



## Mandated Reporting to Community Supporting Task Force

*Communities Keeping Children Safe  
and Families Together*

# Welcome!

Mandated Reporting to Community  
Supporting Task Force Members,  
Subcommittee Members  
and Public Participants

February 13, 2024

- Agenda and other documents are in the chat.
- There are no scheduled breaks. Self-break as needed.
- We will take public comment at the opening and closing of the meeting.
- Subcommittee meetings will begin at 4:00 p.m. via separate Zoom links that we will provide at that time.
- For tech support during the meeting please email [info@caltrin.org](mailto:info@caltrin.org).



# Agenda

- Welcome
- Public Comment
- Grounding the Work: Personal “Why”
- Grounding the Work: National Learnings
- Task Force Discussion
- Announcements
- Public Comment
- Adjourn
- Subcommittee Meetings

# Public Comment



- Raise your virtual hand
- You will be invited to unmute
- State your name
- Maximum of 2 minutes for comment on public record
- No response will be provided

# Grounding the Work

## **Tina Rios**

Task Force member

Co-Chair, Narrowing the Legal  
Definition of Neglect Subcommittee

Co-Chair, Lived Experience  
Members Group

Reimagine Child Safety Coalition

Apache, Indigenous mother with  
lived experience

# Grounding the Work

## Casey Family Programs

- National Learnings: Narrowing the Front Door to Child Welfare
- State Example: Texas
- Q&A
- Presenters:
  - Anne Heiligenstein
  - Kristen Rudlang-Perman
  - Aakanksha Sinha
  - Carol Self

*See presenter bios in the chat*



# Justice at the Front Door

Transforming mandated reporting to improve outcomes for children and families

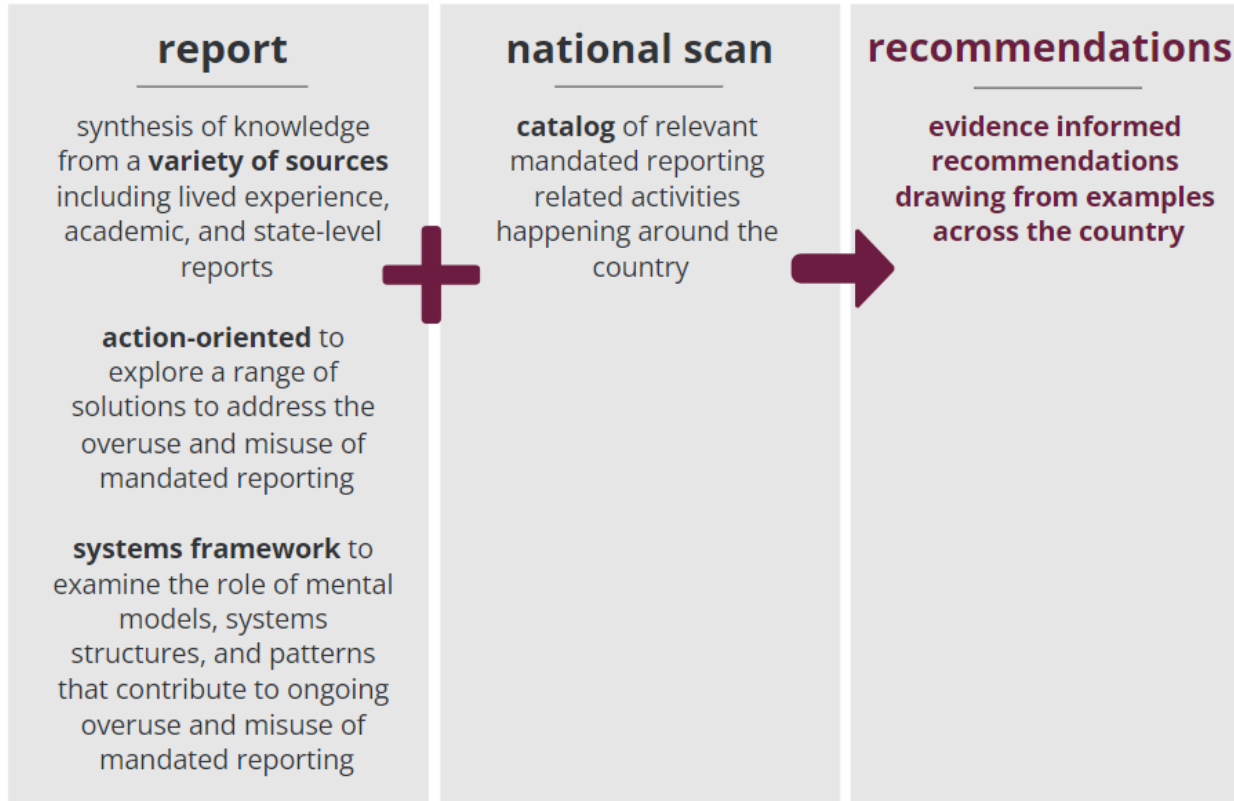
# SAFE STRONG SUPPORTIVE

casey family programs

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safe children | strong families | supportive communities

# Background








# National scan: see handout in chat

Updated February 2024  
WORKING DRAFT – INTERNAL USE ONLY



**Jurisdictional Scan: Jurisdictional efforts to transform mandatory reporting**

The information provided below was gathered via outreach to Casey's strategic consultants to learn more about how jurisdictions are advancing a shift in their approach to mandatory reporting of child maltreatment. This summary of jurisdictional efforts is for informational purposes only and does not necessarily reflect the views of Casey Family Programs. The strategies shared below are categorized into one of six different components: (1) training; (2) policy or legislative efforts; (3) building community supports; (4) Evident Change Community Resource Guide (CRG); (5) statewide commission; and/or (6) other efforts.

Jurisdiction	Component(s)	Description of strategy/effort
Arizona	Community supports Policy/legislative	Community collaborative to implement strategies that address factors that are resulting in families being reported for neglect, including but not limited to prevention services, community messaging and influencing mandated reporter. Support continued development of <a href="#">Lean On Me Arizona</a> to provide alternatives to reporting. See toolkit: <a href="#">Lean on Me AZ: Strengthening Families to Prevent Child Adversity</a> .  Statutory changes under consideration in 2023: <a href="#">Arizona HB 2530</a> requires referral of pregnant person who discloses drug use to a substance use program but exempts reporting to DCS.
California (state)	Statewide commission Policy/legislative	Statewide taskforce to examine and make recommendations on the state's mandated reporting system (Dana Blackwell is co-chair) AB2085, which seeks to redefine neglect, is also a major policy breakthrough. The state has begun the process of re-examining its mandated supporter training. The development of new training will likely fall under the auspices of the statewide taskforce.  Policy guidance for <a href="#">AB2085</a> (a bill to limit the definition of neglect to only include circumstances where the child is at substantial risk of suffering serious physical harm or illness, and would provide that general neglect does not include a parent's economic disadvantage) will be available soon.  Statutory changes under consideration in 2023: <a href="#">SB47 (Roth)</a> will specific investigation timelines and expectations, including requiring an investigator to make contact with the person who made the report and visit the child in person.  <a href="#">December 2023 CA Supreme Court</a> decision to strike down the Tender Years Doctrine, which had allowed courts to separate children under the age of six from their families based solely on age and suspected parental substance abuse, rather than any other evidence of risk or physical harm as required by law.  Resources: <ul style="list-style-type: none"> <li><a href="#">Child Welfare Council Meeting – March 1, 2023</a> (start at minute 20)</li> </ul>

1

# Recommendations



**foundational**



**educational**



**policy  
focused**



**supportive**



**restorative**

# Recommendations



**foundational**



educational



policy  
focused



supportive



restorative

1. Engage people with lived expertise & cross system partners
2. Create mechanisms for shared decision making
3. Reform funding structures to de-emphasize oversurveillance and overreporting

Example(s): **New Hampshire, Colorado**

# Recommendations



foundational



educational



policy  
focused



supportive



restorative

4. Shift mindsets through culturally responsive, trauma informed training, education, and engagement

Example: **New York State**

# Recommendations



foundational



educational



policy  
focused



supportive



restorative

5. Refine and clarify policies that contribute to mandated reporting (definition of neglect, addressing malicious reporting, eliminating anonymous reporting)
6. Reconsider legal liabilities for failing to report suspected maltreatment

Example: **Texas (stay tuned...)**

# Recommendations



foundational



educational



policy  
focused



supportive



restorative

7. Increase economic investments in the community
8. Develop trauma-informed, healing-centered support for children and families
9. Create better pathways for families to access support within their own community

Example: **Ohio**

# Recommendations



foundational



educational



policy  
focused



supportive



restorative

10. Create opportunities for all stakeholders to come together and heal

**Example: Kempe Center**

# Questions?

## Aakanksha Sinha

Senior Director, Research Services

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## Kristen Rudlang-Perman

Senior Director, Knowledge  
Management

[krudlang-perman@casey.org](mailto:krudlang-perman@casey.org)





# The Texas Journey To Narrowing The Front Door

# SAFE STRONG SUPPORTIVE

casey family programs

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safe children | strong families | supportive communities

# Context

- ❖ State Administered System-Department of Family and Protective Services(DFPS)
- ❖ 254 Counties (12 regions)
- ❖ Transitioning to Community Based Care (contracted case management services to 15 different catchment areas)
- ❖ 18,812 children in conservatorship (8/31/23)

# Primary Focus of Legislative Changes Since 2021

- ❖ Amending the definition of neglect.
- ❖ Restricting the authority of DFPS to remove children.
- ❖ Reducing unnecessary involvement with child protection.
- ❖ Providing in-home support services to prevent child removal.
- ❖ Strengthening Parents Rights

# Factors Leading To Change

- ❖ Distrust of DFPS
- ❖ Perceived overreach by DFPS
- ❖ Increased desire for transparency and accountability
- ❖ Increased attention on Parents Rights ( Normalcy, Free Range Parenting, School Choice, Education Decision Making, and Medical Decision Making)
- ❖ High Profile Media Cases

# Amending The Definition of Neglect

In 2021 the Neglect definition was amended to add that a parent's behavior must show "blatant disregard" for the consequences to the child and to require that a parent's acts or failure to act result in harm or place the child in "immediate danger," rather than *"substantial risk"* of harm. The law also excluded allowing a child to engage in age-appropriate independent activities to be considered neglect.

The law also specifies that the definition of neglect does not include allowing a child to engage in independent activities that were appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture. (HB 567)

# Restricting The Authority Of DFPS To Remove Children

In 2021 sweeping changes were made to DFPS's ability to remove children from the home. Statutes were amended to:

- Prohibit DFPS from taking possession of a child based on evidence that the parent tested positive for marijuana unless DFPS has evidence that the parent's use of marijuana has harmed the child.
- Prohibit removing a child based on a parent's allowing the child to engage in age-appropriate independent activities.
- Repeal a section of state law that authorized DFPS to remove a child in non-emergency situations. Restricting removals to those circumstances in which a child is in immediate danger, leaving no time for a pre-removal adversary hearing.( HB 567)

# Restricting The Authority Of DFPS To Remove Children

- limit the authority to remove a child based solely on the opinion of a medical professional under contract with DFPS who did not conduct a physical examination of the child. (SB 1578)

In 2023 additional restrictions included:

- requiring court orders for removal of a child to contain findings, based on sworn affidavits filed by DFPS, that removal is necessary because the child would not otherwise be protected with voluntary removal of the alleged perpetrator or with a voluntary placement of the child with relatives under a parental child safety placement agreement. (HB 968)

# Reducing Unnecessary Involvement With Child Protection

Began in 2021 with changing the mandatory reporting standard from “cause to believe” abuse or neglect occurred to “reasonable cause to believe.” (HB 3379)

Then in 2023 additional changes were made to require:

- Reports of child maltreatment to include the reporter’s name and contact information,
- Notify reporters that the agency is not authorized to accept anonymous reports,
- And in the event of an emergency, an anonymous report can still be made to 9-1-1. (HB 63)



# Providing In-Home Support Services To Prevent Child Removal

In 2021, Legislators required DFPS to establish a pilot program that allowed the department to dispose of an investigation by referring the family of a child that is at imminent risk of being removed to remain safely at home instead of entering foster care by obtaining court ordered family preservation services. (HB 3041)

In 2023 added legislation that petitions and court orders for removal of a child describe “with specificity” all reasonable efforts consistent with the circumstances that were made to prevent the need for removal. Prior law did not require DFPS to document the reasonable efforts mandated by federal law. (HB 1087)

# Strengthening Parents Rights

## Notifications:

- DFPS must provide written and oral notice to parents of their right to record their interviews with the agency. (HB 135)
- Requires DFPS, at first contact, to provide parents with written information explaining investigation procedures and a comprehensive list of rights, including a Miranda-style warning that statements or admissions may be used against the parent in any related criminal case, action to remove a child or terminate parental rights. (HB730)
- Allows a parent to object to a proposed referral for a specialty consultation and to request referral to another specialist and allows a parent to obtain a second medical opinion, which must be considered by DFPS. (SB 1578)

# Strengthening Parents Rights

## **Training:**

Requires DFPS to develop a training program for front-line investigators that includes instruction on notifying parents of their rights, including the right to request an administrative review of investigation findings. (SB 1447)

## **Oversight and Quality of Representation:**

DFPS is not allowed to reopen closed investigations and change findings (HB730).

Requires Texas Indigent Defense Commission to develop performance and qualification standards for counsel who represent indigent parents in DFPS cases (SB 2120).

# Impact on Child Removals

- ❖ Child removals for 2022 over 2018 dropped by 53% and Texas has not seen reports of increased maltreatment.
- ❖ While disproportionality remains in the removal of African American children, all population cohorts saw a like decline in children being removed from their families. No cohort was left behind.
- ❖ In FY 2021 Texas removed 16,028 children compared to 9,965 in FY 2023

DFPS Data Book

# SAFE STRONG SUPPORTIVE

## QUESTIONS AND DISCUSSION

# Task Force Discussion: Strategic Priorities

**GOAL:** Discuss and get feedback on the Strategic Priorities of the Task Force and continue to co-create the June 2024 recommendations.

- **Introduction**
- **Strategic Priorities**
  - Overview
    - Exercise: 1 to 5
  - Discuss and get feedback
- **Subcommittee Priority Areas**
  - Workshop Strategic Priority Areas
    - Exercise: 1 to 5
- **Next Steps**

# Task Force Strategic Priorities



**Mandated Reporting to  
Community Supporting  
Task Force**

*Communities Keeping Children Safe  
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**North Star:** Keep children and families together, safe, well, and strengthened by the resources they need to thrive

1

Eliminate the disproportionate surveillance and reporting of Black/African American, Tribal, and Latino families

2

Eliminate General Neglect as a reporting category and redefine Severe Neglect in order to incorporate high risk cases.

3

Ensure that families who can safely remain together are not reported to the Child Protective Services (CPS) hotline.

4

Ensure eligible families are connected to the community pathway [or other available services and supports if a community pathway is not available] in lieu of being reported to the hotline.

5

Ensure a long-term, statewide commitment to mandated reporter reform in order to guarantee transformative change and honor the commitments we have made to communities, families, parents, and children.

6

Narrative change

# Strategic Priorities Alignment:

1 to 5

**Question:** Do you agree that this set of Strategic Priorities can lead to recommendations that will transform California's mandated reporting system?

- Task Force members and PEI Co-Chairs (Kathy Icenhower & David Swanson Hollinger), respond using the following scale:

1 = I strongly disagree

2 = I disagree

3 = I somewhat agree

4 = I agree

5 = I absolutely agree

- In chat, put THE NUMBER that corresponds to your answer



# Task Force Discussion: Strategic Priorities

**GOAL:** Discuss and get feedback on the Strategic Priorities of the Task Force and continue to co-create the June 2024 recommendations.

- **Introduction** ✓
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- **Subcommittee Priority Areas** ←
  - Workshop Strategic Priority Areas
    - Exercise: 1 to 5
- **Next Steps**

# Workshop Subcommittee Priorities

For these six Strategic Priorities, review the **Subcommittee Priorities** and discuss these questions:

1. Are they bold enough?
2. What are the gaps?

# Strategic Priority 1:

## Eliminate the disproportionate surveillance and reporting of Black/African American, Tribal, and Latino families



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- **P&P:** Identify policies and practices to ensure that mandated reporters make the most informed decisions to intervene on behalf of children in ways that are not biased and do not disproportionately refer Black, Native American and Latino families to child abuse hotlines. Such interventions shall include referrals to community supports, community pathways, child abuse hotlines, or no interventions at all.

*Examples: Policies and practices to ensure direct referral to Community Pathways via MR system or the community; Practices that could be implemented to assist MRs with assessing appropriate interventions; Ensure consistent child abuse and neglect policies across State Departments such as reporting and training; Legislation and/or regulations to require all Counties to develop*

- **C&T:** Identify essential learning content to disrupt racial bias in mandated reporter decisions and ensure all training includes this essential content.
- **R&D:** Create a committee and/or process for engaging individuals representative of county and constituent variation who have lived experience to actively participate in the collection, review, and reporting of data and research.

# Strategic Priority 2:

## Eliminate General Neglect as a reporting category and redefine Severe Neglect in order to incorporate high risk cases



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- **Note: Identify 1 or 2 attorneys on the Task Force to work with the NLDN Subcommittee to review statutory definitions of neglect including 1) eliminate general neglect, 2) redefine severe neglect to consider situations where a child is endangered including intentional failure to provide adequate food, shelter, medical care; address the question of whether “their person” could relate to domestic violence, and provide a detailed review/analysis of Ca. Pen. Code § 11165.3**
- **R&D:** Conduct thorough analyses of the interpretation, use, and impact of “general neglect” with an aim for findings to inform and guide mandated reporter reform, as well as how best to connect families to community pathways.
- **NLDN:** Leverage the assessment from R&D regarding the potential impact of 2085, and consider revised legislation based on assessment including removing general neglect from the statute.

*EXAMPLE Action Item: Analyze and understand the categories of circumstances that currently fall under “general neglect” and disaggregate general neglect so there isn’t a catch-all category.*

- **NLDN:** Support Role: Partner with the Curriculum and Training Subcommittee to Recommend Training and Implementation Supports for Mandated Reporters, especially related to the narrowed legal definition of General Neglect.

# Strategic Priority 3:

Ensure that families who can safely remain together are not reported to the Child Protective Services (CPS) hotline.



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- **L&L LEAD:** Narrow the mandated reporter categories (organizations, individual role within entities, by job definition, etc.)
- **L&L LEAD:** Narrow the definition of what mandated reporters are legally required to report.
- **L&L LEAD:** Limit or eliminate the personal and professional liability (impact to livelihood) for reporters.  
*[Note: The Task Force Co-Chairs and Advisory Team recommend “eliminate”].*
- **C&T:** Identify essential content to substantially reduce reporting of families where child abuse or neglect is not indicated, and help ensure all training contains this essential content.
- **P&P:** Support Role: Develop recommendations related to the policy and/or practices needed to support limiting the liability of mandated reporters.
- **P&P:** See Strategic Priority #1.

*Examples: identify a mechanism that accurately identifies the families that can safely remain together with the right community pathway supports; set statewide reporting protocol.*

# Strategic Priority 4:

Ensure eligible families are connected to the community pathway [or other available services and supports if a community pathway is not available] in lieu of being reported to the hotline.



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- **P&P:** See Strategic Priority #1.
- **R&D:** Recommend a non-government mechanism for tracking referrals and connections to community supports (not tracking families).

*Example: Ensure mandated reporters have visibility and a connection to the community pathway resources that are available for them to refer families to, and an easy way to make those referrals. For example, a 211 warm line not a hotline. State needs to let counties know this must be in place. The same warmline is in the community to be used by community based organizations in the community pathway. Reference the non-government run warmline implemented in New York state.*

# Strategic Priority 5:

Ensure a long-term, statewide commitment to mandated reporter reform in order to guarantee transformative change and honor the commitments we have made to communities, families, parents, and children.



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*Example: Ongoing MRCS Working Group to ensure the focus on shifting from mandated reporting to community supporting*

- **R&D:** Identify an existing mechanism, or recommend a new committee/workgroup, that supports continuous quality improvement of systems developed to shift from mandated reporting to community supporting.
- **R&D:** Create a committee and/or process for engaging individuals representative of county and constituent variation who have lived experience to actively participate in the collection, review, and reporting of data and research.

# Strategic Priority 6:

## Narrative Change



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### **Establish that the current mandated reporting system is flawed and must be fixed**

- Mandated reporting doesn't keep families safer
- Mandated reporting doesn't get families the resources they need in the way they need them

### **And, develop a pro family narrative by focusing on the following:**

- Normalize the idea that ALL families need support at some point in time
- Poverty, mental health conditions, substance use disorder, and being a survivor of domestic violence are not indicators or definitions of child abuse or neglect.

### **How**

- Strategic communications
- Communications plan
- Implementation - will cut across all recommendations/subcommittees



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1 to 5

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# Next Steps

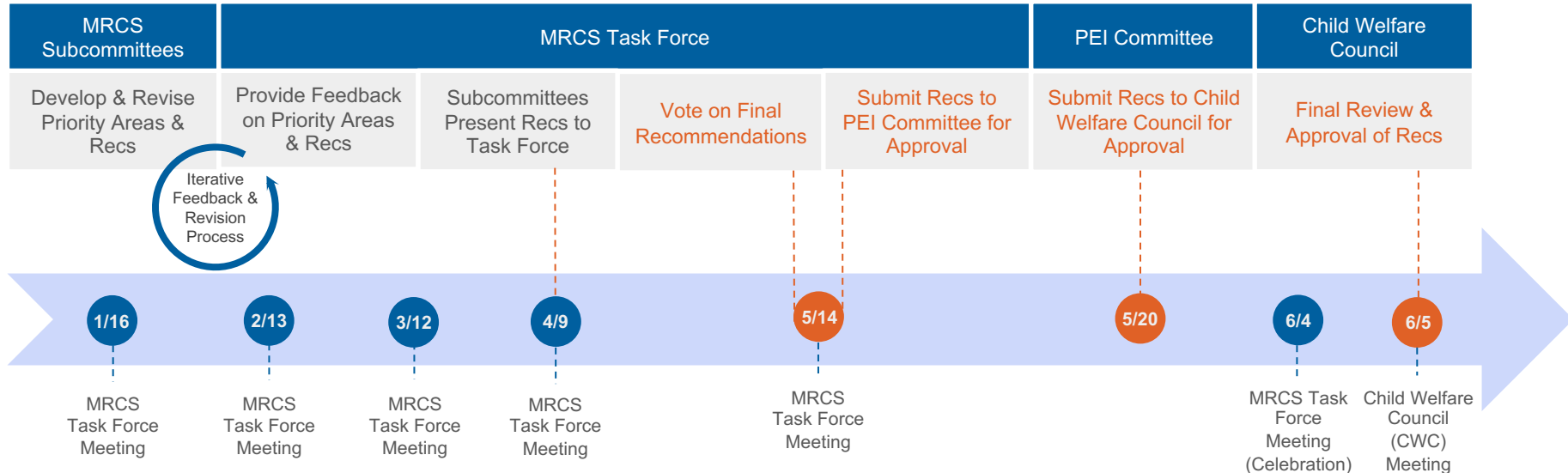
- **Today's feedback** has been captured in the video/transcripts and will be reviewed for the revision of the Strategic Priorities document
- **February 15:** The Advisory Team will discuss and compile comments/questions concerning the Subcommittee Priorities
- **February 16:** Task Force members will provide additional comments and questions on the Subcommittee Priorities
- **February 20:** At the Subcommittee All-Chair meeting we will share all feedback to the Subcommittees

# Decision-Making Protocol & Timeline



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# Announcements



**Mandated Reporting to  
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- Next Meetings

- All Chair meeting:

- 2/20, 11:00am – 12:30pm (invite has been sent – please RSVP)

- Task Force meetings

- March 12, 1:00 – 4:00pm (Now Virtual)

- We'll send a survey to gauge interest in an April or May in-person meeting

- April 9, 1:00 – 4:00pm (Virtual)

# Public Comment



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- No response will be provided



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# Meeting Adjourned

Subcommittee meetings start now and are open to the public. Meeting links are in the Chat.

