

**STATE GOVERNMENT**

Commission on child abuse reporting fails to reach consensus

Mandated reporter committee won't make recommendations

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AFTER 16 MONTHS of work, members of a commission tasked with updating the state's laws for reporting child abuse have failed to reach an agreement and will not make any recommendations to the Legislature.

The report of the mandated reporter commission is scheduled to be released Wednesday. At a meeting Monday, commission members decided to include in that report a summary of their deliberations and of feedback obtained in a public comment period – but not to vote on any legislative recommendations.

“There’s no recommendations,” confirmed the state’s child advocate, Maria Mossaides, who chairs the commission, after the meeting.

Asked why the commission decided not to make any recommendations, Mossaides said she was “unwilling to speak for the commission on that matter,” and she would let the document speak for itself when it is released.

Earlier proposals by the commission for expanding the state’s mandated reporting laws were widely panned by advocates for children, who raised concerns about bias and racism in the system.

The mandated reporter commission was created as part of a child health and wellness bill that was signed into law in November 2019. It was prompted partly by the Larry Nassar scandal, in which a USA Gymnastics doctor sexually abused athletes under the guise of providing medical treatment. The scandal highlighted a loophole in Massachusetts law, which does not consider coaches or higher education institutions “mandated reporters” — people who are required by law to report suspected child abuse or neglect to the Department of Children and Families. Other reports also identified opportunities for updating the mandated reporter law, which was written in 1973 and has been updated only in a piecemeal fashion since then.

Rep. Michael Finn, a West Springfield Democrat who co-chairs the Committee on Children, Families, and Persons with Disabilities, called it “disappointing” that the commission met for so many months but could not reach an agreement on recommendations. “They’ve had plenty of time to examine the issue, and I don’t think it’s unreasonable that after 25 to 30 years since the original mandated reporter law went into place that it be freshened up,” Finn said.

The commission developed a proposal that would vastly expand the number of people considered mandated reporters. New reporters would include higher education staff, coaches, certain state agency personnel, people working at camps and youth organizations, librarians, medical students, and a host of other categories. The proposal would have also updated the definitions of abuse and neglect and enhanced the penalties for not reporting in ways that would likely have increased the number of reports made to the Department of Children and Families.

Advocates for children and families, particularly poor families of color, raised concerns that expanding the mandated reporter system would increase racial disparities in a system that already disproportionately impacts Black and Latinx families. They worried that the result of the changes would be an increased number of unfounded reports – not an improvement in child safety.

The commission held off on voting on the proposal in order to solicit public comment. They got 53 written comments and heard from 37 people at virtual public hearings. According to a summary of the feedback written by commission staff, testifiers worried that the expansion would create an influx of unfounded reports, hurting poor families and families of color while overburdening the Department of Children and Families. People worried that mandated reporters would file reports based on implicit bias, and families that are investigated would face negative consequences. Some worried that families would hesitate to seek needed services out of fear it could trigger a DCF investigation.

Several commission members – most of whom are state agency employees – could not be reached Monday.

Commission member Lisa Hewitt, general counsel of the Committee for Public Counsel Services, wrote in an email that the testimony at the public hearing, particularly from families, was “poignant and enlightening.” She said the child welfare system disproportionately affects families of color, and any change “needs to be viewed through

that lens and must strive to mitigate and not exacerbate this problem.” Hewitt called the commission’s work “an important first step,” but said it highlighted the need for more work on the issue.

“This work highlighted the need for further substantive discussion and input from affected communities,” Hewitt said. “It also highlighted the need to look at the mandated reporter law in relation to the entire child welfare system.”

People who have watched the commission’s virtual public meetings said the members simply could not reach a consensus on an issue that became incredibly controversial.

Susan Elsen, a staff attorney in the Massachusetts Law Reform Institute’s family and child justice unit who had been critical of the commission’s recommendations, said the impasse “reflected the fact that they weren’t looking at the right problems.”

Elsen said other than the problems with sexual abuse by coaches and a lack of standardized training for mandated reporters, the commission did not clearly identify what problem they were trying to solve with a large expansion of the system. Elsen said the commission did not include representation from people who were directly impacted by the child welfare system. And once the committee did hear from the public – which only occurred this spring as it was finishing its work – she said commission members were not willing to reframe the entire discussion to address the public’s concerns. (The commission’s composition and mandate are laid out in state statute.)

Elsen said rather than focusing on expanding mandated reporting, the commission should be looking at how to address racial bias in the system; how to avoid undermining families’ trust in child welfare agencies and service providers; and how to get DCF to provide more family stabilization services in the community.

“In terms of keeping kids safe, this assumption that the one way to keep kids safe is to expand the mandated reporting is not playing out in reality,” Elsen said.

Clarification: This story was updated to reflect that the commission’s mandate is set by statute.

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