



**Testimony submitted to the Joint Committee on Children, Families and Persons with Disabilities**

**In Opposition to**

**S.104 An Act to authorize the Commonwealth of Massachusetts to establish additional mandated reporters for the purpose of the protection and care of children**

**By Palma McLaughlin, LWVMA Specialist on Children and Family Issues**

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For more than 100 years, the League of Women Voters has advocated for evidence-based child welfare programs.<sup>1</sup>

Today the League of Women Voters of Massachusetts, representing 47 local Leagues from Cape Cod to the Berkshires, continues to support programs and policies that emphasize the safety and protection of children as well as measures to minimize the trauma suffered by children.

With this understanding and in consideration of likely negative consequences, the League urges you to oppose this bill.

It is important to consider what happens when a mandated reporter, especially those without in-depth professional training and assessment skills, files a report.

With the exception of reports of suspected abuse, there is little evidence that mandating reporting by non-professionals is beneficial but there is evidence that increased reporting by non-professionals does cause harm to children, parents, families, and the child welfare system itself. Overall, reports by nonmedical professionals are unsubstantiated 84% of the time.<sup>2</sup>

Expanding mandated reporting puts enormous pressure on the limited resources of the Massachusetts Department of Children & Families, diverting limited resources from endangered children. Presumptive pressure reinforced by potential legal penalties can result in huge increases in reports to an already burdened system leading to excessive waiting times, unnecessary investigations, and social workers wasting time investigating spurious reports instead of actually helping children who need help.<sup>3 4</sup> Stretching already stretched resources and calling upon social workers to increase their policing and investigations, taking time away from families that actually need help, makes social workers less effective workers and leads to increased burnout.

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<sup>1</sup> Parker, V. H. (1921). THE public health program of the League of women voters. *American Journal of Public Health*, 11(11), 992-995. doi:10.2105/ajph.11.11.992

<sup>2</sup> Ho, G. W., Gross, D. A., & Bettencourt, A. (2017). Universal Mandatory Reporting Policies and the Odds of Identifying Child Physical Abuse. *American Journal of Public Health*, 107(5), 709-716. doi:10.2105/ajph.2017.303667

<sup>3</sup> Ho, op.cit.

<sup>4</sup> Raz, M. (2017). Unintended Consequences of Expanded Mandatory Reporting Laws. *Pediatrics*, 139(4). doi:10.1542/peds.2016-3511



Actual abused children are more likely to be missed due to exploding caseloads and burned-out workers.

Extended mandated reporting encourages the well-intentioned to report rather than assist.<sup>5</sup> Non-professionals frequently report families for things including inadequate housing, financial problems, and letting the kids play in the park.<sup>6</sup>

### **Risk to Certain Communities:**

Low-income families, immigrant families, and families of color are already disproportionately targeted for intervention. African-American children are up to 8 times more likely to be reported and case-managed than white children.<sup>7</sup> To be clear, being low-income does not make a parent de facto negligent but it does make it much, much more likely that the family will be reported, investigated, and required to be subject to a “vibe” or “gut feeling”<sup>8</sup> that they need help. Reports of neglect disproportionately target low-income families who do not need the additional emotional and financial hardship of a DCF investigation. *“Families who have done nothing wrong are being traumatized by intrusive investigations. Research shows that if you put parents on the floor with stress, you’re not going to improve their parenting.”*<sup>9</sup>

Given the expanding list of who must report and for what, referral numbers have grown significantly over the last few decades. So too have rates of over-reporting. “According to data from the Children’s Bureau at the U.S. Department of Health and Human Services (HHS, 2020), almost half of all abuse cases (44%) referred to authorities in 2018 were *screened-out* and not investigated further. Of those that proceeded to be investigated (56%), just 16% were substantiated. Overall, then, only 9% of the initially referred cases were ultimately verified. Or, put another way, fully 91% of all reports of abuse turned out to be false positives, subjecting caretakers unnecessarily to a screening or surveillance process, and often to an ongoing investigation.”<sup>10</sup>

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<sup>5</sup> *ibid*

<sup>6</sup> *ibid*

<sup>7</sup> Redleaf, D. (2019, January 31). After the Hotline Call. Retrieved from

<https://www.theatlantic.com/ideas/archive/2019/01/problem-child-protective-services/580771/>

<sup>8</sup> Gupta, V., Samuels, J., & Pezzullo-Rhodes, S. (2015, January 29). Investigation of the Massachusetts Department of Children and Families by the United States Departments of Justice and Health and Human Services Pursuant to the Americans with Disabilities Act and the Rehabilitation Act (DJ No. 204-36-216 and HHS No. 14-182176) [Letter to Erin Deveney]. Washington DC

<sup>9</sup> Tickle, L. (2016, April 15). Rise in referrals to social services causing trauma to families, expert says. Retrieved from <https://www.theguardian.com/society/2016/apr/15/rise-in-referrals-social-services-trauma-families-child-protection>

<sup>10</sup> Goodman, J. F. (2021). Should teachers be mandated reporters? *Phi Delta Kappan*, 102(7), 47-51. doi:10.1177/00317217211007339



Further, anecdotal evidence indicates that nearly two-thirds of cases are related to the family's lack of resources, i.e. poverty. Data supports this pathologizing of poverty as de facto neglect.<sup>11</sup>

The available research does not support the theory that mandated reporting results in better outcomes for children or families. Research suggests the opposite: 73% of articles reviewed reported negative child outcomes, including revictimization and placement in foster care that was notably worse than the initial family environment<sup>12 13</sup>

### **Risk to Exceptionally Vulnerable Populations:**

It is necessary to highlight particular danger of the mandated reporter law as it stands now to families experiencing domestic violence. As it stands now, current mandated reporters are not adequately trained to recognize the signs of domestic violence nor are they trained to understand that extraordinary care and judgement must be used in deciding whether the suspicion of domestic violence within a family triggers the reporting mandate. Triggering a child welfare investigation can increase violence, inhibit help-seeking behavior by victims, and further traumatize the very children that the law seeks to protect. Expanding the roster of mandated reporters would increase the risk to victims of domestic violence in direct contradiction to the expressed directives of the Department of Children and Families.

In addition, parents with disabilities are at a higher risk of being referred to child welfare services<sup>14</sup>. Once a part of the system, they are more likely to lose their parental rights. This has been a pattern in Massachusetts which has drawn the attention of both the US Department of Justice and US Department of Health and Human Services. Again, expanding the roster of mandated reporters to include a wide variety of untrained people would increase the risk to disabled parents and children in direct contradiction to the intentions and directives of the Massachusetts Department of Children and Families, the US Department of Health and Human Services, and the US Department of Justice.

### **The Matter of Training:**

If teachers who are ostensibly trained in the basics of recognizing child wellbeing throughout years of college and continuing education get it wrong a substantial amount of the time<sup>15</sup>, minimal training for nonprofessionals on how to fill out paperwork is virtually guaranteed to fail. The illusion that the proposed training would confer competence has the potential for greater risk

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> McTavish, J. R., Kimber, M., Devries, K., Colombini, M., MacGregor, J. C., Wathen, C. N., MacMillan, H. L. (2017). Mandated reporters' experiences with reporting child maltreatment: A meta-synthesis of qualitative studies. *BMJ Open*, 7(10). doi:10.1136/bmjopen-2016-013942

<sup>14</sup> Pacific ADA Center. (2021, April 13). Parents with disabilities in child welfare agencies and courts. Retrieved April 13, 2021, from <https://adata.org/factsheet/child-welfare>

<sup>15</sup> Goodman op. cit.



to vulnerable populations<sup>16</sup> given the evidence that the more extensive training received by medical and child professionals is inadequate at the present.

**Conclusion:**

Establishing additional mandated reporters will not achieve the goal of making the children of the Commonwealth any safer. The evidence indicates that it will do the opposite.

The League of Women Voters of Massachusetts urges you to oppose this bill.

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<sup>16</sup> Stark, D., Choplin, J., & Wellard, S. (2019). Properly accounting for domestic violence in child custody cases: An evidence-based analysis and reform proposal. *Michigan Journal of Gender & Law*, (26.1), 1. doi:10.36641/mjgl.26.1.properly