

MINUTES –APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Thursday February 11, 2021
10:00am-12:00pm

Meeting held virtually via WebEx pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20 signed by Governor Baker on March 12, 2020.

Mandated Reporter Commission Members Present:

Maria Mossaides – Child Advocate - Chair
Andrew Rome – General Counsel, DCF
Katherine Ginnis – Sr. Director of Child, Youth & Family Policy Program, EOHHS
Angela Brooks – Dir. Child and Youth Protection Unit, AGO
Nina Marchese – Director of Approved Special Education Schools, DESE
Lisa Hewitt – General Counsel, CPCS
Anne Connors -- Associate Commissioner for Field Investigations, EEC
DA Marian Ryan -- Middlesex District Attorney, MDAA
John High – Chief Staff, DPL
Officer Elizabeth Fleming – Waltham School Resource Officer
Matthew Connolly- General Counsel- EOE

OCA Staff:

Cristine Goldman
Alix Rivière

Members of the Public who identified themselves via the chat function

Mike Ryan- CPCS
Lisa Rosenfeld- Counsel, Jt. Comm. on Children, Families and Persons with Disabilities,
Office of Rep. Khan

MRC= Mandated Reporter Commission
OCA= Office of the Child Advocate
DCF= Department of Children and Families
CPCS= Committee for Public Counsel Services

Meeting Commenced: 10:10am

Welcome and Introductions:

Maria Mossaides, Chair of the Mandated Reporter Commission, called the meeting to order and reviewed the agenda. She thanked the members for their continued work and informed them that the legislature is aware of our request for an extension of our statutory deadline. She explained that today's meeting is dedicated to substantive review of the recommendations outlined in the

Draft Report for Public Feedback and Input as well as discussing the logistics of the proposed public comment period.

Vote on Draft Meeting Minutes for January 26, 2021 Meeting

Formal discussion was opened on the draft January 26, 2021 meeting minutes. No Commission member had any topics for discussion. A roll-call vote was held and the following members approved the minutes: Maria Mossaides, Katherine Ginnis, Lisa Hewitt, Angela Brooks, Ann Reale, Andrew Rome, Nina Marchese, Elizabeth Fleming, Andrew Rome, Matt Connolly, John High, Marian Ryan. The January 26, 2021 meeting minutes were approved.

Review of the draft document designed to solicit public comment on proposals before the Commission

Commission members reviewed the proposed language of the Draft Report for Public Feedback and Input. Before diving into a section-by-section examination of the document, the Commission discussed the complexity of the proposals within the document and the difficulty that complexity may present when seeking input from the general public. The Commission acknowledged that the proposals themselves are very complex and need to be described accurately for public feedback so some of the complexity is inevitable. Commission members noted that typically advocacy groups representing individuals help individuals decode the complexity and place proposals in context. Advocacy groups also usually organize explanation and feedback from individuals.

Commission members noted that the document needs to be more clear about what is being referenced when the document indicates it is not seeking comment on the inner-workings of DCF. Commission members also wanted to ensure that language throughout the document reflected the fact that the document outlines proposals before the Commission, not determinations that the Commission has made.

Commission members discussed that some of the information about the universal reporting scheme needs to be more closely tied to the goal of increasing child safety and identified adding Puerto Rico to the list of statutes that informed the analysis of the Commission.

Draft Language of Proposals related to the Definition of Mandated Reporter with Analysis:

- Introduction:
 - Members discussed the use of the word “child,” highlighted in the document for review. As written, the proposed statutory language does not include instances when a mandated reporter outside of Massachusetts is providing services to an adult and learns of possible child maltreatment in Massachusetts. Language will be redrafted to more closely reflect the intention of the proposal for the next meeting.
 - Members discussed cases involving people with disabilities, who until age 22 can be in programs licensed by EEC and DESE but who are under the purview of DPPC instead of DCF. The Commission agreed that although there is communication between agencies and there are safeguards in place to protect these individuals from maltreatment, there are complexities that result in some gaps.
- Medical Providers: The Commission agreed on replacing the word “medical intern” with “student and medical trainees” to more accurately reflect the current terms used in the field.

- Mental Health Providers: Similarly, the Commission agreed to replace the words “any intern, resident, student or trainee” with the broader terms “students and trainees.”
- Education Providers:
 - The Commission noted that the document should reflect that childcare providers are educators, and identify themselves as educators, so they should be incorporated into this section instead of the social service providers section.
 - Members noted that the first section mentions educators interacting with children “during school day, on school premises,” which is not aligned with information in other parts of the document. Additionally, the document should reflect the fact that educators can also work in residential facilities.
- Public Safety Officials: The Commission debated the exemption of judges from the mandated reporter list. While some members argued that excluding them from the list of mandated reporters would send the wrong message, others argued that if judges were to report they would likely be called as witnesses and that could lead to complications.
- Persons Retained by An Attorney: Members discussed whether the draft should go into more depth about the arguments for and against to the proposal to explicitly exclude persons working on legal defense teams from mandated reporting responsibilities. The Commission decided the document presented the issue neutrally and that was sufficient.
- Mentors: Members discussed whether the exclusion of any “entities providing direct confidential services to victims of domestic violence, sexual assault, or human trafficking” should be housed under the “mentors” section. Members also voiced their uncertainty with the terms “direct confidential services.” The Commission decided to separate this proposal regarding this possible exclusion from the category of “mentors.”
- Other Youth Serving Individuals: Members discussed whether this section should mention that this category is not limited to the organizations listed. Chair Mossaides explained that the Child Abuse Prevention Task Force has just launched their Safe Kids Thrive website that targets all youth-serving organizations. Thanks to this website, over the next year or so professionals in youth-serving organizations will have increased access to knowledge regarding their mandated reporter obligations. She added that the Child Abuse Prevention Task Force tried to develop a comprehensive list of child-serving organizations and found it was too complex to be a feasible task.

A Central Reporting System

Next, the Commission moved on to the discussion of a central reporting system. Members noted that this section stuck out as different from other sections because it doesn’t directly address the filing of reports. Members decided that this section could more clearly distinguish between issues concerning reporting and issues concerning investigations.

Reporting Responsibilities and Definitions

Members noted that this section’s analysis helps draw distinctions between the current and proposed language. They discussed the phrase “substantial risk of suffering” and revisited the Commission’s previous analysis of that proposal.

Members also discussed the language concerning newborns who are born exposed to “drugs” be they illegal or non-illegal drugs. Members noted that the analysis of the section focuses primarily on opioid medications which is not the only scenario where this language is relevant, the next draft should make that clearer.

Discussion of public comment period

Commission discussed the logistics of the public comment period. The Commission considered whether the public comment period should be limited to written testimony only. A second option would include oral testimony through a public hearing in addition to written testimony.

Commission members noted that it would be difficult to ensure that oral testimony is focused on the mandated reporter system and not issues related to DCF that are not within the Commission’s purview.

Some members noted their belief that oral testimony should be included in the public comment period. Some explained that, in their experience, time limits are generally respected. Additionally, members noted that it is very hard for individuals to come forward with personal stories.

Some members suggested the process could be helped if the Commission produced a one-page document highlighting how individuals could structure their stories, as it is often done for witnesses providing impact statements in court. Members discussed whether testimonies from individuals presenting their personal positions could be prioritized to come first in public hearings before testimony of persons representing advocacy groups. Some argued it might be useful to organize public comment sections by topic, but this might be logistically impossible.

Members discussed whether the Commission wanted to specify whether all members, or a quorum, should be present during the public hearings. It was agreed that this would not always be possible, but that members should make every effort possible to attend—others could read transcripts/minutes of the sessions.

Closing Comments

Chair Mossaides thanked the members of the Commission for their input and continued efforts. She announced that during the next meeting, members will finish reviewing the Draft Report for Public Feedback and Input, starting on page 23 as well as review the edits discussed during today’s meeting. The next meeting will take place on Tuesday, February 23, 2021, from 2:00 to 4:00pm.

Adjournment: 12.02pm