reporting process to avoid duplication and prevent multiple reports from being counted against a family's history.

Personal or Professional Capacity

The subcommittee recommends clarifying the law to specify that mandatory reporters are only obligated to report incidents of suspected abuse or neglect within their professional capacity. This recommendation aims to prevent mandatory reporters from feeling obligated to report incidents they observe outside of their professional roles. Additionally, the subcommittee suggests considering the expansion of Good Samaritan protection in making this clarification.

Margaret's initial reaction to the recommendation was negative, considering a court of appeals case where a teacher-parent failed to report abuse by her spouse and was cited for failure to report. The court emphasized that reporting is a continuous obligation. However, Margaret acknowledged the potential confusion and unintended consequences of expecting mandatory reporters to always report. Despite her initial reservations, she ultimately accepted the recommendation as a way to avoid confusion and potential legal complications for well-intentioned individuals.

Roshan highlighted the complexity of reporting requirements for different mandatory reporters, particularly in roles like domestic violence advocacy where confidentiality is crucial. She expressed concern that a lack of distinction could compromise survivor consent and confidentiality, ultimately putting programs and individuals at risk. She emphasized the need for support for those with unique reporting requirements, acknowledging the challenges and potential harm of a one-size-fits-all approach to reporting mandates.

Jennifer underscored the need for clarity regarding reporting requirements based on professional capacity, citing personal experiences and potential scenarios where ambiguity can lead to unintended consequences. She stressed the

importance of specificity in defining professional roles to avoid situations where individuals feel compelled to report every observation or involvement with potential abuse or neglect. She also raised concerns about the impact on personal relationships and the ability to provide support outside of a professional context if mandatory reporting obligations extend too broadly.

Delegation of Duty

In discussing the delegation of reporting duties, Michelle Dossey suggested using "shall" instead of "may not" to emphasize the mandatory nature of the prohibition against delegation. This choice aims to clarify the legal obligation for mandatory reporters, potentially seeking input from legal experts for further validation.

Jill Cohen expressed her disagreement with the recommendation, believing that mandatory reporters should be able to delegate their duty, particularly in certain contexts such as institutional settings or when unable to report in a timely manner. She suggested that a more nuanced approach is needed, considering scenarios where delegation might be necessary, such as an intern reporting under supervision or someone unable to report themselves. Jordan sought clarification on whether Jill's disagreement extends to both individual and institutional contexts, highlighting the distinction between the two in the recommendations. Jill clarified that she had not considered the individual details but emphasized her willingness to make a report on behalf of someone if needed.

Jill expressed support for institutions having their own policies and protocols regarding delegation, indicating a willingness to consider delegation outside of professional settings, especially if the person delegated to is also mandated to report. She also acknowledged the importance of understanding that the person with the most knowledge may not always be able to make the report within the 24-hour timeframe, which she considers important.

Sam emphasized the importance of having the person closest to the situation make the report due to potential biases that may arise when information is relayed through a second party. Individuals who work directly with families may describe situations with more nuance and understanding compared to someone reporting secondhand. Sam acknowledged the validity of delegation in certain roles like coaching but underscores the significance of the 24-hour timeframe, which allows time for consulting with someone with more expertise.

Michelle also underscored the importance of having the individual with direct information make the report, highlighting situations in daycare settings where employees might be asked to defer the decision to their supervisor. She emphasized that agencies shouldn't be allowed to ask for delegation of the reporting decision, as this could lead to bias or misinformation being reported. Michelle clarified that the intention of the recommendation is to prevent such situations and ensure that the individual with direct knowledge remains responsible for reporting.

Internal Protocols

The next recommendation suggests clarifying state law to allow institutions employing mandatory reporters, like schools and hospitals, to develop internal protocols for reporting suspected abuse or neglect. These protocols must comply with state law and affirm that leadership and supervisors cannot deter or impede mandatory reporters from making a report. Additionally, it specifies that mandatory reporters cannot delegate their reporting duty to supervisors, colleagues, or others within the institution. This approach aims to balance individual responsibility with the need for institutional processes to facilitate reporting.

Sam highlighted the distinction between delegating and joint decision-making, emphasizing that they look different and should be addressed in training. Delegating involves assigning someone else to perform a task, while joint decision-making involves collaborating and supporting each other in making decisions. Sam suggested that this distinction should be part of training conversations to understand why delegation may not always be appropriate and when joint decision-making is more beneficial.

An additional conversation about delegation of duty centered on concerns about absolving individuals of their responsibility to report, especially in institutional settings. There was a focus on ensuring that even if someone else makes the report, the individual with the initial information remains responsible for ensuring that a report was indeed made to the appropriate authorities. This highlights the importance of maintaining accountability and not transferring the duty to report entirely to someone else.

Dawn Alexander brought up a point about internal protocols for making reports, particularly regarding the current approach of the Child Development and Education Center. She emphasized that the existing policy mandates reporting for every possible incident without considering the nuances of abuse and neglect. This highlights the need for language in the recommendations to prevent such broad reporting practices and to ensure that reports are made based on a clear understanding of what constitutes abuse and neglect.

Dr. Wells suggested considering including language in the recommendation to clarify that delegation within the same institution should only occur if the delegate has equal or greater knowledge of the situation. This would address concerns about delegating to someone who lacks essential information.

Michelle suggested adding clarity to ensure that delegation within the same institution should only occur if both individuals have equal or greater knowledge of the situation. She proposed specifying that if more than one mandatory reporter is present and receives the same information, one can delegate to the other to make the report. However, it should not be permissible for someone to relay information to another individual who did not directly receive knowledge of the situation and then have them make the report.

Jordan suggested amending the language in Recommendation 5 to specify that individuals within the same institution cannot delegate to someone with lesser knowledge or who did not directly receive the information. Additionally, she proposed adding explicit language in the recommendation regarding duplicative reporting, stating that if there is equal or greater knowledge among multiple reporters, a joint report could be made.

The meeting concluded with reminders about upcoming tasks, including opting in for the new subcommittees and reviewing the final recommendations once they're updated. Members were assured that their preferences for subcommittees would be considered, but some adjustments might be made to ensure diverse perspectives. Gratitude was expressed for everyone's dedication and participation.