

## Before You Make the Call: Rethinking Mandated Reporting

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In recent years, child welfare has supposedly shifted its focus to implementing preventative supports as opposed to reactionary practices. However, practically speaking, the rate at which children are being removed from their primary caregivers is increasing (ACF, 2020). Similarly, mandated reporting laws were

by families in the child welfare system, cultural parenting norms, or alternative responses available for families experiencing the effects of poverty. Training, and the professionals who rely on it for direction, employs reporting as the only response, as opposed to being one possible response in qualifying circumstances.

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created to prevent child abuse and neglect, yet there is no evidentiary link to support this idea. The United States has continued to see an increase in maltreatment reports over the last several years (ACF, 2020). This is especially true for families and communities of color. While there may be times that the immediate safety of a child dictates the necessity of removal from their parent, we cannot dismiss the fact that family separation exists in a context of historical and racial trauma in this country. By rethinking how we engage mandated reporters, we come closer to ending the harmful outcomes of family separation and diminish the disparate racial impact in our child welfare system.

Given the understanding that the mandate to report can cause fear, anxiety, and confusion, required training for mandated reporters often centers on how to report. When discussing why a report is necessary, however, training typically focuses on the potential legal consequences of not reporting as well as discussions of risk and safety. This assumes that making a report is always the safest avenue for support and fails to acknowledge the history of mandated reporting in its legal and social context. The mantra, “When in doubt, report” has become a core theme in most education, which typically omits themes of trauma, increased risk experienced

The legal threshold for making a mandated report uses vague language of “reasonable belief” (CAPTA, 2010; Child Welfare, 2019). The term reasonable is not defined and can have both objective and subjective meaning. Because most training does not allow for in-depth conversations on what is reasonable, mandated reporters without sufficient legal knowledge must decide what might be reasonable in any situation. We argue that too often reporters use a first suspicion or first anxiety threshold, instead of the required reasonable belief standard. When we add implicit bias to this ineffectual training as well as the increased level of eyes on, or surveillance of, families of color, particularly Black and Native families, we begin to understand why over half of Black families have been the subject of a maltreatment report and those children are more likely to be removed from their home—even when their White peers have similar allegations in reports (Kim, et al., 2017).

The belief that “Making a report will not hurt anybody, but not making one might” discounts the harm that children and families commonly experience when involved in the child welfare system. Recent data indicate that removal of a child from their home, even for safety reasons, offers little to no benefit over remaining at home after alleged maltreatment,

in terms of cognitive or language outcomes, academic achievement, mental or behavioral health, and suicide risk. The trauma a child experiences during and after removal is well-researched and documented, and it indicates that removal can lead to difficulties in normative cognitive, physical, emotional, and social development (Baldwin, 2019; Conn, 2015; Cote, 2018; Doyle, 2007; Lawrence, 2006; Maclean, 2016; Yoon, 2018). Following removal, there is an increased risk of juvenile and adult criminal behavior, trauma disorders, and early mortality (Sugrue 2019). Additionally, the traumatic cost to parents and communities of losing their children further exacerbates historical and generational trauma in a country where family separation has racial implications.

Trauma, on its most basic level, occurs when an event happens to an individual, or group, over which they had no control, with little power to change their circumstance and which overwhelms their ability to cope. Generations of family separation and the ongoing fear of governmental intrusion into parenting certainly qualifies as trauma for communities most impacted by child welfare. Trauma-responsive strategies for engaging families focus on collaboration and mutuality, cultural attunement, sharing of power, and giving voice and choice rather than on investigative, punitive, or coercive authority approaches (SAMHSA 2014).

Again, current research indicates that mandated reporting and maltreatment prevention are not causally connected (McTavish et al, 2017; Melton, 2005). Instead, research shows a correlation between maltreatment prevention and trauma responsive practices, such as family engagement and support, service provision, and public health strategies (Ringel, 2017). As such, this country should exchange its reliance on mandated reporting as a primary prevention strategy for other evidence-based approaches. Mandated reporters can benefit from using the chart on the next page for using the described approaches before and then either in place of, or in addition to, an eventual report.

Decades of research clearly indicates that racial disparities exist within this country’s child welfare system, beginning with reporting practices. While it is sometimes necessary, our reliance on mandated reporting as the primary response to help all families introduces more opportunity for systemic racism and implicit bias rather than serving its intended function of preventing child maltreatment. Reporters must be given confidence in their own abilities to provide or connect families

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with prevention-based services and the freedom to do so without involving child protection professionals through a report that may not be warranted. By reimagining preventative measures as something other than mandated reporting, we can begin to close the front door to family separation and racial inequities in the child welfare system.

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**Examine your relationship with this child and family.**

Social work theory posits that the strength of the relationships we have is the single most influential factor in the success of our work (Miller 2013). Yet current mandated reporting culture dictates that we pass the concerns we have about families from those with whom they may have the strongest relationship to those with whom they have none, namely child welfare professionals and courts. Families need to remain in connection with those with whom they have a supportive relationship. To rely on a relationship at a time of concern you must, of course, already have an established relationship. In this way, establishing trusting relationships with families is a method of primary prevention.

**Reflect on your own values, norms, and biases.**

There are multiple safe ways to parent. Our cultural norms tend to frame the parenting of White, middle class parents as the safest, even when it does not differ in practice from those we label as neglectful in other communities. Take, for example, free-range parenting, defined by its founders as the “concept of raising children in the spirit of encouraging them to function independently and with limited parental supervision, in accordance with their age of development and with a reasonable acceptance of realistic personal risks” (Skenazy, 2009).

Allowing children to play unattended in a park or walk to school without an adult are, statistically speaking, safe parenting choices. Yet we frame these differently depending on the race of the parent. Note, for instance, the distinction between how Lenore Skenazy, founder of the free-range parenting philosophy, was treated after allowing her then 9-year-old son to take the subway on his own in New York City. While she faced her share of critique, she ended up with a popular newspaper column and a reality television series in which she provided parenting coaching. Most importantly, she never had her child removed from her care. Compare this with the outcome of South Carolina mother Debra Harrell, who in 2014, allowed her 9-year-old daughter to play at a nearby park—after having been given a cell phone—while Harrell worked her shift at a nearby McDonald’s. Harrell, who is Black, was arrested for child abandonment and spent the night in jail. Her daughter spent 17 days in the foster care system (Calarco, 2018).

For Skenazy and other free-range parents, this is parenting philosophy. For others it’s a necessity. Does the risk change because of the intent? Indeed, research has found not that actual risk changes but that perceptions of risk do. These perceptions of risk are correlated with race and ethnicity (Raz, 2020). These biases impact which families are initially reported by mandated reporters and are the first introduction of disproportionality in the child welfare process.

**Think explicitly about race and culture. Ask yourself if this is truly about safety.**

It may seem like an oversimplification, but we urge reporters to explicitly ask themselves, “Would I be making a report if this family looked like mine?”

In an illuminating article, Mical Raz argues that “... public attention has turned to the way which public reports to the police function as a form of control over spaces that Black people inhabit... Unnecessary or potentially avoidable reports to CPS [child protective services] should similarly be seen as a way of invoking agents of the state to control individual behavior” (Raz, 2020).

**Employ a decision-making model. Consult with at least one other person whose primary focus is not liability.**

Mandated reporters should regularly employ the use of an ethical decision-making model as a process for determining the most appropriate response. While several models are available for use, the model itself matters less than the fact that one is using a process which encourages critical thinking and reflective practice.

Consultation is a necessary part of this ethical process. Reporters should consult with at least one person whose response will not be based solely on the “When in doubt, report” mindset.

**Be curious about what you’re observing. Have a challenging conversation.**

We encourage curiosity, rather than judgment or anxiety. Sometimes reporters, because they have genuine concern for a child, mistake their own feelings of discomfort for risk. This can lead to reports made as a way of alleviating the reporter’s own discomfort. Examine these biases and implicit beliefs. Have challenging conversations—with yourself, with a colleague, and, when safe (remember that uncomfortable does not mean unsafe) with the family. Having these conversations is not investigation; it is a necessary step to reach the required reasonable belief rather than a potentially harmful feeling of anxiety threshold.

**Offer support and/or supportive services.**

There is no doubt that families and children need support. However, responding and reporting are not the same. There are more effective ways of supporting families than child welfare involvement that do not bring with them the same potential for harm.