

MINUTES –APPROVED BY THE MANDATED REPORTER COMMISSION

Office of the Child Advocate
Mandated Reporter Commission Meeting Minutes
Tuesday November 17, 2020
2:00pm-4:00pm

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
Officer Elizabeth Fleming- Waltham School Resource Officer
Andrew Rome - General Counsel, DCF
Anne Conners - Associate Commissioner for Field Investigations, EEC
Katherine Ginnis- Sr. Director of Child, Youth & Family Policy Program, EOHHS
Angela Brooks- Dir. Child and Youth Protection Unit, AGO
DA Marian Ryan- Middlesex District Attorney, MDAA
Nina Marchese- Director of Approved Special Education Schools, DESE
Spencer Lord- Special Counsel, EOPSS
John High- Chief of Staff, DPL

OCA Staff:

Cristine Goldman
Alix Rivière

Members of the Public

Katharine Folger -- Middlesex CAC/DA Child Protection Unit
Cecely Reardon -- DYS General Counsel

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

Meeting Commenced: 2:06pm

Welcome and Introductions:

Maria Mossaides, Chair of the Mandated Reporter Commission, called the meeting to order and reviewed the agenda. She explained that the Commission is currently working on a very quick timeline with a report due by December 31st to the legislature. The report to the legislature may need to outline topics that the Commission did not have the time to fully explore and resolve, such as Plans of Safe Care and substance exposed newborns (SEN). Cristine Goldman, OCA's Director of Policy and Legal Counsel, explained that members of the public can participate in the meeting only through using the chat function unless the Chair of the Commission approves verbal participation.

Members of the Commission participate verbally and can participate via the chat function. Ms. Goldman noted that the meeting minutes for the November 10, 2020 meeting will be reviewed, discussed, and voted on at the December 3rd meeting.

Presentation of Document Titled “MRC Document 11_17_2020 Training.”

Members began by reviewing the current statute regarding mandated reporters and training. MGL c. 119 §51A(k) states that “a mandated reporter who is professionally licensed by the Commonwealth shall complete training to recognize and report suspected child abuse or neglect.” The Commission noted that there has been a lot of discussion about training in earlier meetings and that those discussions are summarized in the meeting document.

The OCA reviewed some available studies regarding best practices for mandated reporter training and reviewed those for the Commission. The Commission discussed in-person training and online training, training on baseline understandings of what to file and how to file as well as training on profession-specific topics, repetition of training throughout a professional’s career, and that training could incorporate data metrics to understand effectiveness of the training.

The Commission was in agreement that the Commission will recommend there be a training requirement for all mandated reporters, not just those licensed by the Commonwealth. The Commission noted that one of the difficulties of the current statutory scheme is that there is no entity is identified as being responsible for training professionals licensed by the Commonwealth.

Members considered whether to recommend an agency or institution (perhaps an academic one through a public-private partnership) that would set standards for mandated reporter training, provide the training to professionals, as well as approve the curriculum of other institutions who may want to conduct profession specific trainings. The entity in question would also consult with DCF to ensure training reflects trends in child welfare and unique situations such as Covid-19.

Members then discussed that some state agencies have mandated reporter training or mandated reporter training requirements. DESE, for instance, requires that districts conduct an annual mandated reporting training but there is no required curriculum and no designated trainer.

The Commission then examined models from other states. The Commission reviewed the California system which is designed and run by the CA Department of Social Services. The Commission also reviewed the Pennsylvania system which requires that persons applying for a license or certificate from a professional licensing board be trained and those trainings must be approved by the PA Department of State. There are approximately 62 general and profession-specific trainings currently approved in the PA model. The Commission also reviewed the new update to the Illinois training requirements that requires professionals be trained within 3 months of starting work and at least every 3 years after. There is a general training provided by the Department of Child and Family Services and the Department also approves the training curriculum of other entities (their website lists 45 approved trainings).

Commission members then discussed and agreed to recommend that the training requirement be tied to a mandated reporter’s licensing requirements if that mandated reporter is licensed for their role/profession. The system would be designed so that the licensing approval or renewal would be contingent on the mandated reporter proving, through certificates of completion, they had met their mandated reporter training requirements (not that the mandated reporter needed to be

trained on a schedule that matched a license renewal schedule). Some Commission members noted that this could present a burden on various licensing authorities, highlighting the potential need to designate an agency/institution to oversee training.

Members then discussed how often mandated reporters should complete training and reviewed the protocols of different state agencies.

Although the Commission agreed that the training requirement should be tied to licensure, Commission members also noted that their recommendation is also to train non-licensed mandated reporters. The Commission made no determination as to whether there would be a penalty for failing to train that was not tied to licensure. The OCA agreed to look into other state statutes further to determine whether there are any penalty models the Commission may want to recommend. The Commission did note that there could be a public service announcement about the requirement that all mandated reporters be trained and that encouraged parents to ask any business or entity which provides a service for their children (such as a sports organization) whether they have ensured that their employed mandated reporters are trained- this would empower the public and create pressure on non-licensed mandated reporters.

The Commission discussed potential complications of requiring that volunteers receive training, as volunteer positions and roles are highly contextual and vary in time commitments and responsibilities assigned. The Commission considered whether there could be a recommended requirement that only volunteers who have been trained can be left alone with children, thereby not outright requiring that all volunteers be trained. That consideration was rejected as it may be possible that the person who supervises the volunteer in the presence of children is the person causing the abuse and neglect. Additionally, it was noted that children do not differentiate between mandated reporters and volunteers when they disclose abuse or neglect. The Commission also considered the possibility of a shorter training for volunteers that would be suitable if the volunteer was only an occasional volunteer. This would require that the recommended statutory language indicate a cut-off point between an occasional volunteer and a regular volunteer. There are some states that have such a cut-off point and the OCA agreed to do some additional research for the Commission to explore those models further.

There was no agreement among Commission members about what the recommendation for training should be and it was ultimately determined that there would need to be a vote between two recommendations. Both recommendations below include recommendations that all mandated reporters would be required to be trained, and that the training requirement will be a requirement of licensure or re-licensure for mandated reporters whose professions require licensure.

Recommendation 1: Some Commission members felt that the recommended statutory language should identify a specific entity that will be charged with overseeing the mandated reporter training scheme. This entity would be empowered to make determinations regarding the mandated reporter training requirements- much like state agency regulations. This entity would not only set the curriculum for the general training that all Commission members agree should be required by all mandated reporters, but could determine whether and how often to approve other training curriculums, what would be required for compliance with the training requirement, and could also be responsible for creating and communicating public service announcements about child abuse and neglect reporting. One Commission member noted that the American Red Cross may be an interesting model to explore. The goal in this recommendation would be that every mandated

reporter would be required to take one general training at the outset of their career and every 2-3 years after would be required to retrain. That retraining could be taking the general training again, or could be a profession-specific or topic-specific training that would go more in-depth into a particular issue that mandated reporters may want to learn more about (for example: mandated reporting in remote/virtual environments). This entity would also have a website that would provide ongoing information about topics relevant to mandated reporters including linking to resources such as guidance issued by DCF.

Recommendation 2: Some Commission members indicated that they believe that the current decentralized mandated reporter training system that consists of several free trainings (run mostly by district attorneys offices), and particularly the one created by the Middlesex DA-CAC, is sufficient for the needs of the Commonwealth and all mandated reporters should be required to take the general training several times throughout their careers. Commission members expressed concern about a system for training overseen by a designated institution or agency as being too complex a recommendation for what is needed. Some Commission members felt that there is no need for profession-specific training, and even if there is a need, there is no prohibition on sector-specific trainings that are not reviewed and approved by a state entity. Commission members noted that the training that exists in Massachusetts now should be expanded to be available in multiple languages and could be expanded to address some of the common reasons that mandated reporters fail to report. Alternatively, other Commission members felt strongly that sector-specific trainings are necessary to ensure that professionals gain expertise in the type of issues they may see and face most often. A comparison was drawn to the issue facing School Resource Officers who are required to be trained pursuant to the 2018 *Act Relative to Criminal Justice Reform*. There is currently no centralized training scheme for School Resource Officers and this has led to confusion about who has/has not been trained and who is in charge of collecting data on school-based arrests.

The Commission noted that the Commission has identified specific issues to be addressed by training throughout its past meetings and had reserved further discussion on those topics as it was the expectation that profession-specific and topic-specific trainings would be a suitable way to address those topics. Given the direction of this meeting's discussion, in which some Commission members felt that there would not need to be a centralized training entity which would approve profession-specific and topic-specific trainings, it was suggested the Commission clarify its stance on all the topics left unresolved. The Commission agreed that this will be discussed at a future meeting.

Closing Comments:

Ms. Mossaides thanked members of the Commission for their testimony and input. She explained that members will need to vote on different matters during December meetings. The next meeting will be held virtually on December 3, 2020 from 2:00pm to 4:00pm.

Adjournment: 4:00pm