

MINUTES – NOT YET APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Friday March 26, 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
Cristina Tedstone – Deputy General Counsel, DCF
Angela Brooks – Director Children's Justice Unit, AGO
Nina Marchese – Director of Approved Special Education Schools, DESE
Lisa Hewitt – General 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
Officer Elizabeth Fleming – Waltham School Resource Officer
Susan Terrey- Chief General Counsel, EPS

OCA Staff:

Cristine Goldman
Alix Rivière
Jessie Brunelle

Members of the Public who Identified themselves via the Chat Function

Kate Nemens, MHLAC
Emily Hajjar, Legislative Director for DCF
Lauren Koster, Skadden Fellow at the Children's Law Center of Massachusetts

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 and asked members to introduce themselves. She then explained that today's meeting is dedicated to discussing the public hearing period and identification of stakeholders for outreach as well as a discussion of some of the topics that the MRC has been working on that do not have statutory

change proposals before the Commission. She introduced Jessie Brunelle, the OCA's new Legislative and Communications Director.

Vote on Draft Meeting Minutes for March 12, 2021 Meeting

Formal discussion was opened on the March 12, 2021 meeting minutes. Minutes were updated from the initial draft to reflect that the public comment period is 30 days long, not 40 days as the draft previously stated. A roll-call vote was held and the following members approved the minutes: Maria Mossaides, Lisa Hewitt, Susan Terrey, Nina Marchese, Matthew Connolly, Angela Brooks, John High, Anne Connors, Christina Tedstone. There were no votes opposing approval of the minutes. The March 12, 2021 meeting minutes were approved.

Updates on the Public Comment Period and Public Hearings

Notice of the public comment period and the finalized document for public comment were uploaded to the Commission's website on March 22, 2021 and email submissions to the public comment period will be collected via a Mandated Reporter Commission email address created for this purpose. The OCA, on behalf of the MRC, has reached out to over 120 contacts via this email, including providers, pediatricians, and professionals in higher education, sports, as well as advocacy organizations. The OCA welcomes suggestions detailing additional stakeholders to notify. Additionally, Ms. Brunelle has reached out to some legislators to send out the notice to providers in their areas. She has also written an Op-Ed about the public comment period and is seeking to have that published. Chair Mossaides asked members to continue sharing their ideas for distribution.

Chair Mossaides explained that the Commission will be using Zoom for the two virtual public hearings and that members of the Commission are encouraged to enable their videos to be visible on screen. There will be some interpretation services for non-native English speakers. Once these video calls have been set up, the OCA will send links to members of the Commission. The intricacies of the Zoom platform are still being worked-out, the notice of the public comment period asks that any person who needs accommodations to access the hearing notify the Commission five days in advance of the hearing.

Chair Mossaides also explained that the Commission is holding these meetings at a time when there is strong interest in reforming child welfare. The OCA is monitoring these trends and constantly in communication with the twenty-three OCAs throughout the United States. She also mentioned that one of the concerns consistently brought up relates to retribution, which the OCA's complaint line monitors closely. Members thanked Chair Mossaides and Ms. Goldman for their distribution efforts and discussed how to increase input from members of the public who might not be attached to a professional organization.

Topics That Could be Included in a Final Legislative Report that May Not Require Recommended Statutory Changes

Members discussed that the final report to the legislature can require recommendations and discussions of topics for which there will be no proposed statutory changes. The topics include, but are not limited to:

- Racial and ethnic disproportionality in reports of child maltreatment: The document for public comment includes a discussion of data collected at different levels of reporting and

investigation, but the Commission could also add in the report a discussion on bias and mandated reporter training. Members suggested incorporating data on institutions that file reports (e.g. a specific school or hospital) to identify settings that might benefit from additional or targeted mandated reporter training.

- **Training:** The Commission could elaborate on recommendations for the specific content of training. Members suggested possibly including a discussion on concerns that poverty may sometimes be mistaken as neglect and implicit bias training. Notably, the training could highlight steps that a mandated reporter could take when they have concerns about a child but do not think there is maltreatment, such as ways to refer the family for services (particularly through 211 and the Family Resource Centers). Members noted that DCF and DESE have a guidance document for teachers to identify abuse and neglect. They suggested that a recommendation of the report could be to periodically update this document. Members noted that there are very practical instructions that the Commission could recommend that would result in real operational changes at the ground level.
- **Differentiated response:** The Commission discussed cases that are substantiated for concern at DCF. Members discussed the Family Resource Centers as a means of supporting families. Members discussed the possibility of recommending a further working group or Commission to consider differentiated response and investigate the available research and other state models.
- **Internal analysis of institutional filings:** Institutions could examine their own filings to analyze and map trends in who is typically reporting and whether those reports are screened-in or screened-out.
- **Biases other than racial/ethnic:** The Commission could discuss biases that affect reporting, such as English as second language, religion, or parental disability.
- **Underreporting:** The Commission could include in the report a discussion on the reasons and settings where underreporting takes place. This may be difficult as it is hard to quantify what is unknown.
- **The role of Family Resource Centers (FRCs):** FRCs are a great resource for families and mandated reporters to find more information and support. In the past, the Commission has discussed what additional roles FRCs could play. Chair Mossaides mentioned the recent FACRA report which contains very interesting data on FRCs in the state, such as the increase in their provision of basic needs services (e.g. food, diapers, programming for families isolated at home) during the COVID-19 pandemic.
- **Child-on-child abuse:** Over the course of multiple meetings, the group has talked about this complex topic and the variabilities of Child Advocacy Centers across the state. Chair Mossaides added that the Child Sexual Abuse Prevention Task Force has been studying this and there are pilot programs that are currently operating that touch on this issue. It may be beneficial for the Commission to defer to the Child Sexual Abuse Prevention Task Force and their ultimate findings regarding the pilot programs.

Chair Mossaides mentioned that in 2018 when the Criminal Justice Reform Bill was passed, the OCA was mandated to monitor the impact of that legislative change. The OCA would be a suitable agency to monitor the impact of any changes to the mandated reporter law.

The Commission also had a lengthy discussion about setting the standard for equity higher than it has been previously set. Commission members discussed that the Commission should be bold in seizing the opportunity to be anti-racist and to set a standard that achieves what the Commission hopes to achieve. This is difficult to do as there is a gap in knowledge or understanding about the interplay of equity issues in child welfare and the requirement that the state protect children from abuse and neglect. The Commission was hopeful that the public comment period would provide stakeholders an opportunity to identify what needs they hope to have addressed.

Finally, the Commission discussed two articles circulated to members prior to this meeting:

- Morton, T. and McDonald, J. (2021, February). America must change its view of poverty and neglect. *The Imprint: Youth and Family News*. <https://imprintnews.org/child-welfare-2/america-must-change-its-view-of-poverty-and-neglect/51659>
- Rise. (2021, March). Rise recommendations to address schools' overreporting to child protective services. *Rise Magazine*. <https://www.risemagazine.org/2020/03/rise-recommendations-schools-over-reporting/>

Closing Comments

Chair Mossaides thanked members and expressed her view that the Commission has an enormous responsibility in examining legislative changes to the mandated reporter system in the Commonwealth. She informed members that the next meeting will take place at the end of April, towards the end of the public comment period, to begin discussing the feedback received by members of the public. The group will organize topics to tackle, which will be continued during the three meetings in May. In June, the Commission will be focused on drafting the final report to be submitted to the legislature by the end of that month.

Adjournment: 11:40am