



## MRCS Task Force Final Recommendations | May 14, 2024



### **NORTH STAR**

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

### **STRATEGIC PRIORITY 1**

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

1. **The California Child Welfare Council (CWC), through its Prevention and Early Intervention (PEI) Committee, shall establish a Mandated Reporting Advisory Committee (MRAC)** to ensure the transformation of Mandated Reporting to Community Supporting continues and disparities in the child welfare system are eliminated. The PEI Committee shall appoint tri-chairs to lead the MRAC's efforts, with at least one individual with lived expertise, one Child Welfare Council member, and one child and family serving system representative in these positions. A minimum of 50% of the MRAC's membership shall be representative of those who have been impacted by Mandated Reporting or have advocated for changes in the child welfare system including those with lived experience, community members, and community organizations who are critical to the transformation to community supporting. Additionally, the MRAC shall consist of key stakeholders comprising Mandated Reporters, community representatives, and County and State Departments including Child Welfare, Justice, Behavioral Health, Education, Housing and Health Care. To the extent possible, individuals who served on the Mandated Reporting to Community Supporting (MRCS) Task Force will be given priority consideration and individuals with lived expertise shall be supported with training and resources to actively participate. The primary goals of the MRAC shall be to monitor the impact of Mandated Reporter system changes particularly with respect to the disproportionate reporting of Black/African American, Native American/Indigenous Peoples, and Latino families to child welfare and provide recommendations for additional changes and reform needed. Further, the MRAC will be tasked with analyzing existing and new decision-making tools and/or processes that can be incorporated into the Mandated Reporting process, including ensuring adequate equity checks and an evaluation of impact on racially disproportionate reporting. The MRAC will provide the CWC with semi-annual reports on its progress.



# Mandated Reporting to Community Supporting Task Force

*Communities Keeping Children Safe and Families Together*

## **STRATEGIC PRIORITY 1** *(continued)*

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2. **Request the California Department of Social Services (CDSS), in collaboration with the Mandated Reporting Advisory Committee (MRAC), to continuously monitor disparities in the child welfare system** by gathering and analyzing research, data, and the impact of all reports of abuse and neglect, disaggregated by race/ethnicity, socioeconomic status, rural/urban, ZIP code/geographic region, domestic violence, substance use, mental health, disabilities, mandated reporter category and other factors to be **published publicly and submitted to the California State Legislature on a minimum of an annual basis**. Further, this research, data, and impact information shall be made available to the Community Pathway Advisory Committee to aggregate by community and/or region in order to support the identification of inequities in the distribution, availability and accessibility of needed services and supports based on underlying concerns related to reports of abuse and neglect and Social Drivers of Health (SDOH). Research shall include experiential and non-traditional sources of information on mandated reporting including community participatory research, as well as data on access to community-based support and services, including referral patterns, family engagement, and safety and well-being outcomes.
3. **The California Department of Social Services (CDSS) shall ensure the implementation of AB 2085 in all California Counties and Tribes until such time that Recommendation #5 is implemented and General Neglect is removed as a mandated reporting requirement.** Implementation of AB 2085 will happen with fidelity to its legislative intent through policies, practice, communications, and training to clearly instruct that Mandated Reporters may not refer families to Child Protective Services (CPS) based solely on a parent's economic disadvantage. Further, a child must be at substantial risk of suffering serious physical harm or illness for a mandatory report to be filed. CDSS shall oversee the implementation of this recommendation and provide Counties and Tribes with training and support as needed. This shall include regular reporting on the implementation of [ACL 23-105](#) and the data supporting its impact to the CWC and MRAC.



## STRATEGIC PRIORITY 1 (continued)

4. In alignment with the Legislative Analyst Office (LAO) report, *California's Child Welfare System: Addressing Disproportionality and Disparities*,<sup>1</sup> encourage the LAO to continue analyzing disparities in the Mandated Reporting system to determine if narrowing mandated reporter categories in the Child Abuse and Neglect Reporting Act (CANRA) negatively impacts child safety. This would further existing research, which indicates no discernable impact on child safety is evidenced when Mandated Reporter categories are expanded or Universal Mandated Reporting is required.<sup>2</sup> Elimination of categories in CANRA may further **the paradigm shift from mandated reporting to community supporting**. The LAO analysis shall include: (a) factors weighed to determine whether a category of individuals or a profession should carry the liability of a mandated reporter; (b) whether direct contact with children should be a criterion for mandated reporter classification; and (c) qualitative and quantitative analysis of the referrals, investigations, and dispositions related to reporting for each of the categories of abuse and neglect, aggregated by mandated reporter categories. Findings and any supporting recommendations shall be reported to the State Legislature, as well as the Child Welfare Council.

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<sup>1</sup> Legislative Analyst Office, California's Child Welfare System: Addressing Disproportionality and Disparities, April 2024  
<https://lao.ca.gov/reports/2024/4897/disproportionalities-disparities-child-welfare-042424.pdf>

<sup>2</sup> PubMed, [Universal Mandatory Reporting Policies and the Odds of Identifying Child Physical Abuse](#), Grace W. K. Ho, 2017



## STRATEGIC PRIORITY 2

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Analyze all categories and subcategories of child abuse and neglect under California's mandated reporting law to create more precision about what should and should not be referred to Child Protective Services (CPS) to make consistent decisions to respond to families' needs appropriately.

5. **Support the amendment of the Child Abuse and Neglect Reporting Act (CANRA) to remove the reporting requirement of *General Neglect* for Mandated Reporters**, while continuing to require mandated reporting on instances of Severe Neglect and child abuse (inclusive of physical and sexual abuse). The current definition of General Neglect is overly broad and incorporates situations that are screened out by child protection agency hotline workers at a high rate. The removal of General Neglect as a mandated reporting requirement will lower the rate of screened out and unsubstantiated calls, enable resources to be redirected to substantiated cases of abuse and severe neglect, and even more importantly, reduce the harm and trauma to children, families and communities. Amending CANRA to remove *General Neglect* from Mandated Reporting requirements would not prohibit Mandated Reporters from reporting General Neglect if they determined a child is at substantial risk of suffering serious physical harm or illness. Further, California must ensure that Mandated Reporters are adequately trained and, as needed, community resources are available and accessible to support the implementation of this amendment.
6. **Support the amendment of the Child Abuse and Neglect Reporting Act (CANRA) to revise and clarify the definition of *Severe Neglect*<sup>3</sup> to be aligned with the definition of Severe Neglect utilized in the [California Structured Decision Making \(SDM\) Tool](#).<sup>4</sup>** consistent with practice in child protection agencies. Aligning the definition of Severe Neglect with the SDM will enable Mandated Reporter training to be reflective of current practice and increase the accuracy of mandated reporter decision-making. Further, the MRAC shall be responsible for evaluation of the Severe Neglect definition in the SDM tool to determine if there is a more accurate way of defining this category that does not unintentionally cause further harm to families.

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<sup>3</sup> California Legislative Information  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PEN&division&title=1.&part=4.&chapter=2.&article=2.5](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division&title=1.&part=4.&chapter=2.&article=2.5)

<sup>4</sup> Refer to Appendix 1 of this document for a detailed comparison.



## **STRATEGIC PRIORITY 3**

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

7. **Encourage the California Department of Social Services (CDSS), in collaboration with the Mandated Reporting Advisory Committee (MRAC) and Counties, to implement a two-year pilot that provides Mandated Reporters with immunity from liability** as identified in [Penal Code Section 1116 \(C\)](#) when there is a demonstrated use of a child abuse and neglect decision-making process that indicates a child's safety is not at risk and a report is not required. This pilot shall serve as **a step towards the evaluation of the elimination of liability for Mandated Reporters when an informed decision is made regarding the need for a child abuse and neglect report**, in support of the shift toward community supporting. The decision-making process to be piloted will be selected by the MRAC based on sufficient evidence of efficacy and risk mitigation. At the conclusion of the pilot, the MRAC, or an entity appointed by the MRAC, will evaluate the pilot to determine if a recommendation for removal of liability should be made.
  
8. **Support the amendment of Child Abuse and Neglect Reporting Act (CANRA) to require all Mandated Reporters in California receive standardized training on child abuse and neglect** to increase consistency of appropriate referrals to Child Protective Services and decrease disproportionate referrals due to race, ethnicity, or income status. It is critical to the reform of the Mandated Reporting system to ensure all Mandated Reporters are adequately trained to understand CANRA, are aware of the impact of structural racism and implicit bias, are provided with decision-making tools to assist with identification of families who meet criteria for "reasonable suspicion" of child abuse and neglect, and are educated on the availability of referral pathways to support families in their communities. This training shall be required for all current Mandated Reporters within six months of passage of this amendment. Thereafter, newly identified Mandated Reporters must complete the training within 90 days of their appointment. Annual updates will be provided, as indicated.



## **STRATEGIC PRIORITY 3 (continued)**

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9. **Require the CDSS Office of Child Abuse Prevention (OCAP) to develop, with participation of individuals with lived expertise, a standardized curriculum for Mandated Reporters.** This standardized curriculum will include core content that must be included in all subsequently developed curriculum. The MRAC will provide oversight to OCAP on training development, as well as assist with the development of standards related to the minimum length of initial training and subsequent updates; mode of presentation (in-person, virtual); and, the certification of Mandated Reporters to verify completion. Further, OCAP shall work in collaboration with the California Departments of Education, Justice, and Health Care Services to develop specific components targeted to educators, law enforcement, and those in the health and behavioral health care fields, respectively. To ensure local flexibility, entities may choose to develop a Mandated Reporter training specific to their community and/or unique population served and/or enhance the standardized curriculum developed. All curricula developed or enhanced by other entities shall be approved by OCAP and/or their designee to ensure consistency with the state standardized curriculum. A list of approved training shall be maintained in each county, as well as on the CDSS website. To the extent possible, individuals with lived expertise shall be incorporated in the review and delivery of mandated reporter training. At minimum, the core content shall include:

- i. History of mandated reporting laws, including the impact of structural racism on disparities for Black and Indigenous families
- ii. Child Abuse Prevention and Treatment Act
- iii. California Child Abuse and Reporting Laws, including AB 2085, abuse and neglect categories and liability
- iv. Best practice for defining “reasonable suspicion” and “substantial risk”
- v. California child abuse, neglect, and disproportionality data
- vi. Definitions of bias (implicit and explicit) and trauma; the impact on families and children, and strategies for recognizing and mitigating their impact
- vii. The impact on families of making a child abuse and/or neglect report to CPS
- viii. Considerations for special populations, including individuals with disabilities, behavioral health, domestic violence, and substance use concerns, as well as the unique factors involved in supporting children ages 0-5
- ix. Decision-making processes and tools for Mandated Reporters
- x. Education and information on community resources



## **STRATEGIC PRIORITY 3** *(continued)*

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10. **Encourage the California Department of Social Services (CDSS), in collaboration with the Mandated Reporting Advisory Committee (MRAC), to develop a Mandated Reporter web page specific to Child Abuse and Neglect Reporting** to ensure the information is current, comprehensive, and provides alternatives for Mandated Reporters to promote child safety and family well-being. Specifically, the content of the page shall include, but not be limited to, information and resources to assist with understanding child abuse and neglect reporting law, accessing mandated reporter training, and providing tools and guidance to assist with the mandated reporting decision-making process, as well as resources available to support families. This may include: FAQs related to child welfare, training requirements, review of CANRA and its reporting requirements, the impact of structural racism and implicit bias, implementation status of AB 2085, updates on any future legislative changes regarding mandated reporting, and data specific to mandated reporting and disparities. In addition, the site shall provide links to county resources and supports, as well as the County's Title IV-E agencies. Further, Health and Human Services (HHS) shall encourage all State Departments under their purview to provide a web page for Mandated Reporters with information consistent with this recommendation, as well as a link to the CDSS Mandated Reporter web page.





## **STRATEGIC PRIORITY 4**

Ensure that Mandated Reporters have both access to and training on how families can connect to available resources, services, and supports; that these supports and how they are delivered are culturally aligned; and that families always retain agency in determining whether and how they utilize these supports.

- 11. Require the California Department of Social Services (CDSS) to incorporate an assessment of the capacity of community supports and services** that are available and accessible to Mandated Reporters to meet local needs of families in all 58 counties as a priority in the Family First Prevention Services Continuous Quality Improvement process. Further, CDSS shall support the California Citizen Review Panel in its examination of the CDSS Office of Child Abuse and Prevention (OCAP) funding, to develop a deliberate review of the prevention pathway, with an emphasis on access and connections to Community Pathways for Mandated Reporters. These efforts shall be co-led by individuals with lived expertise, community representatives, and members of the Mandated Reporting Advisory Committee (MRAC). All findings, as well as policy and practice recommendations, shall be available to the public for review and comment.
- 12. Consistent with the [PEI Community Pathway Recommendations](#), the California Department of Social Services (CDSS) shall be required to ensure Counties' Comprehensive Prevention Plans (CPP) incorporate information and education specific to Mandated Reporters regarding the implementation of and access to Community Pathways and/or community resources available to support families in their communities.** This should be incorporated into all Mandated Reporter training and may include Information and Referral Systems, Warm-Lines, Family Resource Centers and the use of Community Health Workers or Navigators. Further, Counties shall incorporate messaging specific to Mandated Reporters through social media and other communication vehicles to increase awareness and ensure that resource information remains current.





## **STRATEGIC PRIORITY 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.

13. **Require the California Department of Social Services' (CDSS) to** ensure recommendations from the Mandated Reporting to Community Supporting (MRCS) Task Force and any subsequent policy reforms related to Mandated Reporting are enacted and efforts necessary to ensure continued transformation of the Mandated Reporting system are advanced. This shall include resources for and support of Mandated Reporters, implementation of AB 2085 consistent with [ACL 23-105](#), MRAC, as well as monitoring the impact of these recommendations on disparities and inequities in the system. These efforts shall include, but not be limited to, working in partnership with the Office of Child Abuse Prevention (OCAP) for the oversight of standardized training and certification. To the extent necessary, CDSS shall receive additional staffing and/or state operations resources to carry out these additional responsibilities.
  
14. **Ensure the creation and implementation of 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/Indigenous families, and shifts beliefs and behaviors toward families and communities safely caring for their children. This work shall incorporate the participation of individuals with lived expertise and community members representative of diverse perspectives throughout the process.



# Mandated Reporting to Community Supporting Task Force

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## APPENDIX 1

Refer to Recommendation 6: Align CANRA's definition with the child welfare Structured Decision Making (SDM) Tool

### **CANRA Definition**

#### **Penal Code Section 11165.2.**

1. "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that their person or health is endangered as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

### **Structured Decision Making Definition**

#### **Severe neglect means:**

- 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).