

4/21/21 Public Comment on Mandated Reporter Commission Proposals
Samantha Nguyen, MPH, MSW Candidate

I am writing to provide my feedback on the proposals put forth by the Massachusetts Mandated Reporter Commission. The current proposed changes would create an influx of cases to DCF, which would reduce the capacity for DCF workers to do their job in a timely manner, making children less safe rather than increasing safety. Increasing punishment for not reporting, removing language ruling out poverty and disabilities as the sole reason for neglect, and lowering the certainty for reporting would all contribute to this. These changes would also increase racial disproportionality in an already disproportionate system where BIPOC individuals are over-represented.¹ Additionally, subjecting families to the scrutinization needed for DCF workers to do their jobs is an inherently traumatic experience for the families, due to allegations that the caretakers are not providing appropriate care to their children, among other reasons.

Increasing fines and potential trouble with licensing boards as well as reducing the certainty needed for reporting would push mandated reporters to make reports out of fear of repercussions, instead of what is best for the family. Practitioners may be more afraid of the repercussions and make reports that they otherwise might not have reported, since it does not rise to the level of needing to make a report. Since the level of certainty needed is lowered, there would also be an influx of cases to DCF for this reason. Even if these cases end up being ruled out, the families still must endure the trauma of being reported to DCF. Additionally, if mandated reporters are reporting based upon “suspicion” that neglect or other maltreatment is occurring, then this encourages reporters to use their instincts and not necessarily critical thinking when submitting reports. This easily encourages people to report without looking at their own potential biases, and this may include racist, sexist, ableist, heteronormative, etc. biases. From my educational experience, I understand that one must do extensive exploration and self-work to reduce racial and other biases that we learn from society at large. If we are being encouraged to report based upon suspicions, this could easily increase reporting on families of color, who are already disproportionately impacted by the child welfare system, as well as other marginalized communities.

Taking out the language that neglect solely due to poverty or a disability is excluded would create a larger influx of cases for DCF workers, and also disproportionately impact communities of color. Since families of color typically have fewer financial resources than white families due to systemic inequalities, this particular proposal would disproportionately and negatively impact communities of color. Although these cases may be screened out by the DCF workers, as mentioned, the process is traumatic for the families involved, and having someone scrutinizing their lives is extremely invasive. If the caretaker(s) involved were part of the child welfare system as children, they also might be retraumatized by the experience from having DCF coming back into their lives and triggering past traumatic experiences, from potential separation from their own caretakers to potentially aging out of the system without a forever family, etc. Healthy attachment to caregivers is an important protective factor for children, and separating children from their caregivers disrupts this attachment. Youth who age out of foster care tend to have poorer adult outcomes than the general population (early pregnancies, high rates of homelessness, low educational attainment such as one study demonstrating 50% of these youth exiting without a high school diploma, high rates of PTSD and other mental health conditions,

¹Massachusetts Department of Children and Families, Annual Report FY 2020, (2020), <https://www.mass.gov/doc/dcf-annual-reportfy2020/download>, pg. 4

difficulty with meeting basic needs, etc.²) and thus, this population may be reported to DCF at higher rates than if the language around poverty and disabilities stays in the mandated reporting laws. They also suffer attachment trauma from being separated from their families of origin and not having permanent caregiver figures growing up. This population would be particularly susceptible to retraumatization and past trauma being evoked by DCF involvement.

It can also be extremely challenging for families to complete the vast number of requirements DCF may impose on the families for them to be able to keep their children and not be split apart. This is particularly impactful for single parents who must juggle all of the responsibilities of working, taking care of their children, and then the additional DCF requirements such as working with DV agencies, parenting classes, or anger management (just to name a few possibilities). This can be particularly hard for families to juggle all of the DCF requirements while also maintaining the various stressors of life and may lead to removal of children just because the families cannot keep up with all of the requirements.

Reducing the certainty needed for reporting, increasing fines and punishments for reporting, and taking out the exclusionary language around poverty and disabilities is not the answer. These changes to the mandated reporting laws would create an influx of cases to DCF, which would put pressure on an already strained system and reduce the ability for DCF workers to do their jobs in a timely manner. This would create less safe conditions for children who really need DCF intervention for their safety. Even if the additional cases are ruled out by DCF workers, being subjected to DCF scrutiny creates trauma for the families that are scrutinized and may invoke past trauma from dealing with the child protection system.

Sincerely,
Samantha Nguyen, MPH, MSW Candidate

²Ahmann, E., & Dokken, D. (2017). Supporting youth aging out of foster care. *Pediatric Nursing*, 43(1), 43+. https://link.gale.com/apps/doc/A482392093/AONE?u=milin_b_bumml&sid=AONE&xid=2a1252d9