



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



**Mandated Reporting to Community Supporting Task Force**

*Communities Keeping Children Safe and Families Together*

## We Believe That ...

All children deserve the right to grow up free from harm in their own family and thriving in their own strong communities that are well resourced

Parents want to do what is best for their children and sometimes need help because they may lack the networks, supports, and services needed to bring about what they want for their children and their families

Moving from mandated reporting to community supporting will greatly help California children grow up healthy, happy, and free from harm

The child welfare system must be free from racial and cultural bias. The structure of the current system results in a disproportionately negative impact on African American, Native American/Indigenous People, and Latino families. This must be fixed by better understanding how mandated reporting contributes to racism, and by recommending actions for change

Communities must be well-resourced to be able to provide quality services to help families stay together and keep children well and safe

The current child welfare mandated reporting system steals hope and personal power from families, minimizing their natural ability and strength to keep their children well and safe. This is especially true for African American, Native American/Indigenous People, and Latino families who disproportionately experience the trauma of intrusive investigations and sometimes harmful separation

Families and communities are the best agents of their own change and must be respected and trusted





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# Housekeeping

April 9, 2024

- Task Force Members: Please keep your cameras on as much as possible to support connection and discussion.
- Agenda and other documents are in the chat.
- We will take public comment at the opening and closing of the meeting.
- Subcommittee meetings will begin at 3:30 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

- Approve March Minutes
- Public Comment
- Revised Strategic Priorities
- Subcommittee Recommendations
- 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

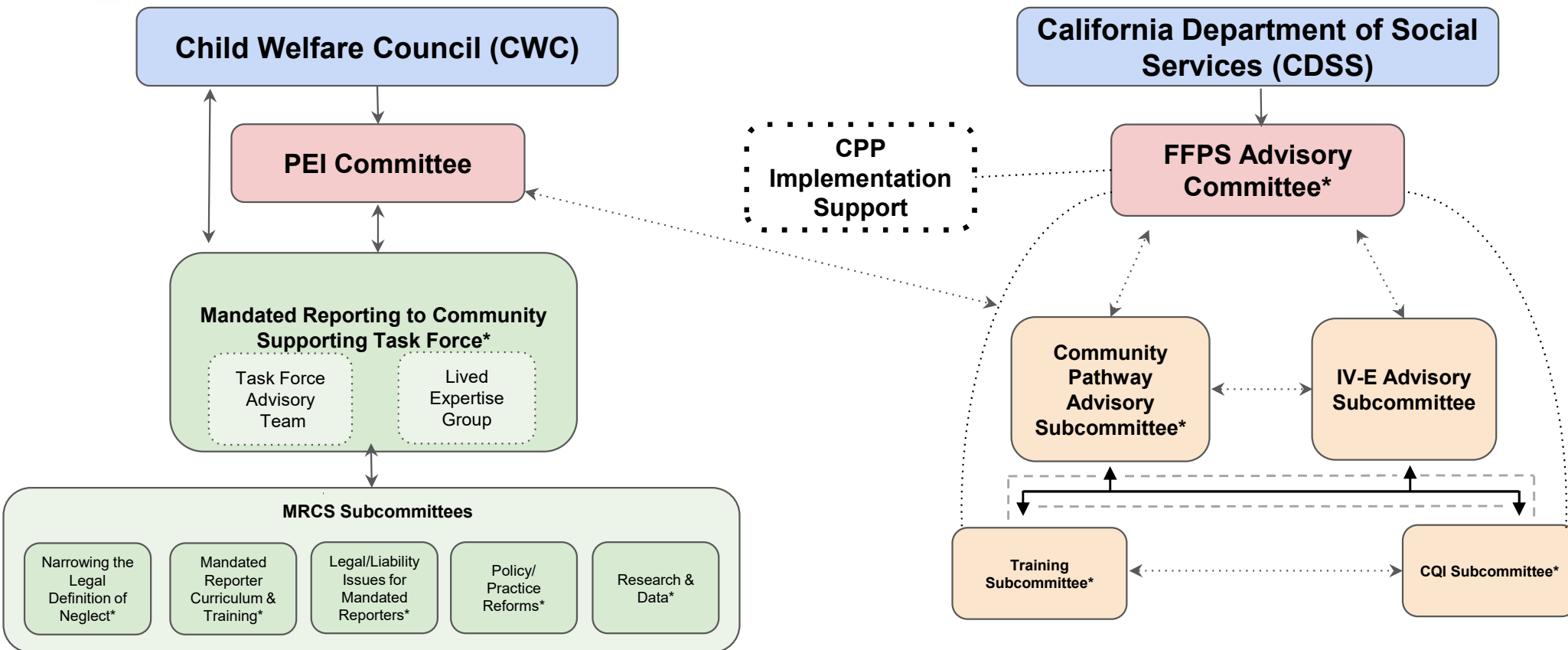


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# PREVENTION ECOSYSTEM

**DRAFT** Updated: April 5, 2024



\* Includes individuals with lived expertise

\* Includes (or will) individuals with lived expertise



# Task Force Discussion:

# REVISED Strategic Priorities

## **GOAL:**

Review and confirm alignment on the REVISED Strategic Priorities of the Task Force

- **Introduction**
- **REVISED Strategic Priorities**
  - Review revised vs. original
  - Clarifying questions
  - Check for alignment and discuss

# Task Force Strategic Priorities



**Mandated Reporting to  
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1

Eliminate the disproportionate surveillance and reporting of Black/African American, Native American/Indigenous people, and Latino families and communities, **thereby leading to an environment of anti-racism in support of all children and families.**

2

Revisit all categories and subcategories of neglect to create more precision about what should and should not be referred to CPS to make consistent decisions to respond to families' needs appropriately.

3

Ensure that mandated reporting laws, policies, practices, education, and training do not incentivize **or encourage** inappropriate referrals and separation of families.

4

Ensure mandated reporters have access to, and training about, connecting families to community pathways, or other available resources, services, and supports.

5

Establish a long-term, sustainable, and comprehensive investment in mandated reporting reform, **and its implementation**, to guarantee transformative change and honor the commitments we have made to communities, families, parents, and children.

6

Create and implement a statewide narrative change initiative **that acknowledges the harm committed by mandated reporting and the child welfare system, especially to Black/African American and Native American families**, and shifts beliefs and behaviors toward families and communities safely caring for their children.



# Revised Strategic Priority #1

*Presented at 3/12 TF meeting as the Revised SP:  
Eliminate the disproportionate surveillance and reporting  
of Black/African American, Tribal and Latino families.*

## **REVISED**

**Eliminate the disproportionate surveillance and reporting of Black/African American, Native American/Indigenous people, and Latino families, thereby leading to an environment of anti-racism in support of all children and families.**



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Comment: “How are we going to do this? It’s so broad.”

Response: The “how” will be in the detailed recommendations.

There was also a comment that the Strategic Priorities don’t fully promote anti-racism. We added specific language to further clarify the “why” of this priority.

## Revised Strategic Priority #2

*Presented at 3/12 TF meeting as the Revised SP:  
Revisit all categories and subcategories of neglect to  
create more precision about what should and should not  
be referred to CPS to make consistent decisions to  
respond to families' needs appropriately.*

### **NO CHANGE**

**Revisit all categories and subcategories of neglect to  
create more precision about what should and should  
not be referred to CPS to make consistent decisions  
to respond to families' needs appropriately.**



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Comment: “Need something about data. How are we going to track the categories?”

Response: The recommendations will address this comment.

## Revised Strategic Priority #3

*Presented at 3/12 TF meeting as the Revised SP:  
Ensure that mandated reporting laws, policies, practices,  
education, and training do not incentivize inappropriate  
referrals and separation of families.*

### **REVISED:**

**Ensure that mandated reporting laws, policies,  
practices, education, and training do not incentivize  
or encourage inappropriate referrals and separation  
of families.**



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Add the word  
“encourage” as an  
additional qualifier that is  
different from, and builds  
up, “incentivize.”

# Revised Strategic Priority #4

*Presented at 3/12 TF meeting as the Revised SP:  
Ensure mandated reporters have access to, and training about, connecting families to community pathways, or other available resources, services, and supports.*

## **NO CHANGE**

**Ensure mandated reporters have access to, and training about, connecting families to community pathways, or other available resources, services, and supports.**



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The following comments were made and will be addressed in the recommendations and/or the background language of the report:

- Ensure MRs are accountable to making the connection.
- Concern expressed that there isn't a community pathway currently available.
- Be mindful not to shift to a community-based surveillance system.
- Make sure the CBOs are the ones families want.

# Revised Strategic Priority #5

*Presented at 3/12 TF meeting as the Revised SP:*

Establish a long-term, sustainable, and comprehensive investment in mandated reporting reform to guarantee transformative change and honor the commitments we have made to communities, families, parents, and children.

## **REVISED:**

**Establish a long-term, sustainable, and comprehensive investment in mandated reporting reform, and its implementation, to guarantee transformative change and honor the commitments we have made to communities, families, parents, and children.**



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“Investment” implies implementation, but we need to call it out specifically to emphasize that this work needs to continue

# Revised Strategic Priority #6

*Presented at 3/12 TF meeting as the Revised SP:  
Create and implement a statewide narrative change initiative to shift beliefs and behaviors toward families and communities safely caring for their children.*

## REVISED:

**Create and implement a statewide narrative change initiative that acknowledges the harm committed by mandated reporting and the child welfare system, especially to Black/African American and Native American families, and shift beliefs and behaviors toward families and communities working together to safely care for their children.**

Note: This is part of a larger narrative shift already underway through a statewide prevention architecture. We will continue to develop and implement the narrative shift through the Task Force recommendations, and with community and agency partners who have proximity to the work—especially those with lived expertise.



## Mandated Reporting to Community Supporting Task Force

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Need to more specifically acknowledge the harm that has been caused, our complicity in that harm, and that we must address both.

NOTE: This was an overarching comment that we felt could best be reflected through this Strategic Priority and it's associated recommendations

# Strategic Priority Comments

Comments from Task Force Members who “disagreed” or only “somewhat agreed” that the set of strategic priorities can lead to recommendations that will **transform** California’s mandated reporting system



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- The priorities seem **broad** - how are we going to do it? How are we going to use data? Need some **specifics** on how it’s going to get done
- There were several comments about the need to ensure the availability of a community pathway
- Explicitly call out legal resources such as pre-petition, in community pathways
- Don’t think these priorities overall speak to how child welfare is represented - not having **access to legal equity. Parents only have access to legal counsel once all is lost.**
- Priorities should speak more to the **equity** about giving families the same powers that these systems carry
  - Give families them the benefit of the doubt
  - Address gatekeeping of resources such as legal counsel
- It’s not about fixing the mandated reporting system – it’s about how the system started and how it’s harmful
- **Sustainability** of the resources to support these priorities is missing

# Strategic Priorities Discussion

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



# Task Force Strategic Priorities



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Ensure mandated reporters have access to, and training about, connecting families to community pathways, or other available resources, services, and supports.

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Establish a long-term, sustainable, and comprehensive investment in mandated reporting reform, **and its implementation**, to guarantee transformative change and honor the commitments we have made to communities, families, parents, and children.

6

Create and implement a statewide narrative change initiative **that acknowledges the harm committed by mandated reporting and the child welfare system, especially to Black/African American and Native American families**, and shifts beliefs and behaviors toward families and communities safely caring for their children.

# Task Force Discussion:

# Subcommittee Recommendations

## **GOAL:**

Discuss and determine if the emerging recommendations are delivering on the Strategic Priorities

## **Subcommittee Recommendations**

- Subcommittee Presentations
- Discuss each set of Subcommittee Recommendations
- Questions:
  - **Is the intent of the recommendations clear?**
  - **Will these recommendations help to get us to transformation?**

## **Next Steps**

# Subcommittee Presentations

- Policy & Practice
- Legal & Liability
- Research & Data
- Narrowing the Legal Definition of Neglect
- Curriculum & Training

As you are listening to the Recommendations, reflect on the following questions:

1. Is the intent of the recommendations clear?
2. Will these recommendations help to get us to transformation?



**The State, in collaboration with community partners, people with lived experience, and County child welfare agencies, should take the lead in identifying, developing and establishing uniform statewide practices, policies, and procedures for mandated reporters including the successful implementation of AB 2085.**

**Essential Components:**

- Diverse stakeholders to develop effective decision-support tools, including an equity check
- Identification and development of P&P based on existing work of Counties
- MR tools must ensure statewide consistency *and* local flexibility
- Framework for accountability and fidelity
- Continuous improvement and feedback loops
- Departments of Education, Health & Safety and Social Services ensure AB 2085 implementation
- Dissemination of standardized policy and best practices for using the decision-support tools



**Ensure that Mandated Reporters have easy access to tools and resources that assist families who want supports and/or services.**

**Essential Components:**

- Meticulously maintained database of community resources and interventions informed by trusted messengers
- Funding for a pilot program for resource navigators
- Transfer of learning from Community Pathway early adopters
- Learning forums to support all counties in statewide implementation.
- Training for accessing and utilizing the resource database and where available, the Community Pathway Plan.
- Reviews and update databases and Community Pathway Plans to ensure they remain responsive to the changing needs of the community and the families served.
- Immediate implementation of the Prevention and Early Intervention Committee’s Financial Recommendations to fund the Community Pathway Plans, Resource Navigator pilots and community-based organizations.
- Develop policies and procedures that ensure active family involvement and agency in decision-making, including identifying desired services and supports.



**Identify, secure and allocate funding to enhance community resources and support systems, particularly support for community-based organizations (CBOs).**

**Essential Components:**

- Budget proposals and legislative actions to strengthen the infrastructure of CBOs.
- Support for CBOs to build their capacity such as training staff, expanding service offerings, and enhancing operational and financial capabilities.
- Funding includes material and concrete supports, as well as therapeutic and trauma-informed supports to families.
- Funding mechanisms allow for customization of services based on local community needs.
- Sustainable funding models that ensure long-term support for CBOs



**Establish a Mandated Reporter Oversight Body to ensure that the recommendations of this Task Force are implemented, measured and adapted across the State.**

**Essential Components:**

- Oversight Body **must** be chaired by non-government individuals and include community stakeholders, people with lived experience and key State Departments including Education, Health Care Services, Social Services and Justice.
- Legislative action and budget allocation is necessary to provide the influence and capacity for effective oversight
- Compensation for members with lived experience.



**Create a Statewide Disproportionality Data Framework to measure (at the County level and state-wide) the effectiveness of mandated reporter reforms.**

**Essential Components:**

- Quality data, accountability and outcomes
- Ensure the mandated reporter reforms and data collection do not result in the increased surveillance of families.







## Pending recommendation

Although we recognize this recommendation may fall within the child welfare agency, we will need to seek further clarification, and therefore not directly in the purview of this Task Force, we are raising this as a crucial issue to address due to the detrimental impact on families and communities:

Examine child welfare policies and practices in which the names of individuals reported to a hotline are maintained in a database when the agency determines an investigation is not warranted or the allegations were unfounded. Assess whether the possible benefits to child safety are outweighed by the significant harm to families for a time with no limit or end date and the impact on increased bias and disproportionality.



## Recommendation

Pilot a set of tools, practices and/or conditions that, when used in good faith, fulfill the legal requirements for mandated reporters; and thereafter, establish a group, which shall include youth and parents with lived experience, to review the impact of the pilot program through qualitative and quantitative data and to determine whether to move forward with complete elimination of liability for mandated reporters.

## Process to Reach Consensus

- Reviewed context document summarized the data and other information presented and reviewed by the subcommittee and discussed additional data on CA rates of unsubstantiated reports of physical and sexual abuse
- Originally three proposals 1) eliminating civil and criminal liability, 2) having a tool which fulfilled legal requirements and 3) having a pilot program with a plan determine whether to eliminate liability. Agreed to merge 2 and 3 as the pilot program envisions next steps
- Voted in our meeting and then via email for people who could not attend. Took votes for first proposal and then for second proposal
- Used gradients of agreement 1-5

### Voting (15 committee members):

- Pilot proposal: 3 to 5 – 14 and 1 to 2 -- 1
- Eliminating proposal: 3 to 5 – 10 and 1 to 2 – 5
- For each proposal those who had voted 1 and 2 and were at the meeting talked about their vote.
- Based on the total number of 3-5 votes the pilot program proposal is being submitted
- Among the views expressed for the 1 and 2 votes on the proposal to eliminate liability the belief that liability was necessary to ensure reports for children who experience physical and sexual abuse; the belief that liability is needed to protect some children who need to be removed from their families; it is too risky to remove liability without proof that it would not cause harm; people will still report because they want to get kids services

# Subcommittee Views of Pros and Cons of Recommendation



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### Pros:

- Iterative process to allow for testing of eliminating liability before enacting full elimination.
- Still keeps in the possibility of eliminating liability completely
- Allows for a slower roll out and testing and data before complete overhaul
- Liability is tied to a specific process rather generally which will help with overreporting while still mandating some reports and having consequences for failure to report
- More realistic and likely to get support from others and the Legislature
- In line with the New Hampshire which some support as a model
- Gives a specific tool, and essentially a receipt, and a way to see what alternative pathways were followed if recommended instead of a report

### Cons:

- We already have qualitative and quantitative data, reports and recommendations showing not only that mandated reporting has not made children safer but actually has caused harm. Why are we willing to keep a harmful situation while we wait for proof that change would make a difference?
- Maintains the mindset that this criminal law for mandated reporting is necessary and effective for children to get help or achieve safety, including through child welfare authorities
- Maintains a system based on a fear-based focus on avoidance of liability rather than the needs of the individual child
- Does not address the oversized influence of insurance companies and other actors on over-reporting as effectively as eliminating liability



The Subcommittee had two other priority areas. We were not able to research and discuss these with the depth and time for the first recommendation. These priority areas had been voted on in the past and comments were made at that time.

These recommendations as worded were presented to the Subcommittee with the agreement that we would vote using the gradient process via email. There was some discussion at that time which led to editing of the wording.

We received 11 votes out of 15 committee members.

We have not been able to discuss the votes.



## Additional Recommendations

Review and assess changes to and clarification of the legal standards for reporting to clearly identify relevant thresholds. Current understanding of the standards “reasonable suspicion” and “substantial risk” are insufficient to guard against the harms of over-reporting and bias. Potential changes should include more detailed definitions or guidelines to provide clarity as well as a framework for how a mandated reporter might determine if the threshold is met.

- 3 to 5: 11
- 1 to 2: 0

Review and assess whether the individuals and professions listed as mandated reporters in California should be reduced in order to further the paradigm shift from mandated reporting to community supporting. In addition, this process should consider whether to establish criteria that must be met before any new individuals or professions are added to the list.

- 3 to 5: 10
- 1 to 2: 1



# Recommendations

1. Gather and aggregate research, data, and non-traditional sources such as community/participatory research and analyses about the past and current interpretation, use, and impact of “general neglect,” disaggregated by race/ethnicity, socioeconomic status, rural/urban, ZIP code, interpersonal violence, substance use, mental health, and other factors, including degrees of risk to the child, to inform direct practice.
2. To ensure system accountability, create or leverage an existing or emerging group inclusive of lived system-impacted experience individuals as well as community residents representative of county and constituent variation, to lead a co-designed effort to assess and monitor the impact of the proposed reforms:
  - a. Collect and review data and research including experiential sources of information on mandated reporting and access to community-based support and services, including referral patterns, family engagement, and safety and well-being outcomes while taking into consideration that some rural and poor communities may not have the resources to conduct a surveying process;
  - b. Support continuous quality improvement of the policy and practice changes implemented to shift mandated reporting to community supporting;
  - c. Share findings, as well as policy and practice recommendations with the public and;
  - d. Create or leverage a framework designed by individuals with lived experience for counties to set up similar committees that can evaluate impact with local context through public meetings.
3. Design and engage in a funded continuous quality improvement (CQI) process, co-led by lived-experience experts, to assess capacity of community supports and services to meet local needs in all 58 counties.



## Recommendation 1

Gather and aggregate research, data, and non-traditional sources such as community/participatory research and analyses about the past and current interpretation, use, and impact of “general neglect,” disaggregated by race/ethnicity, socioeconomic status, rural/urban, ZIP code, interpersonal violence, substance use, mental health, and other factors, including degrees of risk to the child, to inform direct practice.





## Recommendation 2

To ensure system accountability, create or leverage an existing or emerging group inclusive of lived system-impacted experience individuals as well as community residents representative of county and constituent variation, to lead a co-designed effort to assess and monitor the impact of the proposed reforms:

- a. Collect and review data and research including experiential sources of information on mandated reporting and access to community-based support and services, including referral patterns, family engagement, and safety and well-being outcomes while taking into consideration that some rural and poor communities may not have the resources to conduct a surveying process;
- b. Support continuous quality improvement of the policy and practice changes implemented to shift mandated reporting to community supporting;
- c. Share findings, as well as policy and practice recommendations with the public and;
- d. Create or leverage a framework designed by individuals with lived experience for counties to set up similar committees that can evaluate impact with local context through public meetings.



## Recommendation 3

Design and engage in a funded continuous quality improvement (CQI) process, co-led by lived-experience experts, to assess capacity of community supports and services to meet local needs in all 58 counties.



## Emerging Recommendation 1

Amend the Penal Code to remove general neglect as a requirement for mandated reporting AND amend the definition of severe neglect to mirror the definition of Severe Neglect used in the [California Structured Decision Making](#).



# SDM Severe Neglect Definition

**Diagnosed malnutrition (automatic 24-hour).** The child has a current diagnosis by a qualified medical professional of severe malnutrition due to inadequate or unbalanced diet, OR a qualified medical professional states that there are indicators of malnutrition but a formal diagnosis has not yet been made.

**Non-organic failure to thrive.** The child has a current diagnosis by a qualified medical professional of non-organic failure to thrive, OR a qualified medical professional states that there are indicators of failure to thrive but a formal diagnosis has not yet been made.

**Child's health/safety is endangered.** The caregiver has willfully not provided adequate clothing, shelter, supervision, care, or medical care AND there is imminent danger of serious illness or injury; or serious illness, serious injury, or death has already occurred. Consider child's age, behavior, and vulnerability. For example:

- The child's clothing is so inappropriate for weather that the child suffered hypothermia or frostbite;
- Housing conditions result in lead poisoning, severely exacerbated asthma due to smoke exposure, and/or multiple bites from pest infestations;
- There is methamphetamine production in the home/residence;
- Medical care has not been provided for an acute or chronic condition and, as a result, the child has required or is likely to require hospitalization or surgery; or the condition may worsen to the extent that unnecessary permanent disability, disfigurement, or death results;
- Caregiver is willfully not meeting child's mental health needs and child has demonstrated suicidal or homicidal behavior/ideation;
- Child is not supervised to the extent that the child has been seriously injured, is at risk of being seriously injured, or avoided serious injury only due to intervention by a third party;
- A young child is left in a motor vehicle during extreme temperature conditions;
- A caregiver behaves recklessly in proximity to child (e.g., driving under the influence with a child in the car, using weapons, etc.); or
- Caregiver is breastfeeding while using dangerous substances (type of substances and/or amount resulted in or is likely to result in serious injury/illness to child).

**Death of a child due to neglect (automatic 24-hour).** There has been a death of a child in the home due to neglect or circumstances that are suspicious for neglect. Select one of the following options.

- Death of only child or all children in home; no other children reported to be in the home.
- Other children reported to be in the home.

# Context Setting

The Curriculum & Training Subcommittee has been focused on a few key topics such as training requirements, training content, standard curriculum, training delivery, and training sustainability. Our revisions to the emerging recommendations are centered around these topics.

### **Agreed Upon Recommendation: Identify essential learning content to disrupt racial bias in mandated reporter decisions and ensure all training includes this essential content.**



#### Essential Content to include

- Bias ( implicit and explicit), [https://youtu.be/YrHIQIO\\_bdQ?feature=shared](https://youtu.be/YrHIQIO_bdQ?feature=shared)
- Inclusive Language
- Trauma informed lens and strategies
- Review of Systematic Racism (see below video as an example)
- CA Law Include CANRA definition of child abuse
  - The Child Abuse Prevention and Treatment Act (PC 11164-11174.3):
    - Requires that employers of Mandated Reporters (as identified in the Act) promote identification and reporting of child abuse or neglect
  - Abuse and/or Neglect is defined as:
    - Any recent act or failure to act on the part of caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of death or serious physical harm
- Review of Abuse Types ( physical, sexual, emotional and neglect)
- AB 2085- neglect defined
- CA Data- include data specific to disproportionality of African American and Tribal
- Legal/Liability
- Decision Making Tree
- Community resources (what are they and how to establish/ engage)
- Special Population Considerations: SUD, Mental Health, Domestic Violence, Teen Parents, Indigenous
- Cultural humility- lifelong learning; impact of all culture
- Training should be personable—include pictures/narratives that are representative of impacted group
- Include the impact on the family; harm caused long-term
- Include importance and obligation to assess, and clearly distinguish difference between follow up questions vs investigation; nclude scenarios
- Include a DCFS 101—inform staff on the child welfare system so they understand how to navigate
- Medically fragile children; special needs; and their families



### Implementation Strategies

- Defined requirements/deadline for agencies to train all mandated reporters.
- All mandated reporter categories, and all levels are obligated to participate in training.
- Mandatory annual training for all mandatory reporters. Provide CEU's for training.
- Training needs to be hybrid (a portion completed in person and a portion can be completed independently).
- Length of training- needs to be longer than 2hours (4 hours min).
- Train the trainer: Anyone that is providing mandated reporter training needs to be certified.
  - Gold standard training: any changes to training needs to go through an approval process overseen by a board for approval process; ongoing support after training- supporting agencies with implementation
    - overseeing board to support with annual updates
    - consider implementing/ creating an additional training that is a "refresher" for already trained staff
  - Gold standard training to include the above-mentioned content
- Community supports need to include workshops to educate caregivers/ community members on Child Welfare policies and practices. Free legal support for families who encounter DCFS.
- Communication/ policy updates with licensing boards to ensure they are aligned with CA shift to mandated supporter/ this will reduce fear of losing licensure.

# Task Force Discussion

For the Subcommittee  
Recommendations overall:

Will these recommendations help  
to get us to transformation?



# Next Steps

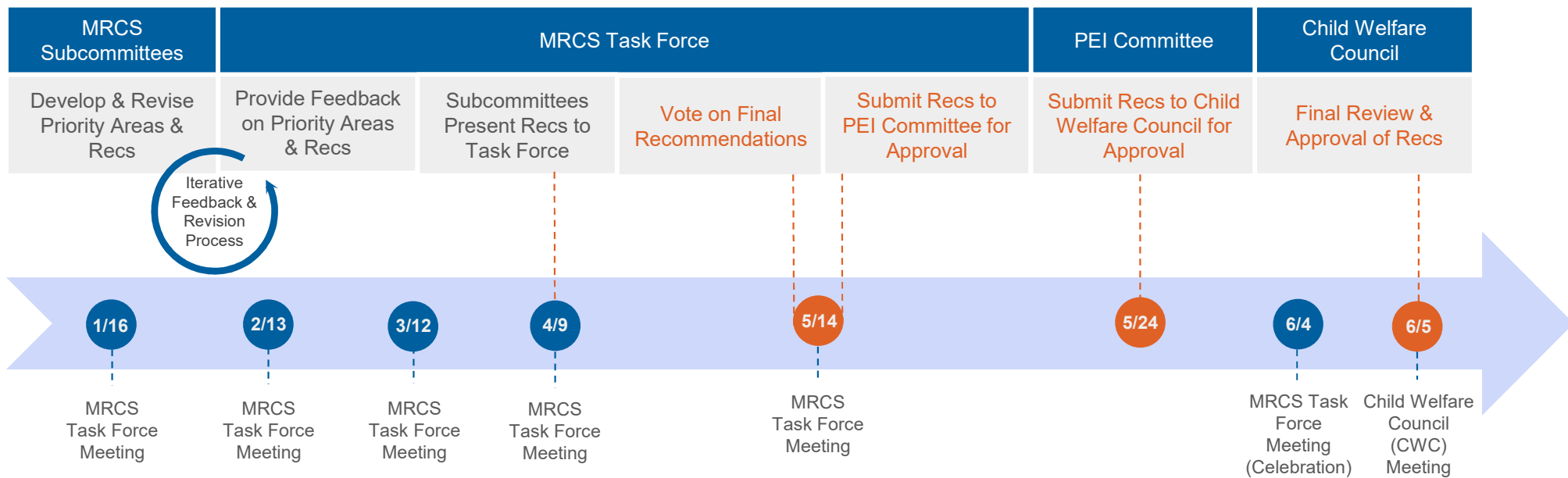
- **April 15:** Subcommittee All Chair meeting to review the recommendation writing process and progress and clarify any questions
- **April 10 – May 3:** Recommendations writing team works with subcommittees to develop consistent language for May Task Force vote. Report is under development.
- **May 8:** Subcommittees vote on the full package of recommendations and whether it reflects the intent of their subcommittee recommendations.
- **May 14:** Task Force final vote on Recommendations

# Decision-Making Protocol & Timeline



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# Announcements

- Next Meetings

- All Chair meeting:
  - April 15, 1 – 2:30pm, invite has been sent – please RSVP
- Task Force meetings
  - May 14, 1:00 – 4:00pm (Virtual)
  - June 4, in-person – details to follow
- Child Welfare Council meeting – Presentation of Task Force Recommendations
  - June 5, Sacramento, EVERYONE is welcome



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# Public Comment



- Raise your virtual hand
- You will be invited to unmute
- Give your name
- Maximum of 2 minutes for comment on public record
- 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.

