

I appreciate your commitment to improving the safety of children, and your interest in the impact of mandatory child abuse reporting.

My name is Dr. Mical Raz, and I am here to testify about my research. I do not represent any organization today. I am a practicing physician; certified by the American Board of Internal Medicine, and have a PhD in history and a Masters in Health policy research, and I hold the Phelps Chair in Public Policy and Health and the University of Rochester. My book on the evolution of child abuse was published in November of 2020 by the U of North Carolina Press.¹ I have studied the effects of expanded mandatory reporting in Pennsylvania, as well as the evolution of child abuse policies nationwide from in the 1970s and onwards.

I am here today to voice my strong concerns about the expansion of mandatory reporting in the state of MA. I believe it will make children and families in MA less safe, while damaging the fabric of our communities.

My main concerns are such: The proposed changes vastly expand the definitions of mandated reporters, the situations that require reporting and expand penalties for non-reporting. Taken together, these policies have the potential to vastly increase the numbers of reports made, and may have a chilling effect on parents and communities seeking support and services. Listeners might think – isn't increasing reporting a good thing? But the idea is not to generate more reports, but to more accurately identify the children at risk of harm and to better support families. Our goal is not to create reports; it is to enhance the safety of children. These proposed policies stand to increase reports, and not

¹ Mical Raz, *Abusive Policies: How the American Child Welfare System Lost its Way* (UNC Press, 2020).

only are unlikely to benefit children, but may conversely make the children of Massachusetts less safe. Let me explain.

While it may seem logical that increasing mandatory reporting would reduce child abuse, we have no evidence that it keeps our children safer. Furthermore, mandatory reporting has emotional and financial costs, and takes a toll on communities, who undergo intrusive investigations and interventions.² More reporting does not equal more accurate reporting. Often increased reporting leads to more reports of non-abuse situations, that overlap with poverty and lack of resources. The large increase in reporting that comes with expanding reporting laws can actually divert resources and attention away from situations where actual abuse may be taking place, and conversely make our children less safe.

It's important to ask what are the barriers to effective and accurate reporting. Some studies have shown that barriers include a lack of knowledge or recognition of signs of child abuse, unfamiliarity with the legal requirements of reporting, and distrust of CPS. There is no evidence that insufficient penalties are a barrier to reporting, nor that an increase in penalties increases accurate reporting. Since the 1970s, penalties to non-reporting have been adopted and increased over time, despite a complete dearth of evidence that these improve the safety of children.³ Increasing penalties won't mean we will get more accurate reports, it will simply increase all reports. In fact, proponents of

² Kelley Fong, "Concealment and Constraint: Child Protective Services Reporting and Poor Mothers' Institutional Engagement," *Social Forces* 97, 4 (2019): 1785-1810; Dorothy Roberts, *Shattered Bonds: The Color of Child Welfare* (New York: Basic Books, 2002).

³ Ray E. Helfer, "Why Most Physicians Don't Get Involved in Child Abuse Cases and What To Do About It," *Children Today*, May-June 1975, 28-32.; Raz, *Abusive Policies*, 2020, Chapter 3.

increased penalties primarily cite the ability to punish non-reporters rather than evidence of enhanced child safety as their primary impetus.⁴

Furthermore, as the Commission itself has stated, in states that have universal mandatory reporting, meaning that everyone is legally required to report suspicions of child maltreatment, there are indeed more reports of child maltreatment. However, there is no difference in reports of physical abuse, nor in their substantiation. So we have evidence that more reporting does not result in better outcomes for children.⁵

I'd like to talk briefly about the experience of expanded mandatory reporting in Pennsylvania. In the aftermath of the 2011 Penn State sexual abuse scandal, and the ensuing trial, Pennsylvania passed 24 pieces of legislation amending the state's Child Protective Services Law or criminal code.⁶ The main effects of these legislative changes, most of which went into effect at the end of 2014, included expanding the definition of a mandatory reporter of child maltreatment, and an expanded definition of child abuse. This was in part a response to the finding that disgraced Coach Jerry Sandusky had been abusing children for decades, and that numerous adults were aware but had failed to report this.

In 2014, 29,517 reports were made, already a modest increase from the previous years, likely influenced by the publicity surrounding the 2012 Sandusky trial. In 2015, 42,018 reports were made, with some modest increase in following years, with a total of

⁴ See for instance Shira Schoenberg, State considering major expansion of child abuse reporting laws March 29, 2021 <https://commonwealthmagazine.org/courts/state-considering-major-expansion-of-child-abuse-reporting-laws/> and Ross Jones <https://www.wxyz.com/news/local-news/investigations/harsher-penalties-proposed-for-failure-to-report-child-abuse>

⁵ Ho, G. W., Gross, D. A., Bettencourt, A., (2017). Universal mandatory reporting policies and the odds of identifying child physical abuse. *American Journal of Public Health*. May, 107(5), 709–716.

⁶ Raz, M. (2017). Unintended consequences of expanded mandatory reporting laws. *Pediatrics*, April 139(4).

44,063 in 2018. The majority of the reports were made by individuals defined as mandated reporters, a group which had been expanded by the new laws.⁷ Predictably, while the overall number of substantiations increased modestly, the substantiation rate went down. This could indicate that more unsubstantiated reports were made as a result of the increased reporting, or that given an overload of reports, fewer claims were substantiated for other reasons. These reasons might include overwhelmed caseworkers burdened by higher numbers of children they were now responsible for, and lack of resources to address the increase in reports. In fact, the substantiation rate went up only between 2017-2018; the first year that since 2014 in which there was a decline in total reports.

But it's important to remember that the calls that reach CPS are only a small fraction of the calls made to the Childline hotline in PA. PA employs a differential system with CPS investigating allegations of abuse. Reports that don't rise to the level of child abuse may be handled as a General Protective Services case, which deals more with children and families at risk, rather than child abuse. Here the increase in reports is staggering, reports of GPS went from , 47,854 in 2014 to 169, 723 reports in 2018, of which over half screened out and half were assessed. Of the 86,345 2018 reports, nearly 20,000 deal with parental child abuse, 8000 with parental homelessness, and nearly 6,000 with truancy and or educational neglect.⁸ All of these challenges are important, as they may place children at risk and require a response. However, these are not child

⁷ Department of Human Services, Pennsylvania, *Annual Child Protective Services Report, 2018*, <https://www.dhs.pa.gov/docs/OCYF/Documents/2018%20Annual%20Child%20Protective%20Services%20Report.pdf>

⁸ *Ibid*, pages 25-29.

maltreatment reports, and should necessitate the provision of social services, that need to be further funded.

Overall Childline received 190,470 calls in 2018, with the vast majority of calls dealing with families and parents who are not abusing, neglecting or mistreating their children, but rather need different forms of service.⁹

The significant increase in mandated reporting the PA enacted in 2014 is also instrumental to think about practically. At implementation, there were enormous challenges with the Pennsylvania child abuse reporting hotline, Childline. The state auditor's initial evaluation of Childline, after implementation of the mandated reporting expansion, found that the system was inundated by calls, and tens of thousands were unanswered or undocumented.¹⁰ With the increase in reports that resulted from the expanded mandatory reporting laws, there was no increase in funding for intake workers, caseworkers and investigators, in an already overburdened and underfunded child welfare system. There was also little appropriation of funds for the provision of services that are essential to protecting children, strengthening families and preventing out-of-home placement.

Mostly what this demonstrates is that when expanding mandatory reporting, we can anticipate a significant increase in reports, which requires significant additional manpower and innovative technology to address. We can anticipate to significantly increase the number of reports pertaining to families struggling with addiction, poverty

⁹ Ibid p29.

¹⁰ DePasquale EA; Pennsylvania Department of the Auditor General. Performance audit report: Pennsylvania Department of Human Services ChildLine. Available at: [www.paauditor.gov/Media/Default/Reports/ Performance Audit of the PA Department of Human Services ChildLine.pdf](http://www.paauditor.gov/Media/Default/Reports/Performance%20Audit%20of%20the%20PA%20Department%20of%20Human%20Services%20ChildLine.pdf).

and homelessness, and if we are not increasing the funding and availability of services for these situations, we will have little to offer beyond a fruitless investigation. Reviewing the publicly available reports of PA's child abuse investigations, in 2014 PA reported 46.548 million dollars "spent by state and county agencies to investigate reports of suspected child and student abuse and related activities."¹¹ In 2018, PA reports that "\$301.397 million was spent by state and county agencies to investigate reports of suspected child abuse and assess general protective services reports and related activities." The overall child welfare funding reportedly went from 1.426B in 2014 to 1.838, demonstrating that the increase in expenditures was primarily driven by these investigations.¹²

I will add that a similar expansion of mandated reporting was proposed in Michigan in 2018 and at the time the head of CPS estimated an increase in budget of 54\$ solely on staffing.¹³

Any sum of money is in my mind worthwhile to keep children safe. But it is notable how much money is spent on investigations rather than for instance on increasing valuable services. Also I question whether these investigations do end up protecting more children. And I will touch on just one more point. While in PA, more reports were received, tragically the number of child fatalities and near fatalities increased, both nearly doubling. Fatalities recorded in 2012 amounted to 56 children, near fatalities numbered

¹¹ Department of Human Services, Pennsylvania, *Annual Child Protective Services Report, 2014* <https://www.dhs.pa.gov/docs/OCYF/Documents/2014%20Child%20Abuse%20Annual%20Report.pdf> p83.

¹² Department of Human Services, Pennsylvania, *Annual Child Protective Services Report, 2018*, <https://www.dhs.pa.gov/docs/OCYF/Documents/2018%20Annual%20Child%20Protective%20Services%20Report.pdf> on page 30.

¹³ Beth LeBlanc, "Nassar-inspired bill could cost the state \$54M," *The Detroit News*, April 25, 2018. <https://www.detroitnews.com/story/news/politics/2018/04/25/nassar-bill-mandatory-reporter-cost/34251467/>

72. In 2018, fatalities were recorded at 86, and near fatalities numbered 148.¹⁴ Children's death from abuse is thankfully a rare event, and it's difficult to generalize from these cases, each one of which may be different. However, the fact that the numbers are rising, raises the alarm that interventions to keep children safe are not working the way they should be.

To summarize, I do not believe that increasing mandatory reporting will result in keeping the children of MA safer. Rather, we can expect an increase in reports, which will have the effect of flooding our child protection services and agencies. The experience of PA shows that the majority of reports will pertain to families struggling with addiction, homelessness, educational challenges, and will not result in better outcomes for families. On the contrary, as many of my colleagues today will testify, the experiences of a child protective service report and investigation will have a number of downstream effects, including trauma to families, lots days of work and income, and coercive interventions into families lives, possibly leading to families' future reluctance to engage in services. I urge legislators to support struggling families with valuable services, rather than with increased reporting. Thank you for allowing me to share my thoughts on mandatory reporting.

¹⁴ Department of Human Services, Pennsylvania, *Annual Child Protective Services Report, 2018*, <https://www.dhs.pa.gov/docs/OCYF/Documents/2018%20Annual%20Child%20Protective%20Services%20Report.pdf> on page 14.