A Paradigm Shift from Mandated Reporting to Community Supporting: Why This Matters and Why Now

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Creating a Child & Family Well-Being System:
A Paradigm Shift from Mandated Reporting to Community Supporting
WHY THIS MATTERS: DATA SUMMARY

- **Neglect Comprises a Significant Proportion of all Child Maltreatment:** 47% of allegations in California this past year

- **Low Percentage of Substantiations:** only ~13% of reports CPS reports are substantiated in California

- **Racial Disparity**
  - **in Investigations:** 25% of white children compared to 50% of Black and Native children experienced child welfare investigation
  - **in Substantiations:** Black, Native American, and Latinx families significantly more likely to have reports substantiated and have their children separated from them and placed in foster care
“My daughter was born medically fragile. I had no support from my family. I didn’t know where to go for help. I didn’t know how to ask for help because I didn’t know what I needed. The domestic violence in our home got worse because of the stress of being parents of a child with significant needs. When the police called CPS, I had no idea that my child could be removed because I was a victim of domestic violence. How could they take her away? I believe my experience—and my daughter’s life—would have been different if we had support, if someone had explained the “failure to protect” laws. Even though my daughter was in foster care for less than a year, she continues to suffer from the experience.”

— Shelley Lopez, Survivor, Parent and Advocate
“The shift from mandated reporter to a community of supporters can’t happen without complete transparency. Transparency about how our own implicit biases lead to harm. Transparency about who is harmed, and how. Transparency about what happens to a family once they are reported. The shift is possible, but the system has been insular for so long, it must open up to the community so we can all heal and co-create a solution.”

— Jada Curry, Community Organizer, Member of the BIPOC Family Justice Summit Organizing Committee and Author of 2021 BIPOC Family Justice Summit Report

“...policymakers and advocacy groups that are singularly focused on increasing surveillance in the name of safety do not see the collateral damage it causes to real people that care about their children and children themselves. Damage includes unnecessary separation, trauma, the inclusion of names on registry lists that will forever limit employment opportunities and economic mobility, and countless other indignities and ongoing threats to the well-being of children and parents.”

— Jerry Milner and David Kelly, Family Integrity & Justice Works
“When we discuss the data, people are shocked. Black and Native American children and families are touched by the child welfare system at significantly higher rates than other groups. Understanding this disproportionality helps us examine our own biases and start to think about how we can be part of the change instead of part of the problem.”

— Jessica Mateu-Newsome, Program Director, Family and Children’s Services, San Francisco Human Services Agency

“This is the only mandated reporter training I have taken that talks about disproportionality within the Child Welfare system. . . . I appreciated the inclusion of cultural considerations for each type of abuse and the discussion we had about how to mitigate bias in reporting.”

– Training Survey Feedback, San Francisco Mandated Reporter
“The child welfare system has historically been rooted in fear: fear of the rare tragic cases of severe abuse that are missed, and the consequences to the children and professionals involved. We must resolve the dilemma of keeping children safe and supported without magnifying the feeling of threat, fear, and surveillance often associated with mandated reporting.”

— Kimberly Giardina, DSW, MSW, Director Child Welfare Services, County of San Diego Health & Human Services Agency

“We want educators, clinicians, and case managers to have more room to offer support and collaborate with families to build strengths rather than send them into a fear-based system of surveillance that may not result in greater safety for the child. When the risk of imminent danger to a child is low, we must be able to engage in offering sincere support with integrity, and without the shadow of fear that accompanies the obligation to report.”

— Dr. Malcolm Gaines, Senior Clinical Projects Director, Safe & Sound
“Making a CPS report as a health care provider is like a black box where no communication comes back out from the system. This is a missed opportunity for collaboration between child welfare and health care providers. We are written out of the equation once a report is made, which drives a wedge between the provider and the family.”

— Dr. Claire Gibson, MD, Neonatology Specialist, University of California San Francisco

“Before and after school program staff typically live in, and are from, the same communities as the families who benefit from these programs. Their relationship with the families is not transactional, which is what most families experience from the systems that are meant to support them. Doing the work to see, know, and support kids and families takes time and intentionality. This is the hard work that these families need and deserve. We call it ‘leading with love.’”

— Michael Funk, Director, Expanded Learning Division, California Department of Education
“Current laws and policies on mandated reporting, together with a lack of access to community-based supports for all families, may inhibit teachers, health care professionals, and other mandated reporters from engaging in creative problem-solving and helping to build family strengths and protective factors.”

— The Honorable Judge Martha Matthews, California Superior Court, Los Angeles County

“I care deeply about my students. If a child is falling asleep in class or going to extreme measures to get more food at school, I try to talk to them to see how I can help. Sometimes I’m just not sure how to get them enough support without involving child protective services because I don’t have connections to the resources that these children and their families need.”

— Kimberly Brown, Teacher, Dr. Charles R. Drew College Preparatory Academy
Do mandated reporters receive sufficient training, in particular implicit bias training? Should all mandated reports go directly to the child welfare agency?

Could some reports instead be referred to services or some other type of intervention—based on a mandated reporter’s professional judgment, experience and specific state guidance and training?

How can the state ensure child safety is prioritized while reforming mandated reporting?

Are there statutory changes or clarifications that should be made to the definition of neglect?

What data should the state collect to better understand the cases of neglect? Could this data inform future policy changes?

How can the Legislature help ensure poverty alleviation programs and child welfare supports are complimentary?

Which programs are most likely to contribute to a reduction in child maltreatment, and what are the budgetary implications?

There are promising practices that provide opportunities to reduce the number of families who are reported to Child Welfare.

This Year’s Recommendations for CDSS Action:

- Lead a coordinated statewide effort to review and reform the mandated reporting system in California.
- Sponsor one or more “Mandated Supporter” pilot program(s) in local jurisdiction(s).

— California Citizen Review Panel 2021-2022, Annual Report to the California Department of Social Services (September 2022).
Embrace a New Frame: In a reframing that prioritizes the best outcomes for a child, we first ask whether there is truly a substantial risk of harm. If not, then ask questions about the caregiving system:

“Does this family have the resources to provide the care and protection they want to provide?”

“What strengths exist within this caregiving system?”

“What are this family’s priorities for their child, and how can we support them in a culturally appropriate and humble way?”
RECOMMENDATIONS FOR REFORMING MANDATED REPORTING TO COMMUNITY SUPPORTING

Build a Community Pathway and increase access to supports and services

A. Create trauma-informed linkages and a Community Pathway - Family Helplines and Family Navigators are key to developing an integrated system of care that centers on family experience and incorporates a family’s strengths. Close linkages between different family-serving entities (e.g., pediatric clinics and FRCs) can be effective pathways for families to seek support, even if they are not FFPSA-eligible.

B. Invest in basic supports - for example researchers found that for every $1 increase in the minimum wage, there was a nearly 10% reduction in neglect reports.
FRCs are effective:

- 45% reduction in cases of child abuse and neglect, and significantly lower rates of child maltreatment investigations. (National Data/Casey Family Programs)

- Direct child welfare savings of $3.65 for every $1.00 spent on prevention services through the FRC. (September 2021 Study at the Westminster Family Resource Center in Orange County, California)

- Families demonstrated statistically significant increases in parent hope, affect, and flourishing, and approximately 90% of parents made progress towards their identified goals and reported high levels of hope. (A 2020/2021 study of FRC supports to families at Pathways to Hope for Children in Shasta County)

- Comprehensive home visiting services provided through a network of FRCs reduced the risk of substantiated child abuse and neglect complaints in participating families. (An external evaluation of the Sacramento’s Birth and Beyond Program)
RECOMMENDATIONS FOR REFORMING MANDATED REPORTING TO COMMUNITY SUPPORTING

Advance legal and legislative reforms

A. Narrow the legal definition of neglect, (AB 2085) - Remove poverty-based neglect.
B. Develop guidance on reportable neglect
C. Revise current liability for failure to report - including numerous categories of reporters
D. Raise the legal threshold for reporting and family separation - i.e., mandating a report when there is a substantial or imminent risk of harm, particularly related to neglect
E. Require greater information and disaggregation of data related to neglect
F. Utilize comprehensive prevention planning as outlined by AB153, supported by the State Block grant as well as FFPSA
G. State and local funding for entities supporting families, i.e., FRCs, FQHCs, School-Based Health Centers
Implement policy and practice reforms

A. Incorporate group decision making models in organizations to reduce bias and risk - examples are Plan of Safe Care and CPS Time-Out

B. Use peer advocates and partners to build relationships that increase the likelihood that parents in emerging crises safely get support without unnecessary state intervention

C. Invest in technology solutions - especially those that allow for “closed loop” referrals for services and support
Mandated Reporter Training Recommendations:

A. Augment mandated reporter training to include strategies to build a system that supports families first.

B. Include a list of local family support organizations in mandated reporter trainings.

C. Include local and State disproportionality statistics, cultural considerations for each form of abuse, information about implicit bias in reporting and how to mitigate bias in reporting in all mandated reporter trainings.
RECOMMENDATIONS FOR REFORMING MANDATED REPORTING TO COMMUNITY SUPPORTING

Engage communities, tribes, and other stakeholders to guide reform

A. Ensure that planning is informed by those with lived expertise - Broad representation of stakeholders, including tribes, educators, pediatricians, public health and family and parent advocates drawn from community members who have experienced the consequences of involvement with the child welfare system.
NEXT STEPS: THE MOMENTUM BUILDS

● Child Welfare Council. Approved Prevention & Early Intervention Committee’s Recommendation to Create Task Force (March 2023)
  ○ Collaborating with Task Force
  ○ Updating Mandated Reporter Training
  ○ Cross-Department Conversations
  ○ Researching US & CA Best Practices
  ○ Disaggregating Data

● County and local jurisdictions are looking at reforms to mandated reporting as a lever to address racial disproportionality
  ○ Humboldt, Los Angeles, Sacramento, San Diego, San Francisco, Ventura.
RESOURCE LIST/REFERENCES

- Addressing Economic Hardship Key to Preventing Child Welfare System Involvement, Chapin Hall (2021)
- Do No Harm, Rebuilding Trust & Keeping Families Together, H. Briscoe et al. (2021)
- Family Integrity & Justice Quarterly, Multiple Authors (Spring 2022)
- Racial Disproportionality and Disparities in California’s Child Welfare System,” Assembly Budget Subcommittee (2022)
- California Citizen Review Panel, Annual Report (2021-2022), (September 2022)