

MINUTES APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Friday March 12, 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
Cristina Tedstone – Deputy General Counsel, DCF
Katherine Ginnis – Sr. Director of Child, Youth & Family Policy Program, EOHHS
Angela Brooks – Director Children’s Justice Unit, AGO
Nina Marchese – Director of Approved Special Education Schools, DESE
Lisa Hewitt – Chief Counsel, CPCS
Anne Connors -- Associate Commissioner for Field Investigations, EEC
Marian Ryan -- Middlesex District Attorney, MDAA
John High – Chief Staff, DPL
Matthew Connolly – General Counsel, EOE
Susan Terrey- Chief General Counsel, EPS

OCA Staff:

Cristine Goldman
Alix Rivière

Members of the Public who Identified themselves at the meeting:

Lisa Rosenfeld - Counsel - Jt. Comm. on Children, Families and Persons with Disabilities (Office of Rep. Finn)
Katherine Folger – Assistant District Attorney, Middlesex DA’s Office
Arabela Thomas – Attorney for DESE

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

Meeting Commenced: 10.03am

Welcome and Introductions:

Maria Mossaides, Chair of the Mandated Reporter Commission, called the meeting to order. She welcomed Ms. Susan Terrey- Chief General Counsel at EPS who is joining the Commission as a statutory member and asked other members of the Commission to introduce themselves. She then explained that today’s meeting is dedicated to approving the minutes and reviewing the new

version draft document designed to solicit public comment on proposals before the commission as well as the draft public hearing notice. The group will also discuss the logistics of the public comment period.

Vote on Draft Meeting Minutes for February 23, 2021 Meeting

Formal discussion was opened on the February 23, 2021 meeting minutes and the minutes were shared on the virtual screen for Commission members to review changes. A roll-call vote was held and the following members approved the minutes as presented at the meeting: Maria Mossaides, Katherine Ginnis, Anne Connors, Lisa Hewitt, Andrew Rome, Nina Marchese, Matthew Connolly, Angela Brooks. No Commission member voted in opposition to approving the minutes. The February 23, 2021 meeting minutes were approved.

Review of New Version Draft Document Designed to Solicit Public Comment on Proposals Before the Commission

Chair Mossaides explained that the document designed to solicit public comment on proposals will not require a vote prior to being issued for the public comment period, but asked members to notify the Commission at this meeting if this document does not paint a fair representation of the proposals before the Commission and a fair description of those proposals.

Members then began examining edits made to the document since the last meeting which were highlighted in the document. Members were informed that edits highlighted in yellow represent changes made to the document since it was last sent out to Commission members while the purple highlights indicated changes from the last meeting. Members discussed and made suggestions as follows:

- Members discussed removing the term “clearinghouse” to describe DCF’s role in receiving certain information and disseminating information to district attorneys regarding child maltreatment. The OCA agreed to make changes in line with the discussion.
- Regarding the section on a central reporting system, members discussed how to best represent the type of “entities” to which the section refers. The OCA agreed to make changes in line with the discussion.
- Regarding the definition of sexual abuse, members discussed edits made to the section on consensual sexual relations/behavior. Members agreed to simplify this section as well as reference some of the patterns of behavior that may be present in underage sexual relations. The Commission agreed that one of the goals of this section is to get public feedback on what mandated reporters might need for guidance on this topic, especially how to gauge potential power dynamics in underage sexual relationships. Some members argued that this section should highlight the possibility that a relationship between two underage individuals might be consensual but nonetheless harmful. The OCA agreed to make changes in line with the discussion.

The Commission then examined parts of the document that had not been discussed at previous meetings. Members discussed and made suggestions as follows:

- Regarding volunteer training, members asked if it is the employer's responsibility to ensure volunteers working less than 35 hours per year should receive training. It was agreed that volunteers who work more than 35 hours are expected to receive the same training as employees. The Commission also agreed to change the language from "volunteers" to "volunteers and/or interns." The OCA agreed to make changes in line with the discussion.
- Regarding the section on disproportional involvement of families of color in child welfare, members examined a newly drafted section on "Race and ethnicity reporting" describing the information mandated reporters provide when filing a 51A report. The Commission discussed whether racial and ethnic data gathering at the time of report filing should be proposed in statute and what reporters should do if they do not have access or do not wish to ascribe a race or ethnicity to the alleged victim and/or alleged perpetrator. It was pointed out that information on race/ethnicity as perceived by mandated reporters would help identify potential bias at the reporting level, as DCF collects self-identified information on race and ethnicity when conducting investigations of child maltreatment and data could show any discrepancies between data sets. Members then discussed ways other jurisdictions collect and use (or omit) information on race and ethnicity at the reporting and investigation levels. The Commission also agreed that the document should include information the possibility of shielding race and ethnicity information from screening decisions. The OCA agreed to make changes in line with the discussion.
- Regarding the section on proposals concerning sharing medical information, the Commission discussed medical providers' concerns that they cannot share HIPAA-protected medical information about maltreatment after the fifteen-day window of DCF investigation has closed. Members argued this is not an actual issue that needs to be resolved as there are several ways that this information can come to the attention of DCF. Some members discussed a reluctance to expand the scope of the HIPAA exception as applied to the mandated reporter statute and that issues presented in these proposals could be addressed in training or by medical providers' legal counsel. The OCA suggested that the document be edited to present these ideas without specific proposal language- the OCA agreed to make changes in line with the discussion.

Review Draft Public Hearing Notice & Discussion of Public Comment Period

Next, the Commission examined the draft public comment period and public hearing notice, which Chair Mossaides explained was modeled off of hearing notices from other state agencies. Members discussed the draft notice's indication that the public hearing would be conducted via conference call and suggested that the hearings could be on a video platform, such as Zoom. Complications of both the conference call format and the Zoom meeting format were discussed. The benefits of a Zoom platform outweighed the possible complications of holding a public hearing in that format. Multiple members explained they have expertise in managing large meetings and offered to help organize the Commission's public hearings on video platforms. It was agreed the Commission would be using a video platform to collect feedback during the public comment period.

Next, Chair Mossaides explained that the OCA has arranged for a thirty-day public hearing period and asked members if they had any objections. Members then discussed the expected timeline for public comment and Commission meetings. Ideally, members would meet at the end of April to begin addressing some of the public feedback received, followed by three meetings in May to allow

for a full discussion of the proposals. Finally, Chair Mossaides asked members to think about entities to which the notice should be sent to ensure the Commission receives feedback from a variety of stakeholders and asked that ideas for outreach be sent to the OCA.

Closing Comments

Chair Mossaides thanked the members of the Commission for their input and work. Members were asked if they have any objections to edits being made to the document reviewed today before it is sent out for a public comment period, which will begin before the next meeting takes place. No objections were made.

Chair Mossaides then acknowledged that Andrew Rome would no longer be DCF's representative on the Commission as he is making a career move to another state agency. Chair Mossaides thanked Andrew Rome for his invaluable expertise and input throughout the work of this Commission. Mr. Rome expressed his gratitude and pleasure at working with this group, which he felt thoughtfully tackled many complicated issues. Ms. Cristina Tedstone will be attending the Commission meetings as DCF's representative.

Members were informed that the next meeting will take place on Friday March 26, 2021 from 10am to 12pm.

Adjournment: 12.02pm