

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Thursday, May 7th, 2020
1:00pm-3:00pm

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
D.A. Marian Ryan - Representative of MDAA
Attorney Lisa Hewitt - Chief Counsel, CPCS
Catherine Mick - Undersecretary of EOHHS
Andrew Rome - General Counsel, DCF
Spencer Lord - Special Counsel, EOPSS
John High - Chief of Staff, DPL
Angela Brooks - Director of the Child and Youth Protection Unit, OAG
Anne Conners - Associate Commissioner for Field Investigations EEC
Officer Elizabeth Fleming, Member Appointed by the Governor

OCA Staff:

Cristine Goldman (OCA)
Alix Riviere (OCA)
Melissa Williams (OCA)

Meeting Commenced: 1:00pm

Welcome and Introductions:

Maria Mossaides, chair of the Mandated Reporter Commission, called the meeting to order and each member introduced themselves virtually. Next, Cristine Goldman, the Office of the Child Advocate's Director of Policy and Legal Counsel, reviewed the agenda.

Approval of February and March Meeting Minutes:

Ms. Goldman offered discussion and held a formal vote on the approval of the February 12, 2020 Mandated Reporter Commission meeting minutes. The February 12, 2020 meeting minutes were approved.

The March 30, 2020 Mandated Reporter Commission meeting minutes could not be approved as there were not enough members present to constitute a quorum of persons who attended the March 30, 2020 meeting. Further discussion and voting on the March 30, 2020 meeting minutes will be tabled until next meeting.

Presentation of Research and Proposals Regarding Categories of Mandated Reporters and Institutional Reporting:

Discussion of current categories of mandated reporters and introduction of potential new personnel who may be appropriate to add to the current statute. Discussion based on “Categories of Mandated Reporters” document which was sent electronically to all members and was posted in advance in accordance with the Open Meeting Law.

Definition of Mandated Reporter

Commission considered two potential definitions of “mandated reporter” using the feedback received during the previous meeting. Both definitions include volunteers who work five or more hours per week with the aim of capturing non-occasional volunteers as mandated reporters. Commission discussed the five-hour standard and whether there is confusion regarding how many weeks would qualify and which volunteers would be captured by the rule. Commission queried whether there is a qualitative difference between an occasional volunteer and a regular volunteer. Commission members discussed that volunteers may feel less likely to volunteer their time if there is an additional obligation of being a mandated reporter. The final decision will be to include all volunteers without any timeframe requirements. Commission members will consider different training requirements or a sliding scale of penalties for volunteers.

Medical Providers

The OCA reviewed the current statutory language for medical providers and proposed updated language using feedback from the previous meeting. The new language broadens the medical providers responsible for reporting. The Commission members agreed to the changes with no further comments.

Mental Health Providers

The OCA reviewed the current statutory language for mental health providers and proposed updated language using feedback from the previous meeting. The Commission discussed whether the inclusion of social workers in this section made sense as social workers would be included in the social service providers section. The Commission discussed the the answer to the question may depend on how the Commission decides to design the proposed legislation (with or without sub-headings). It was determined that social workers would be re-added to the statutory list under mental health providers but that the term “clinical” in front of “social worker” was not necessary. The OCA will redraft the language to reflect Commission members’ comments and suggested changes.

School Employees

The OCA reviewed the current statutory language for school employees and proposed updated language using feedback from the previous meeting. The changes resulted in a broader definition. It was suggested to add the language “any educational service provided by the Commonwealth or private service regardless of setting.” This would include non-school based learning at non-school locations. Commission members noted DESE representatives were not at this meeting and would feel more comfortable if the definition was discussed with them present. Ms. Goldman will speak with DESE prior to the next meeting. The OCA noted that school board members were not included which was an oversight in drafting and will be remedied for the next meeting. The OCA will redraft the language to reflect Commission members’ comments and suggested changes.

Higher Education

The OCA reviewed the current statutory language for higher education and proposed updated language using feedback from the previous meeting. The changes were made with the intent to include personnel who interact with children and youth who use higher educational facilities for extracurriculars or collegiate level courses during high school. Commission members brought up the need to include the board of trustees and president of the college/university. It was agreed upon to include all administrators or officers of a higher education institution as well as undergraduate teaching assistants. The OCA will redraft the language to reflect Commission members’ comments and suggested changes.

Public Safety Officials

The OCA reviewed the current statutory language and proposed language based on research from other state statutes. Commission members discussed the term “law enforcement officials.” Commission also discussed the term “sworn” law enforcement officials, expanding the range of courthouse personnel beyond the district court, and adding assistant clerk-magistrates, judicial case managers, assistant registrars, sheriff deputy, correctional officers, and special police officers. Special police officers would include mall security guards. It was noted that titles of positions may change overtime and since this language will be written in statute, titles should be broad enough to encompass different job titles in the future. The OCA will redraft the language to reflect Commission members’ comments and suggested changes.

Social Service Providers

The OCA reviewed the current statutory language and proposed language based on research from other state statutes. Some of the changes include the addition of licensed and unlicensed child care providers, nannies, au pairs, persons providing residential or in-home care, certain state agencies, contractors of those agencies, employees of shelters funded or partially funded by Commonwealth, IT Technicians, film or photo image processors, and victim advocates. Commission members noted DTA and DHCD staff working in homeless shelters should be included in the list of state agencies. Commission members discussed the section including victim advocates and concerns that inclusion will prevent persons from seeking the safety they need for fear of loosing custody of their children. There was a discussion surrounding the possibility of including peer mentors, Meals on Wheels employees, and Family Resource Center staff. It was agreed upon by Commission members to include personnel of a community service program funded or partially funded by the Commonwealth that support families in crisis. Various Commission members mentioned the addition of home health aides, real estate brokers, locksmiths, and librarians to the list but they may not all make sense in this section. The Commission will discuss the possibility of exempting social workers who work on the defense team of lawyers from reporting information learned in the course of their defense team work at the next meeting. The OCA will redraft the language to reflect Commission members’ comments and suggested changes.

Closing Comments:

The OCA will update the working document based on Commission discussion at this meeting and the conversation regarding categories of mandated reporters will be continued next meeting. The OCA expects to move on to the topic of institutional reporting at the next meeting.

The next meeting will be held virtually on May 21st, 2020 from 10:00am-12:00pm. The Commission members present agreed upon the next meeting date.

Ms. Mossaides noted that after the recommendations are completed, the Commission will be likely recommending that there be public hearings in order to solicit and evaluate concerns from various interested persons and groups. The timeline of the recommended public hearings will be subject to the effect of the current Covid-19 pandemic.

Adjournment: 3:00pm