

Mandated Reporter Commission

November 17, 2020

Training

MRC Enabling Statute Requirements

- mandated reporter training requirements for employees, including employees of licensees or contracted organizations
- agencies and employers responsible for training mandated reporters
- the frequency, scope and effectiveness of mandated reporter training and continuing education including, but not limited to, whether such training and continuing education covers retaliation protections for filing a report as a mandated reporter and the fines and penalties for failure to report under section 51A of chapter 119 of the General Laws
- whether agencies and employers follow best practices for mandated reporter training, including profession-specific training for recognizing the signs of child sexual abuse and physical and emotional abuse and neglect
- options for designating an agency responsible for overseeing the mandated reporter system or aspects thereof, including developing and monitoring training requirements for employees on mandated reporter laws and regulations and responding to reports of intimidation and retaliation

MGL c. 119 §51A(k): “A mandated reporter who is professionally licensed by the commonwealth shall complete training to recognize and report suspected child abuse or neglect.”

The statute refers solely to persons professionally licensed by the Commonwealth. Massachusetts has several sources of training materials and available free trainings but there is no central or individual entity that is responsible for designing training, maintaining records of who has been trained, or proscribing the content or frequency of training.

The Commission has discussed training at most of the meetings held thus far, below are discussion topics that the Commission has already identified:

- The possibility and feasibility of profession-specific training
- The possibility of requiring trainings or oversight of trainings in Commonwealth contracts
- Training should attempt to address the common underlying reasons for failing to report: to cover-up abuse and neglect, a failure to recognize the signs of abuse and neglect, difficulty determining what rises to the level reportable concerns, the concern over endangerment of a professional relationship
- Possible training topics:
 - Consideration of possible bias or racial disproportionality in reporting

- Training on any of the newly proposed definitions in §21 if they are enacted into law
- Underage consensual sexual relationships
- Best practices on how to approach families and/or continue to work with families when a report needs to be made
- Technical training on best practices for institutional reporting procedures which would include clarifying what fact-specific inquiries are versus internal investigations
- Training about 51A penalties and protections, including protection from employer retaliation
- Whether trainings for volunteers should be different than for professionals

Training Best Practices

The OCA has done some preliminary research into best practices for trainings of mandated reporters. Relevant articles are noted at the end of this document.

There are no national standards for training and there is no consistent model from state to state. In-person and internet-based trainings have both shown to be effective and have different strengths and weaknesses. In-person training has the benefit of participants being able to ask inventive questions, brainstorm with one another, and role play for training scenarios. The downsides include the costs associated (both with training space, travel time, and paid trainers), the new complication of a pandemic or other health or safety related concerns, and the possible inconsistent messages by various trainers. Internet-based trainings have the benefits of being more accessible both for scheduling purposes but also for ADA and language purposes, have a consistent message, are likely more cost efficient than individual trainers, may be more easily updated, and can likely cover a wider variety of topics than can in-person training. Additionally, it may be easier to quantify the effectiveness of training through internet-based quality reviews and studies. The detriments of internet-based trainings include the inability for the user to ask clarifying questions or pose hypothetical scenarios, the possible reduction of effectiveness in trainees who multitask during online trainings, and the loss of cross-profession or diverse training group perspectives.

Best practice indicates that trainings should include profession specific information that explores situations that are the most relevant to the trainee pool. However, it is clear that training on the logistics of how to make a report, when to make a report, and what information to include in that report, is needed across all roles/professions.

Best practices also indicate that there should be multiple trainings at various points in professional careers. Ideally, there will be a training during the time when the person is in school or preparing for a career in a relevant field, that there be a training at the time an employee is hired (this has the added benefit of communicating to the employee that the employer has a culture of supporting reporting), then periodic trainings over time that are more detailed the more exposure a profession has to child abuse and neglect.

In addition to the areas of training identified above from earlier discussions of the Commission, research into underreporting indicates that training should also address:

- The standard of what rises to the level of abuse and neglect (combating mistaken understandings such as thinking that a physical injury is required)
- Explaining what happens once a report is made in order to ease fears of the mandated reporter that the system is unfair or that a report immediately results in a removal, and to support the reporter in communicating with the family
- Fully address a fear of legal retaliation for filing

Additionally, one study has shown that e-simulation of interviewing techniques for interviewing children had very positive results in improving the use of non-leading open-ended questions that do not focus on the retrieval of specific facts. Such specified trainings could be particularly helpful for subgroups of mandated reporters who are often in the position of talking directly to children about their experiences.

Any training scheme, particularly one that is newly developed and utilizes online learning, should be designed with data metrics such that the effectiveness of the training can be quantified, improved, and adjusted. Such data metrics would ideally be analyzed against trend data regarding mandated reports from DCF on a regular basis.

Mandated Reporter Training in Massachusetts

The Middlesex County DA's office provides an online training created in collaboration with the Middlesex CAC. The Worcester County DA provides staff member run workshops that include training on recognizing abuse and how to report it. The Northwestern DA's office also offers a mandated reporter training. DCF has an online video that trains mandated reporters how to make an actual 51A report and a pamphlet available online called "Child Abuse and Neglect Reporting: A Guide for Mandated Reporters." EEC has its own mandated reporter training, and DCF and DESE have issued a joint guidance on mandated reporting (2010). Although there appears to be numerous sources of training materials and available trainings, training for mandated reporters in Massachusetts appears to be decentralized, largely self-initiated, and general.

Overview of Other States

Approximately 16 states have mandatory training as part of their reporting statute. States vary greatly on how training is proscribed. Alaska, for example, places the responsibility to train on each state department and individual school district, the training must be completed within 45 days of employment, and the statute lays out some specific topics that must be addressed in the training. California, requires that all school and early education providers be trained but training for all other mandated reporters is permissive. California specifically notes that absence of training does not excuse responsibility to report. Iowa requires institutional employers (such as hospitals) provide the mandatory training and requires that all licensing boards make training a requirement of licensure. Louisiana's child welfare department makes the training available and/or approves other entities to provide the training. New York requires institutional employers

to provide approved written materials about reporting requirements and indicates that the costs for printing and distribution of the material is the responsibility of the employers. Virginia uses training as part of a catch-all provision under their definition of a mandated reporter: a mandated reporter includes “[a]ny person 18 years of age or older who has received training...”

California Example

Employers are strongly encouraged to provide training to employees but mandated training is required only in educational settings: “...school districts, county offices of education, state special schools and diagnostic centers...and charter schools shall annually train employees and persons working on their behalf...in the duties of mandated reporters...training shall include, but not necessarily be limited to, training child abuse and neglect identification...and reporting” (CA Penal Code §11165.7(d)).

Additionally, child care licensees are required to take a training within 90 days of beginning employment and every two years after pursuant to a new licensing requirement added in 2018.

The CA Department of Social Services offers free online training and issues certificates of completion in the following topics: general training (4 hours), school personnel training (3 hours), child care providers (3 hours), medical professionals (3 hours), mental health and social workers (3 hours), law enforcement (2 hours), clergy (2 hours). In order to receive a certificate of completion, the general training must be taken before any profession specific training. Once the general training has been taken once, it never needs to be renewed in order to take the profession specific trainings in the future.

Pennsylvania Example

The Mandated Reporter statute requires that school entities and independent contractors of school entities shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting – 3 hours every 5 years

- Signs of abuse and sexual misconduct
- Consequences for failing to report
- The institutional policies applicable
- Maintenance of professional and appropriate relationships with students
- Who is a perpetrator
- Information about child abuse- specifically trafficking
 - Definition of commercial sex act
 - At risk populations for human trafficking

The Department of Education, in consultation with the Department of Human Services, approves training programs for credit for continuing education requirements.

Act 31 of 2014 requires that persons applying for the issuance of a license or certificate from a Professional Licensing Board be trained and the Pennsylvania Department of State provides a list of approved trainings. 62 trainings are currently listed on the website- a sample of which are below:

Provider	Approved Number of Hours	Approved for Continuing Education Credit for Professional Licensees	Audience Approved to Train	Method of Delivery
Pennsylvania Child Welfare Resource Center	3	Yes	Mandated and Permissive Reporters	Online at www.reportabusepa.pitt.edu
PA Family Support Alliance	3	Yes	Mandated and Permissive Reporters	Online - 3 hour In-Person 3 and 6 hours available (Only 3 hours applicable) www.pa-fsa.org
PA Dental Association	2 and 3	Yes	Dental Profession	In-Person: www.padental.org/Act31andAct124
PA State Nurses Association	2 and 3	Yes	Any Health Related Licensee-Initial Application or Renewal	In-Person Or online at https://ce.pсна.org/continue-education/courses
PA Psychological Association	2 and 3	Yes	Licensed Psychologists, Nurses, Physicians and Mental Health Professionals	Home Study and In Person www.papsy.org
Lehigh County Office of Children and Youth	2 and 3	Yes	Mandated and Permissive Reporters	In-Person www.lehighcounty.org

J&K Seminars	3	Yes	Mandated and Permissive Reporters	In-Person, Live Webinar and Home Study jkseminars.com
Bala Institute of Oral Surgery	2	Yes	Dental Profession and Mandated and Permissive Reporters	In-Person www.snorenet.com
PA Coalition Against Rape	2 and 3	Yes	Mandated and Permissive Reporters	In-Person mandatedreporting@pcar.org
PA Chapter American Academy of Pediatrics	2 and 3	Yes	Pediatric and Family Medicine Primary Care Professionals and PA Hospital Employees	In-Person www.paaap.org
Cedar Crest College	2	Yes	Mandated and Permissive Reporters	In-Person www.cedarcrest.edu
PSCP: The Psychology Network	3	Yes	Mandated and Permissive Reporters	In-Person info@philadelphiapsychology.org
Lehigh Valley Health Network	2	Yes	Physicians, Nurses, Social Workers, Clergy	In-Person www.lvhn.org

In 2014, the Department of Human Services partnered with the University of Pittsburg and the Pennsylvania Child Welfare Resource Center to create a free online training program which is three hours long.

In 2015, Pennsylvania State University updated its own policies to require training of all employees, volunteers, and independent contractors. Those working directly with children must take the training annually, those not working directly with children must take the training every three years.

Illinois Example

Starting in January 2020 all mandated reporters are required to be trained within three months of their date of engagement in a profession or official capacity and at least every three years after. A training is provided by the Department of Children and Family Services (online) and the Department approves other trainings available throughout the state (currently 45 approved providers listed on their website).

Illinois Statute 205“Abused and Neglected Child Reporting Act” 325 ILCS 5/4:

(i) Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. On and after January 1, 2019, the statement shall also include information about available mandated reporter training provided by the Department. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

(j) Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training within 3 months of their date of engagement in a professional or official capacity as a mandated reporter, or within the time frame of any other applicable State law that governs training requirements for a specific profession, and at least every 3 years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every 3 years, medical personnel, as listed in paragraph (1) of subsection (a), must meet the requirements described in subsection (k).

The trainings shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) indicators for recognizing child abuse and child neglect, as defined under this Act; (ii) the process for reporting suspected child abuse and child neglect in Illinois as required by this Act and the required documentation; (iii) responding to a child in a trauma-informed manner; and (iv) understanding the response of child protective services and the role of the reporter after a call has been made. Child-serving organizations are encouraged to provide in-person annual trainings.

The mandated reporter training shall be provided through the Department, through an entity authorized to provide continuing education for

professionals licensed through the Department of Financial and Professional Regulation, the State Board of Education, the Illinois Law Enforcement Training Standards Board, or the Department of State Police, or through an organization approved by the Department to provide mandated reporter training. The Department must make available a free web-based training for reporters.

Each mandated reporter shall report to his or her employer and, when applicable, to his or her licensing or certification board that he or she received the mandated reporter training. The mandated reporter shall maintain records of completion.

Beginning January 1, 2021, if a mandated reporter receives licensure from the Department of Financial and Professional Regulation or the State Board of Education, and his or her profession has continuing education requirements, the training mandated under this Section shall count toward meeting the licensee's required continuing education hours.

(k)(1) Medical personnel, as listed in paragraph (1) of subsection (a), who work with children in their professional or official capacity, must complete mandated reporter training at least every 6 years. Such medical personnel, if licensed, must attest at each time of licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made.

(2) In lieu of repeated training, medical personnel, as listed in paragraph (1) of subsection (a), who do not work with children in their professional or official capacity, may instead attest each time at licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made. Nothing in this paragraph precludes medical personnel from completing mandated reporter training and receiving continuing education credits for that training.

Massachusetts State Ethics Commission

All state, county, and municipal employees must complete a conflict of interest law online training program within 30 days of employment and every 2 years thereafter. The State Ethics Commission has its own servers to accommodate the technological load of the training program. They employ staff to manage help-desk functions of the training program and send updates about when trainings should take place. The helpdesk gets over a thousand calls a year. Trainees are required to print and keep a copy of their completion certificate and provide one to their employer. Trainees are required to provide a copy of their certificates to the Commission if a complaint is made against them, the Commission does not keep a database of information regarding who has completed the training.

Topics for Commission Decision

- Who should be required to complete training?
 - o What should be the expectations for volunteers?
- How often?
 - o Initial hire and every X number of years afterward?
- Should there be profession specific trainings?
 - o Would this be in addition to a generalized training?
 - o Who would determine the content of these trainings?
- What topics should be included in the training?
 - o How specific should our statutory language recommendation be?
 - o What topics do we want to specifically address in the Mandated Reporter Commission report that will not be in the statutory language?
- Should training be attached to licensure?
- Should there be a penalty for failing to train?
 - o Licensure penalty?
 - o Monetary penalty?
- Should there be trainings in languages other than English? Should this be required in statute?
- What entity, if any, should be responsible for training curriculums and/or enforcement of the requirement of training?
 - o Public and private partnerships? Partnerships with institutions of higher education?
 - o An already existing state agency or entity?
 - o A newly created state entity?
- What types of public service announcements would be beneficial for the mandated reporting scheme? What entity would be appropriate to provide such service announcements?

RESOURCES AND OTHER INFORMATION

Alvarez, K. M., Kenny, M. C., Donohue, B., Carpin, K M. (2004). Why are professionals failing to initiate mandated reports of child maltreatment, and are there any empirically based training programs to assist professionals in the reporting process? *Aggression and Violent Behavior*, 9, 563-578.

Brubacher, S. P., Powell, M., Skouteris, H., Guadagno, B. (2015). The effects of e-simulation interview training on teachers' use of open-ended questions. *Child Abuse & Neglect*, 43, 95-103.

Kenny, M. C. (2007). Web-based training in child maltreatment for future mandated reporters. *Child Abuse & Neglect*, 31, 671-678.

Victor-Chmil, J., Foote, E. (2016). An interprofessional simulation for child abuse reporting. *Clinical Simulation in Nursing*, 12, 69-73.

MA Department of Developmental Services (DDS) has a mandated reporter training for suspected occurrences of abuse, neglect and mistreatment of individuals with developmental disabilities – reports to the Disabled Persons Protection Commission

- 51 page slide deck- sign an attestation of completion at the conclusion of your review of the power point

Mandated Reporter eLearning training which is approved for 1.0 Continued Education Units for Social Workers- available on the Mass.gov website (<https://www.mass.gov/how-to/mandated-reporter-elearning>)

Many online resources connect users to the Middlesex District Attorney's Office "51A Online Mandated Reporter Training: Recognizing & Reporting Child Abuse, Neglect, and Exploitation" (<http://51a.middlesexcac.org/>)

DCF has a Mandated Reporter Guide available for download: <https://www.mass.gov/how-to/report-child-abuse-or-neglect-as-a-mandated-reporter>

"Joint Advisory Regarding School District Officials' Duty to Report Suspected Child Abuse and Neglect"- August 20, 2010

MGL c. 71 §37L (in relevant part): "The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect under section 51A of chapter 119..."

Effective January 1, 2010, under the revised law, a mandated reporter who is professionally licensed in Massachusetts must receive training on recognizing and reporting suspected child abuse and neglect. This requirement applies to teachers and administrators licensed by the Department of Elementary and Secondary Education (ESE), as well as school psychologists, nurses, and other clinicians licensed by the Commonwealth. Additionally, school districts continue to have the obligation under G.L. c. 71, §37L to provide information about child abuse and neglect reporting requirements to staff who are mandated reporters. ESE-approved private day and residential special education schools also must meet their obligation to draft

written procedures and train staff regarding their reporting obligations, as required by the *Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs* ([603 CMR 18.05\(9\)\(i\)](#)). As part of the information and training provided to staff, we recommend that school districts and ESE-approved day and residential special education schools provide this advisory, or a link to it, to all staff members. The advisory is posted on DESE's website