



May 16, 2024

Prevention and Early Intervention  
Committee

**Re: Mandatory Reporting to Community Supporting Task Force  
Recommendations**

To the Committee:<sup>1</sup>

Thank you for the opportunity to provide comments and feedback. I am incredibly grateful to have been a part of the Task Force and to have been a co-chair of the Legal and Liability Subcommittee. I want to express my heartfelt thanks to the Task Force Co-chairs, Dana Blackwell and Roger de Leon, as well as the many individuals who contributed to making the work of the Task Force possible, including but not limited to Beth Kuentler, Wendy DeTata, Vanessa Spagnoli, Doris Tolliver, Lori Clarke, and my subcommittee co-chair Jenny Pearlman. I thank the PEI Committee for their initiative in establishing the Task Force and defining its strong objectives. My comments do not diminish my appreciation and respect for the work that has been accomplished, the challenging nature of the task and the sincere intention to make a meaningful impact. I support the PEI Committee voting to accept the Recommendations and am willing to do what I can to help turn them into action. It is possible to both be grateful and to acknowledge and make a record of the shortcomings and missteps.

The Task Force and the subcommittees were unique in their composition, bringing together members of the community who have traditionally been excluded in such discussions. It brought together people who do not normally operate in the large child welfare policy eco-system, who do not know all the acronyms or work with the same groups and people in multiple spaces, and those who resources, capacity and

---

<sup>1</sup> This letter was drafted and addressed based on the understanding given on May 14, 2024, that Task Force members needed to submit comments on the Recommendations on or about noon on May 16, 2024, so they would be available in advance of the PEI Committee's meeting and vote on the Recommendations on May 17, 2024. At the PEI Committee meeting it became clear that this letter and other comments submitted were not provided to the PEI Committee in advance of their vote. I was able to speak at public comment after the vote to note the existence of this and other comments and make some of the points made in the letter. The letter has since be lightly edited to make corrections and clarifications necessary because of the previous short turnaround and changed understanding.

time would have prevented participation. The effort expended by the Task Force leadership to bring together the members and to create a support structure is rare and commendable. It was a truly diverse group where, unlike many other spaces, one's title, degree, or "years of experience" did not appear to afford greater value to one's contribution. We were encouraged to speak plainly and directly about what needed to be done and why. A positive atmosphere for transformative thinking was established and maintained. The most important outcomes from the Task Force are the "We believe" statements and the Strategic Priorities we wrote which send a much stronger and consistent message than the Recommendations themselves. They are the result of tremendous work and consensus by the Task Force and subcommittee members. It is my hope that the PEI Committee will particularly acknowledge these statements and priorities as the true guide for evaluating any recommendations and next steps.

That being said, it was evident from the outset that the Task Force was constrained by an unrealistic timeframe, unlike other states such as Colorado that had more time and more opportunities to truly develop their recommendations. The expectation for this Task Force to effectively achieve its goals within the time provided since we met in September was overly ambitious and unrealistic. The recommendations are remarkable in that they were written under such constraints, unfortunately, their limitations and gaps reflect those constraints, including a belief throughout the process that the Task Force could be extended. We were told that our recommendations could be more general, as we could request the Task Force be extended to add more detail and to do the work such as focus groups, outreach, and data collection that similar groups have been afforded time to do. While of course there are many considerations as to why this may not have been possible, keeping it on the table and having that be a reassurance only to have it disappear merited at least an explanation if not a discussion with the Task Force.

Further, we were repeatedly told to make recommendations without regard to what was likely to get passed, get funded or what would appease individual constituencies, including those that traditionally have held more power, notwithstanding that the Task Force itself did not have that power. This was a refreshing change and was useful in helping to move our subcommittees to consensus. We were told to make our recommendations bold and specific because these recommendations would be used as part of broader advocacy in multiple spaces to advocate for needed change. In addition, the unique nature and composition of the Task Force would make the direct asks made by the recommendations difficult to ignore. Unfortunately, at the last minute,

the final recommendations included changes to language such as substituting “encouraging” action instead of requiring it. Using the word "encourage" instead of "should" or "will" reduces the impact of these recommendations in multiple spaces. Importantly, it undermines the power of the Task Force to hold other groups accountable for listening, responding and learning from these Recommendations.

The statements and strategic priorities developed by the Task Force were the result of careful deliberation and consensus including numerous meetings and discussions with subcommittee members. It is troubling therefore that language was added, in some cases only in the second draft or between the second draft and final recommendations, that does not reflect that deliberation and consensus. Absent discussion or adequate explanation, it appears that in the process of moving from the first draft to the final recommendations, influences such as politics, funding, jurisdiction, considerations about individual groups, and voting were prioritized, despite being reassured all along that the recommendations did not need to reflect them. Again, absent discussion or explanation, the language in the final recommendations compromises the creation of a bold mandate, and instead reflects a purported need to appease. The result lacks a sense of urgency, timing, and accountability. In addition, in some cases the added or changed language undermines the recommendation itself, the strategic priority it is under, other strategic priorities and the Task Force’s We Believe statements.

One addition, in particular, is the sentence added to Recommendation #5 at the Draft #2 stage starting with “Amending”, which creates an unnecessary carve out to the clear recommendation on general neglect. The added language undermines the recommendation’s purpose which is to recognize that the current reporting law has been ineffective and harmful in cases of general neglect and that child well-being merits a different approach. It also contradicts Strategic Priority #3, which calls out incentivizing and encouraging reporting, and some of our We Believe statements. The sentence appears to raise and address a non-existent problem that eliminating the category as a basis for a mandated report suggests a prohibition against any reporting. Nothing in the language recommending removing general neglect suggests that someone could not report and given the very problem of overreporting it defies understanding how it could. Given that the Task Force is supposed to be leading the effort to change the entrenched mindset that mandatory reporting is the only option, the most effective option, or a harmless option for addressing child safety when we know otherwise, this language serves only to encourage and reinforce that mindset.

The fact that this language was added without discussion or consultation with the co-chairs of the subcommittee on Narrowing the Legal Definition of Neglect that made the recommendation is particularly troubling. This subcommittee engaged in difficult and complex work to come to its recommendation by consensus. It reflected the boldness and transformational change we were asked to embrace by the Task Force leadership.

It is additionally disappointing because this subcommittee uniquely prioritized the specific harms that the current mandatory reporting law as written and implemented has on domestic violence survivor parents and children. The current law has served as a direct barrier to survivor parents seeking help to end abuse. Moreover, the impact of reporting, investigation and separation has caused irreparable harm to survivor parents and children. This is not new information or something that requires a study to prove it but has been known for decades and is reflected in many prior task forces, committees, reports, studies, handbooks, best practice guides, legal cases and checklists. Yet every day survivors are deterred from seeking help, put into the system for seeking help, held responsible for being abused and their children are separated from their most important supportive relationship.

Statements about the disproportionality and lack of substantiation in the Recommendations ignore the reality that Black, Native and Indigenous, and Latine individuals experience domestic violence at substantially higher rates than others and that the mere fact of experiencing domestic violence is used to justify intervention. Thus Black, Native and Indigenous, and Latine survivor parents and children face a compounded risk of harm from the current mandatory reporting law. This Task Force had a unique opportunity to send a message acknowledging the harm to domestic violence survivor parents and children. It had an opportunity to show that addressing this harm is a priority for mandated reporting reform. These recommendations do not demonstrate either that recognition or the urgency it deserves. I am hopeful that the Report that will be a part of these Recommendations will at least serve some role in addressing this glaring omission. I also urge the PEI Committee to recommend that language naming the specific harms to domestic violence survivors and children from the current mandatory reporting law be included in the Strategic Priorities and other language moving the Recommendations forward.

Letter to PEI Committee  
May 16, 2024  
Page 5

Your attention to this comment is greatly appreciated. Please feel free to contact me at (510) 858-7358 or [avasana@fvapl.org](mailto:avasana@fvapl.org) for questions or more information.

Sincerely,

A handwritten signature in blue ink that reads "Arati Vasana". The signature is written in a cursive, flowing style.

Arati Vasana  
Senior Managing Attorney