

MINUTES –APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Monday April 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 – Acting 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
Katherine Ginnis – Sr. Director of Child, Youth & Family Policy Program, EOHHS

OCA Staff:

Cristine Goldman
Alix Rivière
Jessie Brunelle
Christine Palladino-Downs

Members of the Public who Identified themselves via the Chat Function

Kate Nemens, Mental Health Legal Advisors Committee
Erin O'Sullivan, EdLaw Project/Youth Advocacy Foundation
Elizabeth McIntyre, Greater Boston Legal Services
Susan Elsen, Massachusetts Law Reform Institute
Michael Gregory, Trauma and Learning Policy Initiative of Massachusetts Advocates for Children and Harvard Law School
Genevieve Preer, Pediatrician, Child Protection Team, Boston Medical Center
Elizabeth Egan, MPH, LICSW Boston Medical Center, Child Protection Team
Cecely Reardon, DYS

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 voting on minutes, hearing members' reaction to the oral testimony as well as discussing what data members would find helpful to review as they proceed.

Vote on Draft Meeting Minutes for March 26, 2021 Meeting

Formal discussion was opened on the March 26, 2021 meeting minutes. One suggested change was made to a sentence in the draft minutes that would have confused the Commission's statutory charge with efforts made by the Commission to further productive conversation. There were no other recommended changes. A roll-call vote was held on the edited minutes and the following members approved the minutes: Maria Mossaides, Susan Terrey, Nina Marchese, Matthew Connolly, Angela Brooks, John High, Anne Connors, Cristina Tedstone, Matthew Connolly. Katherine Ginnis abstained as she was not present at the last meeting. There were no votes opposing approval of the minutes. The March 26, 2021 meeting minutes were approved.

Discussion of Public Comment Period

Members reviewed the document sent to the Commission describing general information regarding the public comment period for both oral and written testimony. Members agreed that, moving forward, they would discuss both the oral and written testimony together and organize discussion around topics.

Next, members discussed their general thoughts about the oral testimony, including their appreciation for the important participation of the public and how individuals' experiences and expertise had provided them with insights into how mandated reporting can affect families. Some members noted their increased understanding of how intimate partner violence situations can be impacted by reports of child maltreatment. Some members noted that there were several comments at the public hearings suggesting that mandated reporters filed reports against families as retribution, particularly education service providers. Some members highlighted testimony which discussed concerns around DCF being able to provide services to children with disabilities. Members discussed that one theme from the hearings was that adding categories of mandated reporters would result in increased surveillance of families. Commission members discussed that some categories had been contemplated in the proposals in order to more accurately capture instances of neglect and abuse within institutional settings. Commission members noted that there were also concerns brought up at the hearings about the proposal increasing the range of possible monetary fines for failing to follow the statute would increase reports based on fear of liability. Some members noted that the perception of mandated reporting is an important part of how mandated reporting operates and that the perception heard by the Commission at the virtual public hearings was overall very negative.

Review of Data on Mandated Reporting

Chair Mossaides noted that data gathering is critical to understanding the way that the mandated reporter system is working and that the OCA has requested additional data from DCF. She asked members to share their thoughts on what data they would like to see to inform the Commission's

work. In response, some members noted their interest in data dealing with racial and ethnic disproportionality in child welfare, in particular data that could demonstrate whether specific school districts or hospitals had higher rates of reporting on families of color.

Some members were disheartened to hear the significant concerns from the public about the efficacy of the mandated reporter system. They expressed the belief that the Commission's work needs to be guided by facts and data and that the Commission needs to ensure that the child protective system should lead to more children and families getting the help they need. Members discussed that the relative substantiation rate of 51As appears largely unchanged from year to year, except perhaps lately at the height of the opioid epidemic when it has increased. Members again highlighted Family Resource Centers' central role in providing services to families in the Commonwealth. Members noted the need for the state to continue to support community-based service providers.

Members also discussed neglect cases, as the view from the public hearings appeared to be that neglect allegations specifically were a means of enabling the policing of poor families and families of color. Commission members noted that there is a wide range of situations that may be considered neglect and that understanding that continuum would be helpful. Members also noted that this continuum of neglect cases is reflected in DCF's substantiated concern cases which meet the definition of neglect but which there is not an immediate danger to the child's wellbeing versus supported neglect cases.

The Commission discussed the fact that some families are involved with child welfare agencies generation after generation, which in some people's view demonstrates the system's failure. Again, members saw increased support of preventative services as an important part of addressing this pattern. Members discussed different opinions on the actual impact of child welfare involvement in addressing families' issues. Given the wide spectrum of cases of child maltreatment, Commission members agreed on the need to differentiate cases by degree of severity in the analysis of the data. Members were reminded that this would be one of the goals of establishing a training entity. Members asked if DCF has the ability to track families who only come into contact with the agency once and do a qualitative analysis to understand what proved effective for these families compared with families with multigenerational involvement with child welfare.

Members discussed what recommendations the group could agree on for a legislative report. Some members suggested dividing the current proposed categories of mandated reporters between those whose title has been updated to reflect current professional language and those who have simply been added. Chair Mossaides also added that the Commission had extensively discussed the creation of a two-track reporting system for substance exposed newborns which had garnered a lot of public support.

Finally, members reviewed the original legislative mandate of the Commission and reviewed how the topics and proposals before the Commission fit into that legislative mandate. Commission members expressed support for a final report that would include the reasons why specific topics were discussed as well as the reasons behind specific proposals.

Closing Comments

Members were told that written testimony from members of the public will be made available on the Commission's website shortly. Chair Mossaides thanked members for their participation and

commitment to working on such complex issues. The next meeting will take place on May 7 from 10am to noon.

Adjournment: 11:51am