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June 17, 2019

State Senator Jamie Eldridge
Joint Committee on Judiciary
24 Beacon St, Room 320
Boston, MA 02133

State Representative Claire Cronin
Joint Committee on Judiciary
24 Beacon St, Room 136
Boston, MA 02133

In Opposition of H. 1511 “An Act Relative to Privileged Communications”

Dear Chairs Eldridge, Cronin and Members of the Joint Committee on Judiciary:

The National Association of Social Workers, Massachusetts Chapter is the largest professional social work organization in the commonwealth. We represent thousands of social workers who act as mandated reporters and hold the safety and well-being of children and vulnerable people paramount, as a profession. This legislation seeks to impose an unnecessary and dangerous restriction on social workers’ duty to report child abuse or abuse of other vulnerable individuals and therefore we **strongly oppose H.1511**.

The Mandated Reporter law is one of the most important ways that we keep children safe. It requires that anyone who has suspicion that a child is in danger of, or is currently being neglected or abused by a caregiver, report to the Child-At-Risk hotline. There are many professions that fall under the Mandated Reporter definition including physicians, psychologists, teachers and of course social workers.

This duty to warn is a core principle of social work ethics, which states “Social workers’ primary responsibility is to promote the well-being of clients... However, social workers’ responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients should be so advised.” Anyone who graduates from an accredited school that offers a BSW or MSW, reads, signs and agrees to uphold the NASW code of ethics. This is a standard that *all* social workers must abide by, regardless of placement, licensure or practice across the United States.

All professions have their own version of code of ethics. In examining this, it appears that lawyers and social workers have the same obligation with respect to client confidentiality as well as exceptions when there is a risk in bodily harm, as stated in documents provided by the American Bar Association. If we hold the same obligations and exceptions with respect to confidentiality, the imminent safety of the client and others, we would ask the code of ethics for both professions be scrutinized and not just that of social workers. All members of the client’s team make these guidelines and exceptions clear during intake. We know firsthand that social worker vendors for CPCS have reported to us that they’ve never run into the issue of a confidentiality breach or in building rapport with a client.

The language in this proposed legislation, reads as though this could provide an exception for all vendors- not just social workers. This means the law could also apply to physicians, psychologists and others who are mandated reporters and could be hired as a partner with the CPCS team. They, too, would be required to forgo their obligations to report if they wanted to remain a vendor.

NASW recognizes the immense value of the partnership between a client's lawyer and their social worker. We honor that relationship. We hope we can come to a resolution that does not require social workers to violate the code of ethics and risk the safety of our most at-risk residents. We are happy to continue this discussion as we have done through preliminary discussions. In the meantime, we cannot support this legislation in its current form and at this point, we strongly oppose it.

Thank you,

Rebekah Gewirtz
Executive Director

Sophie Hansen, LCSW
Political Director