

# Policing by Another Name: Mandated Reporting as State Surveillance

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## ABOUT THE SHRIVER CENTER

The Shriver Center on Poverty Law fights for economic and racial justice. Over our 50-year history, we have secured hundreds of victories with and for people living in poverty in Illinois and across the country. Today, we litigate, shape policy, and train and convene multi-state networks of lawyers, community leaders, and activists nationwide. Together, we are building a future where all people have equal dignity, respect, and power under the law. Join the fight at [povertylaw.org](https://povertylaw.org).

# What is Mandated Reporting?

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**A set of laws and professional rules requiring that individuals make reports to the state when they suspect a child has been neglected or abused.**

# Does it work?

# MANDATED REPORTING SCHEMES CAST WIDE NET

ASSUMPTIONS	REALITY
accuracy of system in preventing/stopping harm	<ul style="list-style-type: none"><li>• 59% reports screened in</li><li>• 16.3% of screened-in reports, 9% total reports substantiated</li><li>• of 9%, 6% for neglect, most often attributable to poverty</li></ul>
punishing individuals will heal the harms caused	Many studies have shown that children do better at home and that MR does NOT decrease harm and instead undermines trust in social and support services, decreasing their efficacy
system responses and mistakes don't cause harm	system involvement (regardless of accuracy in identifying harm) causes, exacerbates, perpetuates harm/trauma on children, families, and communities

# How Did We Get Here?

A history of mandated reporting

# 1870s-1930s

**CORRECTION:** This case was NOT brought under animal cruelty laws. That the SPCA was using protections for animals to save a child from her parents is a MYTH used to justify intrusion into families in the name of children's rights. A child was harmed in a foster placement after being taken from her mother, whose poverty was confused with neglect. This case serves as one of many examples of how this system was never about child "welfare" or "protection." More info [here](#).

## ~~Child removal justified by cruelty laws (1874)~~

~~New York (urged by ASPCA) passes first U.S. animal cruelty laws, used to allow for child removal~~

## Founding of U.S. Children's Bureau (1912)

Federal agency now seen as major advocate for mandated reporting; 1918 wartime campaign which promotes protecting children "as a patriotic duty" shapes future efforts

## NY Society for the Prevention of Cruelty to Children (1875)

First formal child protective agency in the world; laws against child abuse exist but no laws requiring people to report it

Mission: "to *rescue* little children from...neglect, abandonment and improper treatment...to secure...the *prompt conviction and punishment* of...especially such persons as cruelly ill treat and shamefully neglect such little children of whom they claim the care, custody or control." *emphasis added*

## Social Security Act (1935)

Establishes federal funding for children's social services



# 1960s- 1970s

## ***The Battered Child Syndrome Book (1962)***

Dr. C. Henry Kempe published to pressure decision-makers and physicians to address child abuse; start of medical field's responsibility to report maltreatment or abuse

## **All 50 States Pass + Expand Laws**

-By 1967, all 50 states had passed child abuse laws with a mandatory reporting requirement  
-By 1973, 32 states identify social workers as mandated reporters; 30 include educators

## **Children's Bureau Model Statutes (1963)**

Children's Bureau publishes model statutes for states to establish legal mandated reporting requirements; focus on physician reporting

## **Child Abuse Prevention & Treatment Act (1974) + Abused & Neglected Child Reporting Act (1975)**

Congress passes CAPTA, requiring states to establish mandated reporting laws for Title IV federal funding. In IL, ANCRA standardizes reporting policies to gain access to Title IV funds

# 1980s-Present

## Reagan Administration (1981-1989)

- Children's Bureau creates 6 National Resource Centers to provide services to families; state agencies responsible for cost-sharing
- Attorney General Edwin Meese III directs prosecutors to charge & try cases of abuse

## Mandated Reporting Expands (Ongoing)

- Various efforts to expand who is MR in many states, including IL (1990, 2002/3, 2012, 2017, 2019)
- By 2016, 18 states + PR defined MRs by statute as ALL adults 18+, regardless of profession/training

## Adoption & Safe Families Act (1997)

Clinton signs ASFA into law, which prioritizes permanency over family preservation or reunification; statute fast-tracks adoption timelines

# Where are we now?

Snapshots of Cook County and Illinois

# NON-EXHAUSTIVE LIST OF IL MANDATED REPORTERS

## Medical personnel

EMTs  
Physicians (+assistants)  
Psychiatrists  
Surgeons  
Interns  
Residents  
Podiatrists  
Registered and licensed practical nurses  
Hospital administrators + personnel involved in exam/care/treatment of patients  
Pathologists  
Christian Science practitioners  
Chiropractors  
Genetic counselors  
Osteopaths  
Dentists  
Dental Hygienists

## School personnel

- Teachers
- Edu advocates assigned per School Code

## Childcare personnel

- Daycare/childcare staff
- directors and staff assistants of day care centers and nursery schools
- Foster parent
- Homemaker

## Law Enforcement

- Truancy officers
- Law enforcement officers
- Probation officers
- Field personnel of DJJ, DOC

## Social services/MH personnel

- Social workers
- social service admins
- substance abuse treatment personnel
- DV program personnel
- crisis/hotline personnel
- recreational program or facility personnel
- psychologists (+assistants)
- Field personnel of agencies that works with children – DCFS, DPH, DHS, DHR, HFS

## Coroner/medical examiner

- Coroner
- Medical examiner

## Clergy

# WHAT DOES IT MEAN TO SUSPECT ABUSE OR NEGLECT?

No mention of cultural competency, implicit bias in DCFS 1-hour IL Mandated Reporter Training; 2015 Mandated Reporter Training Manual; website

Teachers required to have implicit bias training but not specific to reporting CA/N

No standardization – mandated reporters cut across disciplines if tied to profession at all

Support service staff, law enforcement living and working in different neighborhoods

Explicit/implicit bias of individuals, including mandated reporters

- **Cultural** – food parent feeds child(ren), has or doesn't have in home; parenting style; methods of discipline; way of speaking to child(ren)
- **Poverty-related** – access to food, shelter, clothing, baby equipment (strollers, diapers, etc.), childcare

What am I supposed to do if a student comes to enroll in school with a random, suspicious-looking adult?  
-school nurse at a conference on rights of homeless students to enroll in school

He was an interesting father. He had those things in his hair.  
-STLS Liaison referring to a man with dreadlocks

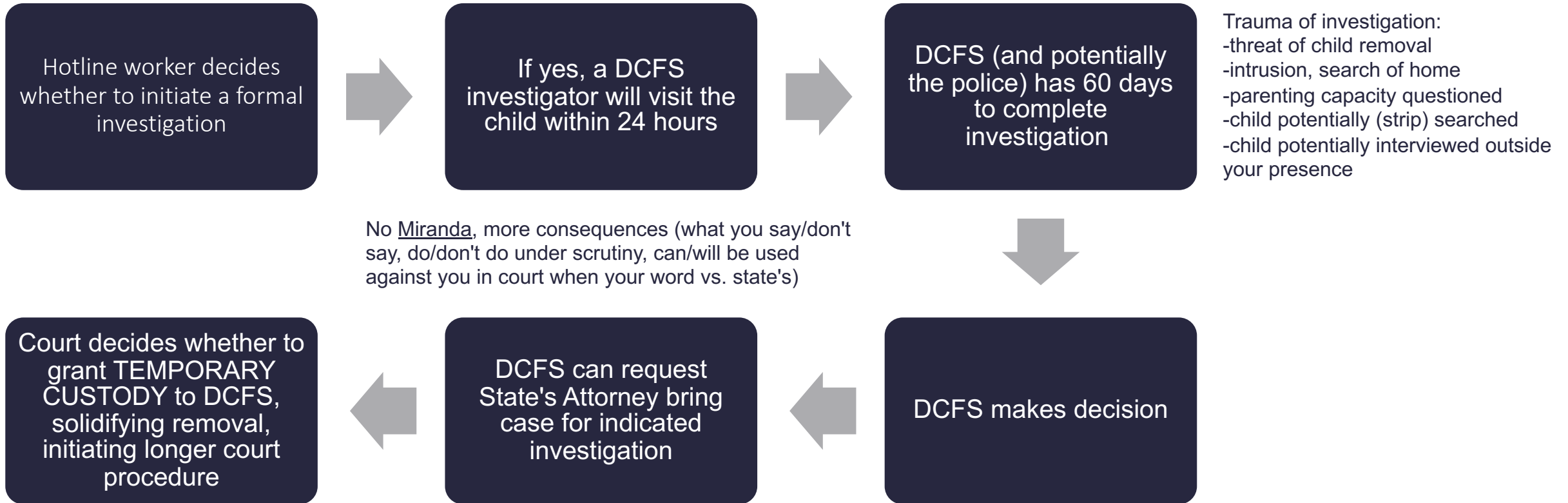
# Where are the hotline calls coming from in Cook County?

	2012	2013	2014	2015	2016	2017	2018
Education	25%	28%	29%	30%	29%	30%	30%
Health & MH	19%	18%	19%	19%	20%	20%	21%
Social Services	11%	10%	11%	11%	11%	11%	11%
	55%	56%	59%	60%	60%	61%	62%

	2012	2013	2014	2015	2016	2017	2018
Police	15%	15%	15%	16%	16%	15%	16%

70-80% of hotline calls annually coming from criminal legal system and support services

# After the hotline call



- Additional avenues for removal:
  - Protective custody
  - Safety plans

# MODERATOR: MOLLY DULL

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## **MSW Intern at Shriver Center & Senior Trainer at The Posse Foundation**

Molly Dull is currently enrolled in a Master of Social Work (MSW) program through Boston University, with a focus on community practice and policy. She is a graduate intern at Shriver Center on Poverty Law, where she works with the Community Justice team to understand and reduce the harms of mandated reporting and the foster system.

In addition to her graduate work, Molly is a senior trainer at the Chicago office of The Posse Foundation, a college success program that provides full-tuition scholarships to young leaders attending college in groups of 10.

Prior to working with Posse, Molly held positions at Northwestern University and Marquette University which focused on asset-based community development, civic education, and peace education with Chicago-area students. She also served as an AmeriCorps Volunteer in Service to America (VISTA) to promote youth service-learning and community engagement.



# PANELIST: SHROUNDA SELIVANOFF

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## **BAS, Director of Public Policy, Children's Home Society of Washington**

Shrounda Selivanoff is a passionate advocate for child welfare involved families driven by her own experience in child welfare system navigation. She brings a birth parent's perspective to inform policy, practice, and system reform and is dedicated to transforming the system to serve families' needs equitably.

Shrounda has extensive work experience with the King County Parents for Parents Program, Washington State Office of Public Defense's Parent Representation Program, and other programs such as the Perinatal Treatment Services and the University of Washington Fetal Alcohol Drug Unit, Parent-Child Assistance Program.

Currently, Shrounda is the director of Public Policy for Children's Home Society of Washington. She is also a member of the Washington State Parent Ally Committee, a founding member of the Birth Parent National Network, a committee member of the Washington State Racial Disproportionality Advisory Committee, Executive Board member of Family Treatment Court of King County, and a Parent Stakeholder Representative of the Department of Children, Youth and Families Oversight Board.

# PANELIST: CHARITY TOLLIVER

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## **Founder and Project Director of Black on Both Sides**

A seasoned and nationally recognized youth development specialist, Tolliver grew up in the Englewood neighborhood of Chicago. She is a foster mother, writer, and spoken word artist, and former director of one of the largest and oldest organizing groups in Chicago, Southwest Youth Collaborative.

In over thirteen years in the field of Youth Development, she has worked on campaigns on a broad range of issues, including fair housing, labor rights, school reform, prison reform, and LGBT youth rights.

In 2012, Charity was selected as one of seven activists nationwide to receive the Alston Bannerman Fellowship, given to outstanding seasoned community organizers of color. In 2013, she received a Soros Justice Fellowship to found Black on Both Sides, an organization dedicated to centering the lives and stories of those most directly impacted by racist systems and institutions to bring long term sustainable change to both the foster system and prison system.

# PANELIST: FALLON SPEAKER

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## **Director Jeanette Lipman Family Law Clinic, Assistant Clinical Professor of Law**

Professor Fallon Speaker is a Feminist, Reproductive Justice Transformer, Social Justice Leader and Movement Lawyer. She currently serves as an Assistant Clinical Professor of Law and the Director of The Jeanette Lipman Family Law Clinic at The University of Richmond School of Law where she teaches students in a holistic legal clinic dedicated to working with communities affected by child welfare and dependency proceedings in Richmond, Virginia.

Prior to joining the law school faculty, Professor Speaker served as a Staff Attorney and Team Leader in the Family Defense Practice at The Bronx Defenders where she represented parents in child protective proceedings who were accused of abuse or neglect. She also served as an Adjunct Professor at Cardozo School of Law and the Director of the Mainzer Family Defense Clinic, where she taught and supervised students in child protective hearings. During her time at The Bronx Defenders, Professor Speaker became very active in policy, lobbying, community organizing, and movement lawyering. She played an integral role in coalition building and creating legislation to reform the child welfare system and state central registry. Professor Speaker received her undergraduate and Juris Doctorate degree from the University of North Carolina, Chapel Hill.

# PANELIST: ELENA GORMLEY

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## **MSW student, University of Illinois at Chicago Jane Addams College of Social Work**

Elena Gormley is a writer, organizer, troublemaker, and MSW student at the University of Illinois at Chicago Jane Addams College of Social Work, graduating in Spring 2021. Elena is the current Social Work Intern at Chicago Workers Collaborative, and previously interned at the Dina and Eli Field Ezra Multi-Services Center as their Health and Nutrition Services Social Work Intern.

Prior to attending UIC, she worked in a variety of youth development and after-school programs, including the Boys and Girls Club of Greater Grand Rapids, and the YMCA of Greater Grand Rapids LOOP program, and fought for dignity, respect, and permanent protections for all 12 million undocumented immigrants in the United States with Movimiento Cosecha Michigan.

Elena's area of interests as a future social worker are in abolishing the entire field of social work, and supporting systems of care and support that are liberated from carceral systems of social control or forms of community care that require gatekeeping and "professionalism".

# Thank you! To learn more...

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**Intersection: Criminal Legal Systems & The Foster System**

Wednesday, December 9, 11am-12:30pm CT

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