

MINUTES APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Thursday May 20, 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
Matthew Connolly – General Counsel, EOE

OCA Staff:

Cristine Goldman
Alix Rivière
Jessie Brunelle
Christine Palladino-Downs

Members of the Public who Identified themselves via the Chat Function

Michael Ryan, Committee for Public Counsel Services
Jen White, Senator Lovely's office
Elizabeth McIntyre, Greater Boston Legal Services
Scott Scholefield, Director of Case/Special Investigations, DCF
Janine Solomon, Massachusetts Advocates for Children
Rebecca Greening, Legal Services Center of Harvard Law School
Katharine Folger - Middlesex Child Protection Unit/Children's Advocacy Center
Andrew Rome, EEC

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 encouraged members of the public to sign into the chat. Chair Mossaides presented the schedule for the meeting which would start by voting on minutes, followed by a presentation on the 51A screening process by DCF, and then review and discussion the public comment period feedback on the proposals before the Commission.

Vote on Draft Minutes for April 26, 2021 Meeting

Formal discussion was opened on the April 26, 2021 meeting minutes. A name misspelling in the draft minutes will be corrected for the final document. A roll-call vote was held on the edited minutes and the following members approved the minutes: Maria Mossaides, Lisa Hewitt, Susan Terrey, Nina Marchese, Matthew Connolly, Angela Brooks, John High, Anne Conners, Cristina Tedstone, Matthew Connolly, Katherine Ginnis, John High, Elizabeth Fleming. There were no votes opposing approval of the minutes. The April 26, 2021 meeting minutes were approved.

DCF Presentation on 51A Screening Process

Cristina Tedstone introduced Scott Scholefield, DCF Director of Case/Special Investigations Unit at DCF, who presented on the Department's 51A screening process. Mr. Scholefield explained that DCF screens all reports of suspected child maltreatment. Each area office is equipped with a screening unit. DCF also contracts a hotline that receives reports of maltreatment operating after business hours and on weekends. He listed the three types of screening determinations that DCF can make: screened-in emergency response, screened-in non-emergency response, or screened-out. He noted that screening decisions are typically made within 24 hours of the maltreatment report. He stated that DCF does not look at reports from mandated reporters differently than non-mandated reporter reports. The difference between mandated and non-mandated reporters is that mandated reporters are required to contact DCF and to cooperate with DCF and they are notified of the screening determination for reports they make to the department. The Department will speak to individuals who might have information on the alleged maltreatment ("collaterals") to assess the safety of the child. These collaterals often include: the mandated reporter, law enforcement, or therapists who might be working with the family. At the screening stage DCF is not investigating, it is trying to reach a threshold of information to figure out the appropriate response.

Commission members asked questions of Mr. Scholefield. The discussion included that cases that are referred to the district attorney are subject to the same screening process as those that are not. Discussion included cases involving parental drug overdose. Mr. Scholefield discussed the work of the Special Investigations Unit ("SIU") which is responsible for screening maltreatment reports in out-of-home (a.k.a. institutional) settings. Mr. Scholefield discussed that DCF screeners inquire into the child's safety and the current services provided. He added that the SIU process includes discussions on these cases with other state agencies involved with the child. The meeting discussion addressed what types of collateral contacts are typically made during the screening process noting that that the alleged perpetrator is typically not interviewed for the screening decision. The discussion also focused on the DCF assessment as to whether children can remain in

their homes or placed with kinship resources. In regards to placement, Mr. Scholefield explained that the Department does an evaluation of the home setting, of caretaker's ability to care for children, and request a background record check. Questions arose about how background record checks factor into eligibility of kinship resources and DCF indicated that they would provide the Commission with the DCF policy that speaks to this issue.

Next, members inquired about the state central register and the effect screening decisions have on whether a case is reported to the register. Screened-in reports which result in supported cases of abuse and neglect do result in persons being placed on the state central register. Information about perpetrators of screened-in reports that result in cases which are substantiated for concern are not accessible to external sources such as other state agencies. It was noted that persons can be approved as foster placements even with a record of screened-in 51As depending on the circumstances of those 51As. Discussion was also held on the effect of multiple screened-out reports on DCF's screening decisions.

Commission member Cristina Tedstone, Acting General Counsel of DCF, then gave a presentation of DCF screening data and data from the National Child Abuse & Neglect Data System. Members noted that despite the decline of 51A reports in the Commonwealth due to the pandemic, the screen-in rate of emergency response 51As did not decline and that the proportion of screened-out reports increased slightly. Members inquired about geographical variations and were told DCF collects data by area office and region. Members also inquired about whether DCF had the ability to further breakdown data, for example by race and ethnicity, but the answer to this was unknown.

The presentation showed that the national number of reports of maltreatment has increased in the past few years while the screened-in rates have decreased. Data shows that Massachusetts has a higher rate of screen-outs than the national average. Ms. Tedstone noted that the data demonstrates that Massachusetts has a higher victimization rate, but that it is difficult to compare victimization rates because criteria for child victimization varies from state to state.

Review of public feedback on the proposals before the Commission regarding the definition of "mandated reporter"

Next, members reviewed the meeting document which was shared on screen by the facilitator. The document summarized some of the concerns voiced in the public comment period over the proposals before the Commission. The Commission examined the proposed introductory definition of a mandated reporter including the possibility of a minimum age requirement and the inclusion of volunteers and reviewed the public feedback regarding this definition. Members discussed the jurisdictional issues with providers out of state.

Next, the Commission examined the proposed definition of medical providers and public feedback. The addition of pharmacists in the proposal was highlighted as an addition to the statute and not a result of updating the language to current day. This Commission discussed the feedback from the Massachusetts Medical Society and noted that the proposal regarding persons engaged in the admission of patients to care or treatment was a wide expansion of the definition and questioned whether it fit within the Commission's understanding of who should be a mandated reporter.

Next, the Commission examined the proposed category of mental health providers and the public feedback specific to that category. In particular, they discussed the concern from the public comments that adding mental health providers could limit the willingness of people to access support. Members discussed that training could assist in ensuring that mental health providers are empowered to assess situations and make a professional determination if there is a risk to the child.

Next, the Commission examined the proposed definition of education providers and the public feedback specific to that section. The proposed section on higher education is an addition to the categories of mandated reporter that was not there before. The public feedback included the concern that children of color are disproportionately punished and reported-on in schools, which in some cases can even lead to a law enforcement record. Members were asked if the proposed term “any school personnel” was too broad a definition. Members noted the term “higher education” should be defined in the same way as the MA Board of Higher Education defines the term. Members considered whether the language, such as “teaching, coaching or advising role” should be the same in the preK-12th grade section as in the higher education section. Commission members noted that any language referring to “student(s)” should be changed to “child(ren).” Members discussed how to best include personal aides who follow children throughout the day. The phrase “student support role” was suggested. Members agreed to check with DESE to see if specific terms were used by the Department to cover these individuals. Members were asked to think on the addition of “school bus drivers and bus monitors” to the list of mandated reporters.

Closing Comments

Chair Mossaides thanked members for their participation and discussion. She hoped that the next meeting (May 27) would be the last meeting to go through the feedback. She asked members to bring forward any suggestions or recommendations. She added that the Legislative Committee that will be receiving the report continues to be anxious about ensuring that the Commission will be able to share recommendations by the end of the fiscal year.

Adjournment: 12:00pm