

MINUTES APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Friday May 7, 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 Conners -- Associate Commissioner for Field Investigations, EEC
John High – Chief Staff, DPL
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

Susan Elsen, Mass Law Reform
Andrew Rome, EEC
Cecely Reardon, DYS
Tammy Mello, Children's League of MA
Rachel Gwaltney, Children's League of MA
Rebecca Greening, Legal Services Center of Harvard Law School
Aine Blanchard, Child Protection Program Massachusetts General Hospital

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

Meeting Commenced: 10.02am

Welcome and Introductions:

Maria Mossaides, Chair of the Mandated Reporter Commission, called the meeting to order. She asked guests to sign into the chat. Throughout the meeting, members of the public commented in the chat box on issues discussed by the Commission. Chair Mossaides presented the agenda for the meeting. Chair Mossaides discussed some of the publicity the Commission has received as a result of the public comment period and also some mischaracterization of the Commission's work in the past few weeks. She highlighted her hope that the Commission would proceed with reviewing the feedback received and develop recommendations for the Legislature and asked members if they were comfortable with resuming the Commission's workplan for May and June. Members asked for clarification regarding the workplan and were told that this meeting and the next two in May would be dedicated to going over the public feedback and that June meetings would be dedicated to the drafting of a final report for the Legislature. Members reiterated their wish to move forward with this schedule. Some expressed the wish to allow for the public comment to inform the Commission's work in this last phase as well as incorporate some of the feedback into the final report, whether the group has had the time to formulate recommendations or not. Chair Mossaides agreed that the report should include a summary of the Commission's work-to-date as well as areas of focus that require further exploration.

Members discussed the possibility of diverging opinions on recommendations. Chair Mossaides assured the group that the report would outline all the different viewpoints and could include, for instance, a majority and a minority view. Such a report would be an accurate reflection of the complexity of the issues the Commission members have discussed.

Review of Proposals Before the Commission with Public Comment: Focus on Definition and Categories of Mandated Reporter

The meeting then focused on the meeting document which was screen-shared during the meeting. The document addressed federal mandated reporter law requirements. While some states have opted for a universal mandated reporter system, the Commission found no evidence that this would improve reporting on child maltreatment. Chair Mossaides explained that, at the federal level, there are currently no plans to eliminate the requirement for a mandated reporter system, and that states will lose some federal funding if they do not have a mandated reporter system.

Next, the Commission reviewed the complex question "Does mandated reporting work?" While there are some countries who may provide opportunities to analyze mandated reporting systems, it is difficult to draw parallels to the United States or to certain states. Members then looked at DCF data that outlines racial and ethnic disproportionality at the level of 51A Intake for FY21, Quarters 1 and 2. Members discussed some feedback received during the public comment period that increasing categories of mandated reporter would result in increased surveillance of poor and BIPOC families. Also, the Commission noted that the proposals to add some categories of mandated reporters were directed at solving the issue of underreporting of abuse by non-family-members in institutional settings. Some members asked for a clearer articulation of which of the added categories reflected an update in language and which were new categories of mandated reporters.

Next, Commission members discussed the possibility that the proposals before the Commission would discourage, or further discourage, families from accessing needed services, thereby putting

children in more danger. Notably, this had previously been discussed by members regarding the automatic filing of a 51A report for substance exposed newborns.

Members reviewed the role of FRCs, run by DCF in collaboration with community organizations, and presented data on the number of families served by them in 2019 as well as the type of services provided. The Commission discussed how information on community service providers could be incorporated into the final report, including how schools (representing the largest share of mandated reporters) could refer families in need to these services.

Further members pointed out that the lack of reference to poverty and disability in the definition of neglect was at odds with DCF's regulations.

Members discussed the effectiveness of joint decision making processes before filing a 51A. Members noted that this topic has come up previously in discussions but that no proposal before the Commission addresses this topic. Next, members discussed the model of team decision-making to determine whether a 51A should be filed. Members of the public mentioned the need to maintain the integrity of the 51A report by having the person who initially suspected child maltreatment be part of the team. Some members of the Commission opined that it is critical that the person who saw the potential maltreatment, whether they are of age to be a mandated reporter or not, be part of the process, so that DCF can then contact these "key contacts" who might have critical information for an investigation. It was suggested that if an entity in charge of training is created, it could provide further guidance on this topic. Members were reminded that current DESE guidance, developed in collaboration with the Children's Trust, DCF, and the OCA, encourage schools to create multidisciplinary teams to assess whether a 51A report is warranted.

Some public comments indicated that implementing the proposals before the Commission would result in overburdening DCF with an influx of 51A reports to investigate. The Commission noted the possibility of discussing additional budgeting necessary to accommodate the expansion of the mandated reporter system. It was also mentioned that Pennsylvania, which had recently increased the categories of mandated reporters, could be a model to discuss and had been brought up as a point of comparison in the public hearings.

Members discussed that the "screen out" of a 51A report by DCF does not necessarily mean that the mandated reporter was incorrect to report the case. Members discussed the idea of better understanding the experience of families who have been reported for child maltreatment but subsequently "screened out." Some members noted their doubt that understanding the variety of families' experiences would drastically impact the Commission's recommendations. The Commission agreed that DCF would present on the topic at the next meeting.

Chair Mossaides also noted that the OCA is engaged in an interdepartmental project looking at the intersection between 51A reports and licensing/contract violations with the goal of finding ways to direct licensing and contracting issues away from the 51A system. This should have a positive impact on improving institutional 51A reports.

Members continued to discuss categories of mandated reporters, including persons who work in state agencies that provide services to children. Members considered whether the proposal was too broad.

The Commission discussed whether there was a need to define the term “volunteer” if such a term is used in the statute. Some Commission members argued that the inclusion of all volunteers, even ad hoc, could have a negative impact on individuals’ willingness to volunteer and support their communities. Others noted that there are many community-based activities (e.g. volunteering in a food bank) that would not be impacted by proposal. Others mentioned the issue of parent volunteers in schools and asked if they would fit within the current proposed definition. The Commission then briefly discussed the suggestion from some members of the public to use a sliding scale of responsibility for volunteers.

Closing Comments

Chair Mossaides thanked members for their participation and discussion. She explained that next meeting will begin with a presentation on DCF’s screening and investigation processes. She asked members if they had any further questions about the work plan. It was suggested that, in order to discuss all topics mentioned during the period of public comment, the Commission could consider extending the meetings by 30 minutes. Chair Mossaides reminded the group that the Legislature is eager to receive recommendations from the Commission.

Adjournment: 12:00pm