

Thank you, Commission members, for this opportunity to speak with you today (at the hearing held April 17, 2021). I am here to share my experience as a mandated reporter, and my concerns about the current proposal. My name is Anne Eisner, I am the Deputy Director of the Trauma and Learning Policy Initiative, a joint project of Massachusetts Advocates for Children and Harvard Law School. I am a social worker.

Before joining my current organization in 2006, I worked for over 25 years providing and supervising home-based clinical services to high need adolescents, children and families. And it is that experience which I want to share with you today.

We all understand that safety is foundational to a child's, and adult's, sense of well-being. Maintaining safety for our clients was the primary goal. Our masters-level staff received training about the signs of abuse and neglect, and about the need to report when there was "reasonable cause to believe" that a client might be the victim of abuse or neglect. Further, through ongoing weekly supervision and case consultation we addressed the more nuanced understanding about the need to differentiate parental neglect from the impact of economic instability or parental disability, and about the need to ensure that the staff were not allowing implicit bias to factor into their assessment of and work with parents.

When a concern about potential abuse or neglect in a case was identified, we used a process for joint decision-making among the staff member working with the family, their supervisor and the Clinical Director to determine whether filing a 51A was indicated. That discussion was based on careful discernment, was informed by both professional wisdom and by the particular context of each family, with all guided by the definition of abuse and neglect in the law. All of the discussions about neglect included a consideration of whether the family's economic situation or a parental disability was at play. These joint discussions also served to surface any unconscious bias that might be affecting the concern about abuse or neglect, enabling us to reach an informed decision about whether there was a need to report based on the facts of the case.

I share these details about what this decision-making process among trained professionals can look like to highlight several points related to my grave concerns about the proposal to remove safeguards already in place. Based on my experience, I ask that you:

1) do not remove the limitations based on poverty and parental disability in determining whether there is neglect. Those are critically important, as I just described, and must remain in place if we are not to become a state that piles more discrimination and harm onto those families already disproportionately impacted by the structural inequities of poverty and race.

2) do not expand the list of mandated reporters. I have just described how professionals develop within their own organizations the training and supervision that ensures nuanced understanding among staff, and how they establish a joint decision-making process where staff and supervisors discern together whether circumstances indicate a reason to file a 51A report. This leads to more informed decisions to file based on fact and not bias or opinion, resulting in fewer filings of unfounded reports that can cause irreparable reputational harm and add to the stress and trauma already experienced by vulnerable children and families.

3) do not replace the level of certainty needed to file a 51A report with "suspicion." Without the clarity and guidance of the present definition, the implicit and unexamined bias inherent in "opinion" and "suspicion" will prevail, increasing immeasurably the disproportionate, harmful impact of unnecessary and unfounded filings borne by families of color, families in poverty, immigrant families and other and marginalized families.

Respectfully submitted,

Anne Eisner

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