



**Testimony Submitted by Wendy Volz Daniels, MSW, LCSW
on behalf of the
Wisconsin School Social Work Association (WSSWA)
to the Special Committee on Reporting of Child Abuse and Child Neglect
September 6, 2012**

Good morning. Thank you for the opportunity to talk with you today regarding Wisconsin's child abuse and neglect reporting legislation. I am here today on behalf of the Wisconsin School Social Work Association. I serve as the Association's Legislative Committee Chair. In addition, I have also consulted Marc Herstand, the Executive Director of the Wisconsin Chapter of the National Association of Social Workers (NASW-WI) as both organizations collaborate on issues of mutual concern.

Before I move on let me tell you a little bit of about school social work. First, it is a specialized area of practice within the broad field of the social work profession. In Wisconsin, these positions require a master's degree in social work with additional requirements focused on practice in the educational setting. School social workers bring unique knowledge and skills to the school system and the student services team. In particular, School Social Workers are trained in mental health concerns, behavioral concerns, positive behavioral support, academic and classroom support, consultation with teachers, parents and administrators as well as with individual and group counseling techniques. School social workers are instrumental in furthering the mission of the schools to provide a setting for teaching, learning, and for the attainment of competence and confidence. School social workers are hired by school districts to enhance the district's ability to meet its academic mission, especially where home, school and community collaboration is the key to achieving student success.

For those of you who do not know me, for the past 15 years, I have been a Clinical Associate Professor at the University of Wisconsin Milwaukee in the Helen Bader School of Social Welfare where among other duties; I am responsible for the school social work licensure program. Prior to my university service, I held several direct practice social work positions including both the Access Supervisor and Family Team Supervisor in Calumet County in the early 1990s before we screened referrals with caregiver language and before WISACWIS. Both units provided services to children and their families who were involved with the human services department or juvenile court due to child abuse and neglect concerns or delinquent behavior. I had the pleasure to consult with Attorney Plum during this time regarding a challenging family involved in child protection services. In addition, I was one of the initial trainers for

the NEW Partnership Child Welfare Training Program housed at UW-Green Bay. In that capacity, I had the pleasure of touring the state as a co-trainer of safety assessments among other trainings. I also continue to provide services to the Fond du Lac County Juvenile Court through my volunteer work as a Child Advocate through the Fond du Lac Conflict Resolution Center's Child Advocate Program. Representative Thiesfeldt, I would be happy to talk with you later regarding this important program. Lastly, I also provided testimony on behalf of the National Association of Social Workers in 2003 when the legislature was deliberating the addition of clergy as mandated reporters.

I would like to discuss a couple of areas regarding the recent changes to the current mandated reporter law. As you are aware, in 2011, Wisconsin Act 81 extended the requirement to report suspected child abuse or neglect to all school employees. In addition, the Governor's Executive Order #54 expanded mandatory reporting requirements of child abuse and neglect to include all University of Wisconsin system professors, administrators, coaches and employees. Given this extensive expansion of mandated reporters, it seems appropriate to consider the ramifications of such sweeping expansion. I will specifically address concerns that WSSWA has regarding Act 81. I will leave discussion of the ramifications of the Executive Order to others.

Under the current law, "all school employees" does not distinguish between whether or not the employee has any contact with the student, is a full time employee or is a part-time teenager employed by the district. Therefore, the current legislation includes a teenager who is employed by the school district in a summer recreation program or for example, a teenage life guard at a school district pool as a mandated reporter. While one could argue the merits of having adults employed by a school district included as mandated reporters; one could easily argue for the exemption of teenagers employed by a school district to be exempt as mandated reporters. These youngsters may not yet be mature enough to be aware of or recognize safety factors that may place a child at risk. WSSWA would be concerned about the legal consequences to a teenager for failure to report due to this immaturity or lack of awareness. We would respectfully request that this committee reconsider teenage employees of school districts in the inclusion of "all school employees" as mandated reporters.

On the other end of the spectrum is the issue of adults who are contracted by the school district who have access to children equal to that of school employees but due to their status as a "contracted employee" they would be exempt from the mandatory reporting requirement. An example of this would be a school district who has contracted for their food services. The "lunch lady" who is employed by the school district would be a mandatory reporter yet the contracted "lunch lady" would be exempt from mandatory reporting laws as currently written.

Another consideration of Act 81 is whether or not those who I would consider "pre-professionals" such as student teachers, social workers, counselors, and other interns or field placements students, providing services to children, should also be included in the list of mandated reporters. WSSWA does not have a specific recommendation regarding their inclusion but we do believe that if the intent of the legislation is to require professionals in the educational setting or other child serving agencies, for that matter, who have on-going contact with children to report suspected abuse and neglect, then it certainly would not be a stretch to include these budding professions who in many cases are just

months or weeks away from becoming licensed professionals who are included in the list of mandated reporters. Deliberation of student "pre-professionals" in agencies that provide services to children should also be had.

Lastly, feedback from NASW members currently working in a county human service agency raised the issue of foster parents as mandated reporters. While foster parents are not included in the current list of mandated reporters in SS 48.981, administrative rules regarding "serious incident reporting" requires foster parents "to immediately notify the supervising agency, and, if not the same, the licensing agency if they have reasonable cause to believe a foster child has been abused or neglected or that a foster child has been threatened with abuse or neglect and it is likely that the foster child will be abused or neglected", among other reporting requirements. (DCF 56.06) It appears that it would be timely to rectify this contradiction and provide clear direction regarding our expectations for foster parents. It is recommended that foster parents be added to the list of mandated reporters.

I would like to now make some final comments regarding mandated reporters discussed at your last committee regarding the circumstances under which such a report is mandated and the number of reports that are screened out.

When there is a finite amount of resources for services to children who have been abused or neglected, attention should be focused on ensuring that mandated reporters make appropriate referrals to the child welfare system. It would be important to determine why there are so many calls that are "screened out" by county human service agencies and the Bureau. Are mandated reporters not adequately trained to detect abuse and neglect? Are mandated reporters concerned about the penalty of not reporting so they make reports to cover themselves from legal consequences? Could it be something else? A thorough review of "screened out" reports from mandated reporters may get us closer to a solution to ensure that the limited resources available for child protection services are directed at the children who actually need protection.

The goal of getting the right services to the right children may require better training of mandatory reporters. This must include an increase in community awareness and specifically the awareness of mandated reporters- of signs of child abuse and neglect- to ensure that the right children are being identified and receive service. As stated a bit earlier, this training must also assist mandated reporters in confidently deciding if a situation is one that must be reported and then assisting the reporter in gathering the necessary information to initiate a formal assessment by child protective services. It would be important to stress that the person with first-hand knowledge of the abuse should be the one making the report and that the report should be made without delay. Currently there is no training requirement for mandated reporters. County Human Service agencies are at times asked to provide presentations to staff in child caring institutions however, they are provided intermittently to only a handful of agencies. Many public schools are now requiring annual training of all school employees regarding mandated reporting however this is not the case with the rest of the professionals who are mandated reporters. Perhaps a formal, annual training requirement would increase the probability that the right information was gathered by the mandated reporter to ensure that a child receives the necessary child protection services and decrease the number of reports that are "screened out". The

Department of Public Instruction has done a nice job of providing an overview of child abuse and neglect reporting laws training for school employees. In fact, I used some of this material a few weeks ago to train the nearly 200 new student teachers from UW-Milwaukee. But this is just the beginning. If we are serious about this undertaking, I would recommend that state officials research effective training models from other states and countries. I would suggest that better training of mandated reporters would be a more effective solution than increasing the number of persons who would be required to report.

Raelene Freitag, the Director of the Children's Research Center at the National Council on Crime and Delinquency in Madison, suggests that we take a look at the work that is being done in Australia to help communities develop web-based child abuse and neglect reporting guides. I understand that Ms. Freitag is currently discussing this work with Senator Darling's staff. These reporting guides help reporters sort out whether a specific concern is reportable or not. According to Ms. Freitag, development of these guides has brought disparate stakeholders together to think through what should and should not be reported, and what the community can do to support families who may be in trouble, but not necessarily related to abuse or neglect. The Children's Research Center has worked in a number of jurisdictions to construct screening and response priorities decision tools in the child protection system. These guides assist with consistency of reporting and effective use of resources. They are customized locally to account for legislative and resources differences. If you Google "mandatory reporting guide and New South Wales" you can access an online version of these guides. Given the length of this guide, I did not bring copies for everyone today.

I would once again like to express my gratitude to you for allowing me to share these thoughts with you today. I would be happy to answer any questions that you may have.

Respectfully submitted,

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Chair, WSSWA Legislative Committee