To: Joint Legislative Child Protection Oversight Committee
FROM: Sally Borden, Executive Director, KidSafe Collaborative
DATE: July 27, 2016
SUBJECT: Mandatory reporting of suspected child abuse

I am here in my role as Executive Director of KidSafe Collaborative, a Burlington-based non-profit community organization. I also serve as Co-Chair of the Vermont Citizens Advisory Board to the Department for Children and Families.

In April of this year, KidSafe, in partnership with DCF, launched Vermont's on-line training for mandated reporters of suspected child abuse and neglect. KidSafe has, for many years, conducted training for mandated reporters about their responsibility to report – most often child care providers and social services providers at our partner agencies. Seeing the need for clear and consistent messaging, as well as the need to reach many more mandated reporters throughout the state, we partnered with DCF to create and distribute this training. Some of you saw a short excerpt of it here earlier this year. (www.mandatedreporters.vt.gov)

To date, about 3,000 people have logged in to the on-line training since early April, and close to 2,400 have successfully completed it. We are hopeful that it will be widely used by schools this Fall, reaching thousands more. I share this because I think that training for mandated reporters, while not required by law, is vital. It is essential to ensuring that mandated reporters understand their responsibilities as well as the consequences for failing to report – both for them and for the children they are working with.

I want to focus here on the "front end" of the mandated reporting issue, and not the penalty aspect of failure to report. I understand that the change to the law in Act 60, removing the "cause a report to be made" clause, was implemented with

the best of intentions, to make sure that no suspicions of abuse or neglect go unreported.

However, I do not believe that children are more safe, more well protected, under the current law. Indeed, after hearing from and talking with many many people, representing hundreds of mental health providers, social services agency staff, educators, child care providers, and others, it is clear that the current law as written does *not* increase child safety.

Yes, more reports – many more reports - of suspected abuse and neglect are being made: DCF's centralized intake call center reported to you recently that calls were up by 32 % over this time last year. However at the same time, it appears that intakes are up by only 8 percent. I believe that means that many people are calling DCF about their concerns, but not necessarily because there is a new situation warranting DCF intervention, or because there is new or unique information; rather, sometimes – often – it is only to make sure that they have "covered themselves" in making a report. These are people who are dedicated to working with children and keeping them safe – teachers, child care providers, bus drivers, mental health clinicians, emergency room attendants, and others – who want to report to DCF when they are concerned a child has been abused or neglected, but who are taking a lot of time and attention away from those children in order to make what amounts to duplicative and unnecessary calls.

The situations where this comes up often are in schools, child care settings, mental health centers, etc. in team meetings, where one person shares information about suspected abuse/neglect of a child and then all feel they now must report it, even if they have no first-hand knowledge; or more often, a supervisor who obtains second, or third-hand information and also by law now must report this.

This is also, as you have heard, causing DCF child protection staff to be spending time and attention taking reports that are duplicative, or contain incomplete

information – often while callers are waiting long periods of time on hold for their call to be taken. And when these reports are accepted for intake, DCF-Family Services staff conducting the investigation or assessment have to take a tremendous amount of time figuring out who has direct knowledge and who is just reporting - or adding their name to a report - but has no first-hand information. This not only does *not increase child safety*, it *decreases* it as attention could and should be better spent responding to reports from people with direct or substantive knowledge about and suspicion of abuse/neglect.

Recently you heard from an education perspective that the language originally proposed in H.622 wouldn't work in a school setting, and the final amendment language regarding an affirmative defense would be onerous for mandated reporters. I, and countless other mandated reporters certainly agree with the latter argument: mandated reporters facing the specter of having to create and raise an affirmative defense when charged with failure to report will feel that they have no choice but to continue to do what they are doing now – report any and every thing, regardless of whether it is a duplicative report or not.

A more realistic and helpful approach would be along the lines of what was originally proposed in the House version of H.622: a mandated reporter who has *written confirmation* that the *same reasonable suspicion of abuse or neglect was already reported*, and that they are *reasonably certain that they have no additional information*, need not make a separate report. The burden is then on the mandated reporter to find out and obtain written assurance that the report has been made, and what the report contains, in order to be reasonably certain they have no additional information. If it isn't realistic for him/her to know or find out that a report has been made, or to obtain written confirmation, then s/he would still need to report their concern. It may be unwieldy in some situations, but more doable in others especially in this age of electronic records; duplicative reports would be significantly reduced, and the end goal – making sure reports of actual suspected child abuse are made so that children are safe – is achieved.

It was also suggested that separate reporting requirements for schools, hospitals, or other settings be considered. I would strongly encourage you to *not* do this, as would the many colleagues with whom I discussed this. It will present an additional layer of confusion – take for example a children's mental health provider contracted, maybe part-time, by a school; for this purpose do they have the same mandated reporting requirement as other mental health providers by virtue of their licensure, or the school requirement by virtue of their contract? What about during the summer? And so on. Children will be safer if we have clear, simply implemented, and easily enforceable requirements for *all* mandated reporters. A quick perusal of various states' requirements shows multiple variations on this, but the majority do not have different standards or exceptions for mandated reporters in specific settings such as schools.[1]

In sum, children will be safer when mandated reporters are more concerned about making sure they call DCF when they truly suspect a child has been abused or neglected, and not just because they are worried about covering themselves to meet the provisions of an overly broad law. By continuing to train mandated reporters appropriately, and if we ensure *all* mandated reporters are trained, we can make sure that they do call DCF *whenever* they have a concern about child safety and that no reports are "falling through the cracks."

Thank you.

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KidSafe Collaborative: working *together* to end child abuse

1. https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/