

MINUTES APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Thursday June 24, 2021
10:00am-12:00pm

Meeting held virtually via WebEx pursuant to An Act Extending Certain COVID-19 Measures
Adopted During the State of Emergency signed by Governor Baker on June 16, 2021.

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
Marian Ryan – Middlesex District Attorney, MDAA
John High – Chief of Staff, DPL
Matthew Connolly – General Counsel, EOE
Susan Terrey- Chief General Counsel, EPS
Katherine Ginnis – Sr. Director of Child, Youth & Family Policy Program, EOHHS
Andrew Rome – Deputy Commissioner for Field Operations- Central Functions, EEC on behalf of
Anne Conners

OCA Staff:

Cristine Goldman
Alix Rivière
Jessie Brunelle

Members of the Public who Identified themselves via the Chat Function

Lauren Koster, Skadden Fellow at the Children's Law Center of Massachusetts
Jen White, Senator Lovely's Office
Peter Friedmann, MD, MPH - Mass Society of Addiction Medicine and Baystate Health

MRC= Mandated Reporter Commission

OCA= Office of the Child Advocate

Meeting Commenced: 10:03am

Welcome and Introductions:

Maria Mossaides, Chair of the Mandated Reporter Commission, called the meeting to order and explained that today's meeting would be dedicated to voting on minutes and reviewing the draft final report to be submitted to the Legislature. She thanked the OCA's staff, and in particular Crissy Goldman, who has worked diligently the past year and half to ensure the Commission meets its goals.

Vote on Draft Meeting Minutes for May 27 and June 9, 2021 Meeting

Formal discussion was opened on the May 27, 2021 meeting minutes and no Commission member had any comments. A roll-call vote was held and the following members approved the minutes: Maria Mossaides, Lisa Hewitt, Susan Terrey, Matthew Connolly, Angela Brooks, Cristina Tedstone, Katherine Ginnis, Nina Marchese. There were no votes opposing approval of the minutes. The May 27, 2021 meeting minutes were approved. Formal discussion was then opened on the June 9, 2021 meeting minutes. Members discussed one edit in a sentence discussing the proposal on a definition of neglect. A roll-call vote was held and the following members approved the minutes with the edit included: Maria Mossaides, Lisa Hewitt, Susan Terrey, Matthew Connolly, Angela Brooks, John High, Cristina Tedstone, Katherine Ginnis, Nina Marchese. There were no votes opposing approval of the minutes. The June 9, 2021 meeting minutes were approved.

Discussion of the Draft Final Report for the Legislature

Members discussed Appendix A included at the end of the draft report. Appendix A included the text of the draft proposals that were before the Commission for Commission member review. Some members expressed their preference for Appendix A to be removed from the final report altogether. Some Commission members expressed concerns that the inclusion of the Appendix A appeared to indicate that the Commission was in agreement or had reached consensus on the proposals before it and the Commission has not reached such agreement or consensus. Some Commission members felt that Appendix A would benefit from a clearer introductory statement that the information in the Appendix had not been voted on and that the Appendix does not reflect any consensus by the Commission. Some Commission members noted that the legislative language that created the Commission required draft statutory language and the Commission should include Appendix A to meet that requirement. Some Commission members suggested that Appendix A only include proposals that the Commission could agree upon, however, other Commission members noted that without voting on any of the proposals before it there could be no agreement or consensus on any proposal. Commission members who disagreed with the inclusion of Appendix A in any form were asked to raise their hand at one point during the discussion and Commissioner Lisa Hewitt and Commissioner DA Marian Ryan raised their hands. No formal votes were taken on the issue of the inclusion of the Appendix A. Chair Mossaides noted that the introduction to Appendix A could be redrafted to more clearly reflect that no Commission member had voted on any of the proposals outlined in the Appendix and that the Appendix did not represent any consensus or recommendation by the Commission.

Commission members discussed whether the report included enough of a summary of the public comments that were submitted in the public comment period. Commission members had opposing views. The OCA will ensure that there are clear links to the Mandated Reporter Commission webpage where all public testimony can be found.

Next, the Commission examined the draft report. The document was screen-shared for all members of the Commission and the public to read. The edits discussed were the following:

- In the introduction, members discussed the sentence: “The Commission heard arguments during the public comment period to eliminate the mandated reporter system or to curtail its scope. The Commission’s work before, during, and after the public comment period has focused solely on discussions designed to improve the mandated reporter system by clarifying why someone is a mandated reporter and linking that reasoning to the duties of

the mandated reporter to act.” It was argued that this section should be edited, while most of the Commission’s discussion has been focused on changes to the mandated reporter system, there has been discussion on what could be curtailed. Some Commission members were concerned that the statement suggested that the Commission did not take into account some arguments made by members of the public. The OCA will redraft that sentence.

- The Commission discussed the repeated inclusion of the sentence “Commission discussion concluded on this topic without significant opposing viewpoints being expressed” after the summaries of the Commission’s discussion. Some members were concerned that the sentence appeared to suggest that there were no opposing viewpoints while it is possible that there were opposing viewpoints from Commission members that were not expressed. Some members noted that the sentence was not needed as the summaries were clear without it.
- The Commission then discussed inter-jurisdictional issues. Members discussed the complexity of the topic and how different conclusions regarding mandated reporter responsibilities might be affected by the specific facts of a situation. Members agreed this section should reflect the complexity and note that mandated reporter training could help to clarify fundamental questions mandated reporters should ask themselves in these situations.
- Next, the Commission discussed some sections of the report where the report indicated that it may be reasonable to assume the statute covers volunteers and contractors even though the statute does not explicitly include them. Commission members discussed that the assumptions were not necessary for the report.
- Next, the Commission discussed the section on pharmacists. Commission members discussed whether pharmacists typically have the characteristics of a profession that would fit the model of who should be a mandated reporter. Commission members expressed various viewpoints. Some Commission members noted that effective policies have been put in place to address the role of pharmacists in identifying and reducing prescription abuse. The OCA will amend this section of the report to reflect that the Commission’s discussion today.
- Next, members examined the topic of early education and the draft final report which draws attention to unlicensed childcare workers but does not draw attention to childcare workers that are exempt from licensure. Commission members discussed whether unlicensed childcare workers needed to be specifically addressed since unlicensed practitioners were not addressed in other sections of the report. Some Commission members noted that childcare workers that are exempt from licensure could reasonably be categorized under “social service providers.”
- Finally, the Commission discussed the section of the draft report regarding mentors. Some members discussed whether the report should include a suggestion that organizations providing volunteer-based mentoring services establish internal processes for reporting

suspected child maltreatment. Some members noted that such a suggestion would be in line with suggestions elsewhere in the report. The OCA will draft such a suggestion.

Closing Comments

Although this meeting was scheduled as the last meeting of the Commission, a final meeting was scheduled in order for the Commission Members to review changes to the draft that will be made as a result of Commission member discussion today. Noting the quickly approaching self-imposed deadline of June 30, 2021, a meeting will be scheduled for the Commission for Monday June 28, 2021. Chair Mossaides thanked members for their participation and commitment to working on such complex issues. She expressed her hope that the Commission will be able to conclude their work on Monday in order to submit the report to the Legislature in time.

Adjournment: 11:54am