

Adding Friction to Mandatory Reporting

The Case for Survivor-Centered Research

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Mandatory reporting laws require the reporting to a designated government agency of a known or suspected case of abuse or neglect of children, elders, or other dependent adults. While these laws vary, researchers can be mandated to report suspected cases of abuse or neglect under a wide range of circumstances. This paper argues that a survivor-centered and trauma-informed research praxis calls for (1) actively challenging biased or uncritical reporting and the myth of a neutral researcher/mandated reporter, (2) working to minimize avoidable reporting, (3) moving from mandatory reporting to supporting, and (4) using harm reduction strategies to center survivors at all stages. Ultimately, a survivor-centered approach to mandatory reporting in research means valuing the consent and agency of those who will live with the life-altering consequences of researcher-made reports.

INTRODUCTION

In cases of a known or suspected case of abuse or neglect of children, elders, adults with disabilities, or other dependent adults in the United States, certain people are designated to be mandated reporters – this means that they are mandated, by law, to report the alleged cases, under threat of professional sanctions, civil liability, or criminal penalties. While the term ‘mandated reporter’ is most commonly associated with someone who has a responsibility to report suspected child abuse and neglect, it can also refer to people who report abuse of adults, elderly persons, dependent adults, and adults with disabilities as well.

The people mandated to report often hold certain designated professions, though that is not always the case. For child-related abuse or neglect, for which these laws are the most stringent and extensive, these designated professions typically include childcare providers, health care providers, educators, social workers, and clergy. However, in 18 states and Puerto Rico, anyone suspecting a case of child abuse or neglect is required to report (Child Welfare Information Gateway 2019a). And while in most states, people who work with elders or disabled adults are mandated reporters, in states like Delaware and New Hampshire, any person is considered a mandated reporter of elder abuse, irrespective of their profession. Similarly, 15 states have universal reporting of abuse, neglect, and exploitation of dependent adults and adults with disabilities (National Association of Mandated Reporters 2021). In these contexts, researchers that come to learn about such cases through their research work are by default mandated reporters.

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Even in states with less strict mandatory reporting laws, researchers working within those jurisdictions might still be required to report if directed to do so by a governmental Internal Review Board (IRB) located in the state of research. Importantly, mandated reporters, as the term suggests, will most often be required to report a suspected case of abuse or neglect *whether or not a survivor gives consent for the report*.

The purpose of this paper is to outline the effects of mandatory reporting laws on cases of abuse and neglect, and on survivors, and point to the ethical implications of these laws for ethnographers, qualitative researchers, and others committed to trauma-informed work. This paper will then explore and draw from global perspectives on survivor-centered and trauma-informed approaches, in order to call on researchers to navigate the ethics of conducting research in a way that recognizes and protects the autonomy of research participants, and interrogates the mandatory reporting requirements that strip away their agency. This paper argues that researchers should challenge mandatory reporting as a neutral research practice, and add sites of friction to mandatory reporting protocols in order to afford survivors choice and self-determination within systems that are structurally and personally unjust and disempowering.

To do so, this paper discusses what a survivor-centered approach to mandatory reporting might look like, offering four principles to guide researchers in developing said approach in their work, along with a set of strategies they can deploy before research interactions, before potential disclosure during research interactions, and after a disclosure. These strategies model friction to mandatory reporting and shift a process that leaves little agency among survivors who participate in research activities, while remaining within the legal framework researchers operate under.

HISTORY AND IMPLICATIONS OF MANDATORY REPORTING LAWS

In the United States, mandatory reporting laws were introduced by state governments beginning in 1963 following the introduction of the clinical condition named the “Battered-Child’s Syndrome” which raised the issue of child abuse by parents and caregivers (Brown III and Gallagher 2014). In 1974, the US federal government passed the federal Child Abuse Prevention and Treatment Act (CAPTA) which required states to pass mandatory reporting laws for child abuse and neglect in order to receive grants (Raz 2020a). Similarly, other forms of abuse and neglect followed suit. “Following the “discovery of child abuse and neglect in the 1960s and spousal abuse in the 1970s, elder abuse crept into the American conscience in the late 1970s and early 1980s” (Garfield 1991). As with any other laws or statutes, mandatory reporting laws enacted at the state level apply to everyone, regardless of whether or not the individuals or organizations work with those populations or operate in the social services realm.

In addition to their binding nature, mandatory reporting laws often include language that strongly encourages reporting—by extolling its virtues or warning what could happen in its absence. This includes arguing that reporting is meant to “help protect children” in the case of child abuse and neglect (Office of the Attorney General for the District of Columbia, n.d.) to asserting that a failure to intervene will “likely result in other individuals being abused and neglected,” in the case of persons with disabilities (Commonwealth of Massachusetts, 2023). However, information on mandatory reporting does not touch on the potential harmful consequences of said reporting on families or survivors.

The language explaining mandatory reporting implies that failure to report potentially leaves a survivor at risk, and also makes it explicit that those who fail to report face consequences. Penalties for failure to report vary across states but can include fines, imprisonment, civil liability for any damages caused by the failure to report, with some states imposing additional penalties on employers or any person preventing or prohibiting someone from making a report (Child Welfare Information Gateway 2019b).

While failure to report carries punitive consequences, mandatory reporting laws reassure reporters that as long as they report “in good faith,” they do not face any consequences for reporting. In fact, to be able to receive federal grants under CAPTA, states are required to provide immunity from civil or criminal liability for individuals making good faith reports (Child Welfare Information Gateway 2023). Ultimately, failure to report is punishable, and reporting – however unsubstantiated or speculative – carries no consequences.

POTENTIAL HARMS OF MANDATORY REPORTING

Despite their widespread application, there is no research or evidence to establish that mandatory reporting actually prevents harm (Hixenbaugh, Khimm, and Philip 2022; McTavish et al. 2017; Itzkowitz and Olsen, 2021). What the evidence points to, however, is that mandatory reporting can be detrimental to families and survivors. Studies of mandatory reporting laws continue to reach four conclusions. Mandatory reporting laws lead to (i) significant harm and trauma through child removal and family separation and (ii) increased surveillance and over-policing of poor communities and communities of color, particularly Black and Native families (Gruber 2023) and other marginalized communities. Mandatory reporting can also negatively impact survivors by (iii) deterring them from seeking help and (iv) stripping them of their agency and self-determination (Cipriano et al. 2022; Holland et al. 2021).

This is not only the case in the United States. 73.7% of lower- and middle-income countries and 62.8% of high income countries have mandatory reporting laws (McTavish et al. 2017). Similar findings at the international level point to the detrimental impacts of mandatory reporting on survivors, particularly as it may

obstruct access to healthcare and expose survivors, as well as healthcare personnel, to further harm. This has prompted organizations such as the British Red Cross and the International Committee of the Red Cross to question whether mandatory reporting regimes are compatible with international law and medical ethics (Skinner 2020).

Mandatory Reporting Leads to Child Removal and Family Separation

A mandatory reporting referral is the most common entry point for children and families into the child welfare system. However, mandatory reporting is riddled with over-policing, bias, and subjective interpretations. “Abuse” and “neglect” are vague terms that carry different definitions that vary by jurisdiction, as the federal government does not offer specific definitions of what constitutes physical or emotional abuse, or neglect (Child Welfare Information Gateway, n.d.). Only 16% of reports made by mandated reporters are substantiated, and of those, 74.9% are from neglect, a term that can include factors that are linked to poverty, such as inadequate housing and food insecurity (Child Welfare Information Gateway 2021; Hixenbaugh, Khimm, and Philip 2022). What a reporter may consider to be abuse may not actually be abuse, thus privileging reporters’ perceptions and bias over people’s self-determination. For example, some mandated reporters may misconstrue evidence of family poverty—a child wearing what is perceived to be inappropriate clothing, a child living in what is perceived as substandard housing, a child without home access to the internet—as child neglect. Family poverty, which is not a crime, is then misconstrued as child neglect, which is a crime.

Some of those mandated reporters, however, do not realize that their call initiates a process that can lead the child protection agency investigating the family. Many of these Child Protective Services (CPS) investigations lead to irreversible outcomes, including traumatic and intrusive questioning and searches, the termination of parental rights and severed connections with siblings, extended family, and community, as well as deeply irreparable emotional and psychological harm for children placed into foster care (Sankaran, Church, and Mitchell 2019; Trivedi 2019).

Mandatory Reporting Disproportionately Harms Marginalized Communities

Studies have found that investigations triggered from mandatory reporting disproportionately target low-income families, particularly Black and Native families (Roberts 2022b; Kim et al. 2017). Today, half of Black children, as well as half of Native American children, experience a CPS investigation before they turn 18 (Putnam-Hornstein et al. 2021). Similarly, disproportionate numbers of Black and Native American children are removed from their homes and enter foster care as a result of these investigations.

Beyond family separation, the consequences of mandatory reporting are harmful for people and communities experiencing systemic marginalization and

oppression: violence survivors, Black, Indigenous, and other people of color, queer and trans folks, disabled and mentally ill people, houseless and unstably housed people, and more (Arain 2019).

Mandatory Reporting Deters Violence Survivors from Seeking Support and Can Lead to Further Harm

Even in cases where there is a credible case of abuse and neglect, mandatory reporting does not lead to better outcomes for survivors. One study by Lippy et al. (2020) assessed the impact of mandatory reporting on interpersonal violence (IPV) on survivors, and found that 65.1% of survivors expressed that mandatory reporting led nowhere or even to worse outcomes. Additionally, mandatory reporting deterred survivors from seeking help, especially in states where everyone is a mandated reporter – even from their closest friends and family. Not surprisingly, 29% of IPV survivors did not seek help from friends or family out of fear of being reported. 74% of domestic violence survivors feared they would be reported to the police (Lippy et al. 2016). Similar fears of being reported impeded 27.5% of survivors from seeking resources or services, including potentially life-saving medical and mental health care.

Mandatory reporting also discourages mothers, particularly mothers of color, from reporting IPV by a spouse or partner, as it not only often leads to the children being removed from the home but also to a worse living situation for the mother and child (Devoe and Smith 2003), such as staying at an unsafe shelter or being separated from their support systems.

Similarly, studies examining sexual misconduct in higher education have found that mandatory reporting dissuades survivors from seeking resources, services or advice, even from those they trust (Holland et al. 2021).

Mandatory Reporting Strips People of Their Agency and Self-Determination

Even if survivors plead with reporters to not report their case, very few states will waive the legal requirement to file a report, leaving little autonomy to the survivor. Only three states—Pennsylvania, Oklahoma and New Hampshire—allow survivors of domestic violence to refuse the reporting of their case by health workers, typically with stringent caveats (Durborow et al. 2010). This leaves survivors with no say over the very reports that have significant repercussions on their lives.

MANDATORY REPORTING AND THE ETHICS OF RESEARCH

Given the prevalence of mandatory reporting laws, researchers may find themselves in contexts where they might be required to report suspected abuse or neglect disclosed by participants before, during, or after research interactions. However, given the potential harms that mandatory reporting could have on those

participants and their families and communities, this can put into question whether mandatory reporting and research ethics are at odds.

The Belmont Report, the seminal guide to research ethics and protection of research participants, outlines three basic principles: respect for persons, beneficence, and justice (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research 1979). We argue that mandatory reporting conflicts with these three principles, and also goes beyond these minimal standards to pose additional moral and ethical questions for researchers.

Mandatory Reporting Can Compromise the Autonomy of Research Participants

The Belmont Report urges researchers to operate with respect for persons, whereby “individuals are treated as autonomous agents” (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research 1979). As discussed above, mandatory reporting laws do not center survivors’ choices with respect to defining or reporting the harm they experienced. In the context of research, a participant may disclose a potentially abusive experience, not expecting that their experience would be reported to the authorities, especially when confidentiality was promised. Researchers may even make a report against the explicit wishes of the survivor.

Even more specific is the informed consent process, a foundational component of research ethics. The Belmont Report underscores that the informed consent process should encompass information, comprehension, and voluntariness among participants (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research 1979). The voluntary nature of research participation can come into question when mandatory reporting requirements are not adequately agreed to and understood by research participants, or by the researchers themselves. Not every researcher or individual interacting with research data recognizes their mandatory reporting requirements, particularly as laws change by jurisdiction and data might be collected virtually across multiple states or countries. Without awareness of these laws and their careful consideration in the consent process, researchers may fail to provide research participants with the information they need to make an informed decision on whether or not to participate in the research and what to disclose. Even if information about mandatory reporting is indeed included in informed consent protocols, it may be incomprehensible to research participants for a myriad of reasons. For instance, a researcher may share that they are required to be a mandated reporter without explaining what that involves and what potential consequences it could lead to (e.g., what a CPS investigation into the family entails and that it could result in family separation). Similarly, the way a researcher conveys that information may not be comprehensible or accessible, such as when failing to provide information in

multiple formats (e.g., written and vocalized) or if the participant is experiencing information overload.

Mandatory Reporting Can Result in Harm to the Wellbeing of Research Participants

When it comes to the second principle of beneficence, the Belmont Report calls for efforts to “protect [participants] from harm [and] secure their wellbeing” (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research 1979). However, as evidenced above, mandatory reporting can result in further harm to survivors. Researchers can report a suspected case of abuse or neglect that is unsubstantiated while still leading to profound and long-term harm to the participant and the people in their lives. Researchers can also report a case of abuse or neglect that is substantiated but the outcome of which worsens the participant’s situation.

Mandatory reporting has been discussed as in conflict with research ethics, particularly regarding confidentiality (Stiffman 2009). Breaking confidentiality, particularly in contexts where mandatory reports must include the full identity of the survivor, can expose them to further harm, including potential retaliation.

Mandatory Reporting Can Lead to Heightened Risks for Some Research Participants Compared to Others

As for the third principle of justice, the Belmont Report invites researchers to ensure fairness in the distribution of benefits and risks of the research across all participants. Otherwise, “an injustice occurs when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly” (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research 1979). Because of the mandatory reports that could be made and the detrimental consequences those reports could lead to, it can be argued that research participants who are survivors are exposed to heightened risks than their non-survivor peers.

Additional Ethical Questions

Additional ethical questions relating to mandatory reporting arise beyond the Belmont Report, particularly as questions and concerns on its relevance, applicability, and failure to consider harms to communities are leading thinkers to believe that “the field of research ethics involving human subjects may have outgrown it” (Friesen et al. 2017, 15).

Motivations of Participant Protectionism

Mandatory reporting raises the question of whether researchers are actually protecting participants from harm. If a researcher reports a case out of a desire to ‘protect’ the participant, but ultimately exposes the participant —against their will— to further harm, who is the researcher actually protecting?

When researchers are driven to report out of fear of the repercussions of not reporting (and to assuage their own guilt by assuring themselves they have reported in ‘good faith’), they are indeed choosing to report not to protect the participants, but to protect themselves. This question mirrors critiques of ethical review boards and other institutional bodies designed to be the arbiters of how research participants should be treated. Critics have argued that these institutional formations are less invested in ensuring the protection of research participants, as evidenced by the many communities who have endured “a long history of abuses at the hand of researchers,” including those using IRB-approved protocols (Friesen et al. 2017, 17). Instead, it is suggested that IRBs are more invested in protecting and minimizing potential legal liability for the research institution to which they are attached. In other words, “from the vantage point of a research institution, [this] is a way to reduce the chances that subjects will have a reason to sue, which they are empowered to do, based on laws such as human-subjects regulations” (Stark 2011, 13-14). Even if research is not conducted within hospitals, universities, health departments, and other institutions typically tied to ethical review boards, the point remains. Researchers may be inclined to make a report to ensure they avoid punitive consequences they could face themselves, rather than strive to protect the research participants whose autonomy and wellbeing their research ethics should prioritize.

Trauma-Informed Research Considerations

Additionally, researchers who draw from trauma-informed principles to guide their research practice (Bernius and Dietkus 2022; Centers for Disease Control and Prevention 2020; Murray 2018) may be compelled to examine how mandatory reporting can present a tension with their desire to be trauma-informed.

A trauma-informed approach begins with safety, which calls on researchers to ensure research participants feel physically and psychologically safe. Another principle is that of trustworthiness and transparency, in which operations and decisions are made by researchers with the goal of building and nurturing trust with research participants. Additionally, a trauma-informed approach calls for collaboration and mutuality, which recognizes that healing happens in interactions that offer meaningful sharing of power. Another trauma-informed principle is that of empowerment, voice, and choice. This principle urges researchers to support participants in their choice and ensure they feel empowered to cultivate self-advocacy skills. When considering these four trauma-informed principles, it is worth problematizing how mandated reporters have the power to make decisions without

the consent and potentially against the wishes of participants, hindering opportunities to build safety, trust, collaboration, and empowerment in research interactions.

Furthermore, a trauma-informed approach to research centers peer support, in which researchers may provide resources to participants for additional support outside of their participation in research. A trauma-informed approach also asks researchers to consider cultural, historical, and gender issues in their work. Considering the disproportionate harm that mandatory reporting poses on marginalized populations, and the fact that mandatory reporting legal frameworks do not account for nor incentivize supporting those being reported, researchers may further examine how to shift their mandatory reporting protocols to be more trauma-informed.

Impact on Research Experience

Lastly, there is little research or discussion of the potential impact of mandatory reporting on the research experience itself. Mandatory reporting threatens the authenticity of participation in research as it can alter how participants might show up in a research interaction. In ethnographic and other qualitative research endeavors, the hope is to capture the genuine experiences and perspectives of participants. Mandatory reporting can instill fear in participants, especially survivors. Fearing the reporting that could arise from disclosure could limit their authentic participation and possibly even discourage them from participating at all.

The impact of mandatory reporting on the decision to participate in research could also have implications for the validity of the research, particularly if entire populations who either fear or endure mandatory reporting are deterred from participating in research. Under such a scenario, research findings may not represent diverse perspectives, particularly amongst marginalized populations who are disproportionately entangled in the systems to which mandatory reporting is connected.

PROBLEMATIZING AND CHALLENGING MANDATORY REPORTING

To help us challenge the mandatory reporting status quo, and ease the tension between mandatory reporting duties and commitments to research ethics, we can look at strategies and practices deployed in health, education, social work, and gender-based violence prevention and response work, that aim to maximize survivor-centered and trauma-informed practices within the constraints of applicable legal systems.

From these, we draw four main principles for a survivor-centered approach to mandatory reporting in research:

1. Challenging the seeming neutrality of mandatory reporting

2. Minimizing avoidable reporting
3. Moving from mandatory reporting to supporting
4. Using harm reduction strategies to center survivors

Challenging the Seeming Neutrality of Mandatory Reporting

In the United States, social work students are required to complete a mandated reporter training provided by their state offices of professions. However, in 2020, a group of students challenged the mandatory reporting training at the Columbia School of Social Work, and joined forces with professors and local community organizations – as part of a group named the Mandated Supporting Collective (formerly known as Social Workers Against Mandates) – to revise the training. The revised curriculum emphasized the importance of having a critical analysis of issues of power, racialization, oppression, and privilege. Harrell and Wahab (2022) expand on this with a study assessing how introductory textbooks for social workers fail to outline the harms of mandatory reporting and recommend changes to curricula, acknowledging that “mandatory reporting is not an activity devoid of structural influence and consequences” (834). Indeed, social workers operate within specific political contexts – including a culture of “being tough on crime,” as well as systems of inequity, namely white supremacy, capitalism, and the criminal punishment system.

In addition to challenging its seeming neutrality, abolitionist groups and thinkers draw attention to the policing logics behind mandatory reporting, describing it as “state surveillance” (Shriver Center on Poverty Law 2020a) and a form of “community policing” (Raz 2020b), and pointing out that mandatory reporting requirements are likely to increase people’s interactions with the police (Mandatory Reporting Is Not Neutral, n.d.).

Groups like Interrupting Criminalization also invite mandated reporters to reflect on their role, and how they might be complicit in or reify these systems of oppression (Interrupting Criminalization, n.d.). Others urge mandated reporters to check their assumptions and biases, and interrogate their subjective interpretations of what constitutes neglect (Meiners and Tolliver, 2016). This is particularly important given substantive evidence that mandated reporters’ perceptions of risk are “correlated with the race and ethnicity of the family in question, ... imbued with moral judgment as to normative parenting, and are not necessarily shaped by the likelihood of harm” (Raz 2020b, 3).

Seeing as mandatory reporting is not devoid of consequences, mandated reporters should be aware of the implications that reporting has on the individuals and families they report. The Mandated Supporting Collective illustrated such consequences in a decision tree format that clearly outlines what happens after a call is made in the case of child abuse and neglect reporting, including when a report is accepted or not accepted, when a report is deemed founded or unfounded, and what court interventions or potential child removals might occur after each case.

Additionally, the collective outlines not just the immediate legal consequences of the report, but also calls attention to their “domino effect”—other potential longer-term consequences that reports can have, including “eviction, job loss, and impact citizenship status” (Social Workers Against Mandates 2021b, 8).

Overall, in the context of research, challenging the seeming neutrality of mandatory reporting requires researchers to understand and be reflexive around how mandatory reporting operates through a system of policing and oppression and harms Black, Indigenous, and poor communities. It is also imperative that researchers cultivate knowledge of and reflexivity around their own biases and assumptions, and their ability and power to trigger consequential harm to the individuals and families they report.

Minimizing Avoidable Reporting

A wide range of thinkers and practitioners that challenge the overreach of mandatory reporting offer guidance on minimizing avoidable reporting. This begins with understanding the minimum necessary reporting obligations, so as not to report anything more than required (Interrupting Criminalization, n.d.). To do so, mandated reporters can develop or use guides like that of Colorado-based service provider Elephant Circle, to know precisely what the law says and requires (Frosh 2020). When the legal requirements for mandatory reporting are vague, it may be prudent to seek legal counsel and consult with supervisors and colleagues, as was the case for the Washington State Coalition Against Domestic Violence (2014) when grappling with the lack of clarity in Washington state law on mandatory reporting of teen dating violence.

Additionally, mandated reporters can prevent unintentional disclosure by ensuring that they communicate legal constraints before data collection begins (Meiners and Tolliver 2016); strategically use gentle interruptions when it seems like a participant is on the verge of making a disclosure, by reminding them of mandated reporting obligations and allowing participants to determine whether/how to proceed (Joyce 2023); and use vague language or talk in hypothetical situations (The University of Texas at Austin, n.d.).

Overall, in the context of research, preventing avoidable reporting can help research teams to avoid over-reporting and, as much as possible, minimize unintentional disclosure from participants.

Moving from Mandatory Reporting to Supporting

Reminding us that “lack of consent lies at the heart of both sexual assault and universal mandatory reporting” (3), Holland et al. (2021) advocate for a shift towards mandatory *supporting* of sexual assault survivors, a series of proposed actions that would require the consent of survivors to report, all the while offering them resources and services, training employees on how to discuss options with survivors, and offering anonymous reporting mechanisms for survivors. Similarly, Safe &

Sound, a California-based service provider, advocates for a paradigm shift from mandated reporting to community supporting (Safe & Sound 2022). Groups like Rise, a collective of parents impacted by the child welfare system, specifically recommend connecting caregivers with legal representation if a report is made (Worthy, Serdjenian, and Vega Brown 2022).

Mandatory supporting has also garnered attention from social workers, who have developed guidelines on how to be a mandatory supporter in their jurisdiction (Social Workers Against Mandates 2021a) and created guides and resource lists with alternatives to calling CPS (Shriver Center on Poverty Law 2020b).

At the government level, a similar shift was reflected by the California state government in 2022 when Bill 2790 was proposed to eliminate mandatory reporting for health workers and instead require them to offer referrals for survivors. However, the bill failed in the Senate Appropriations Committee (California Senate Committee on Public Safety 2022).

Overall, in the context of research, moving from mandatory reporting to supporting can mean having a consistent and rigorous practice of preparing and offering research participants resources and referrals that they can access beyond their participation in research.

Using Harm Reduction Strategies to Center Survivors

When reports have to be made, a survivor-centered approach calls for reporters to use harm reduction strategies that can help reduce negative impact while abiding by the law, such as by maximizing survivor choice and transparency when reporting.

The Washington Coalition of Sexual Assault Programs formulated a “victim-centered approach” to mandatory reporting for service providers interacting with their clients, which includes explaining mandatory reporting in a developmentally appropriate way, sharing this obligation at the beginning of and during service provision, consulting a supervisor before reporting, informing the client before making a report, and processing the implications of the report with the client (Washington Coalition of Sexual Assault Programs 2015).

Likewise, graduate students at the UIC Jane Addams College of Social Work offered guidelines for centering families if one must call CPS. These include involving the family when making the call, informing the family of their rights and lack of rights, and providing advocacy throughout the reporting process (Shriver Center on Poverty Law 2020b).

Similar guidance can be found in survivor-centered approaches that aim to put the rights of each survivor at the forefront of all actions and ensure that each survivor is treated with dignity and respect. Putting the survivor at the center promotes their recovery, reduces the risk of further harm, and reinforces their agency and self-determination (Women’s Refugee Commission and UNICEF n.d).

As this approach also runs up against mandatory reporting laws, USAID offers an example of how to center survivors:

“Service providers should be prepared to discuss with survivors how the [mandatory reporting] policies may affect their ability to access certain services. Helping survivors make informed choices and understand the risks and benefits of reporting to law enforcement, even if the choices themselves are flawed, is an element of a survivor-centered approach” (Gardsbane et al. 2021, 10).

Lastly, the Mandated Supporting Collective urges mandated reporters to take steps to mitigate harm when making a report, while also recognizing that harm cannot be eliminated entirely. Such steps include involving the family when making the call and, ideally, making the call with the family; requesting that the operator repeat back what is reported, and confirming that they are repeating it accurately; and highlighting the family’s strengths (Social Workers Against Mandates 2021b).

Overall, in the context of research, using harm reduction strategies calls for ensuring participants have as much agency and choice as possible with regards to what they disclose, what gets reported, when, and by whom.

WHAT A SURVIVOR-CENTERED RESEARCH PRAXIS CAN LOOK LIKE: ADDING FRICTION TO MANDATORY REPORTING

What could it look like if researchers were to challenge the seeming neutrality of mandatory reporting, minimize avoidable reporting, move from mandatory reporting to supporting, and use harm reduction strategies?

Despite calls to eliminate or modify mandatory reporting requirements and logics, there is not much guidance available for conducting research that centers survivors within mandatory reporting. While there is discussion around how mandatory reporting is in tension with consent and confidentiality of participants, tactical guidance on how to shift to a more survivor-centered and trauma-informed approach remains scant in literature. One suggestion proposes that, instead of the researcher reporting, the researcher can encourage the participant to report for themselves (Stiffman 2009). However, unless the researcher witnesses the report being made, it does not legally alleviate them from their duty to report.

To begin filling this gap, we offer the following examples of strategies the authors of this paper have used in their research practice, both before disclosure might occur as well as after a research participant has disclosed information that may be subject to mandatory reporting. These strategies align with four main principles for a survivor-centered approach to mandatory reporting in research: (1) challenging the neutrality of mandatory reporting; (2) minimizing avoidable reporting; (3) moving from mandatory reporting to supporting; and (4) using harm reduction strategies to

center survivors. A table in the appendix maps which of the following strategies aligns with each of these four principles.

Strategies Prior to Research Interactions

Before engaging participant in research interactions, research teams should:

- **Understand the minimum requirements for reporting.** Research the mandatory reporting laws and processes relevant to the specific research context. In cases where research is conducted virtually or across different jurisdictions, understand and potentially seek legal advice on what mandatory reporting duties are required of the research team based on their background, their location, and the location of the research participants. This can allow teams to understand if they are obliged to report, what the minimum possible information required is, or whether reporting is required at all, to avoid potential over-reporting. In addition, this step allows the team to account for profession-specific mandated reporting obligations when forming research teams and staffing projects.
- **Minimize potential disclosure through prudent research design.** Consider the potential for disclosure to occur given the research topic and questions at hand, and take that into account in designing the research approach and methodology. This could mean, for example, having participants respond anonymously to prompts in writing, which would not provide the research team with the information required to make a mandatory report.
- **Train researchers on the context of mandatory reporting.** The training should:
 - Include what the laws and policies are around mandatory reporting in the jurisdictions at hand.
 - Highlight if different members of the research team are subject to different mandatory reporting duties (e.g., researchers who are licensed social workers in that state might be mandated reporters, whereas researchers without this licensing might not be).
 - Specify the potential repercussions of not reporting.
 - Discuss the ways mandatory reporting operates through a system of policing and oppression and harms trauma survivors, especially those who are Black, Indigenous, and/or from under-resourced communities, and the specific potential repercussions of reporting, particularly for these communities;
 - Invite researchers to practice self-reflexivity around their assumptions and understanding of mandatory reporting. Table 1 offers possible prompts for reflection.
- **Craft accessible explanations of mandatory reporting for participants.**

- Prepare verbal and written explanations of the research team’s mandatory reporting duties, to be shared with research participants in recruiting communications, informed consent protocols, and other interactions. Such explanations should be in developmentally and linguistically appropriate language, and should aim to:
 - Outline the scope of the mandatory reporting laws in that jurisdiction.
 - Disclose when and how researchers are mandated to report.
 - Explain how mandatory reports could limit participant confidentiality.
 - Clarify potential next steps and consequences of reporting, including interactions with law enforcement, investigative processes, the right to counsel, etc.
 - Explain that the intention of sharing all this information is to offer participants greater choice when deciding whether/how to disclose.
- Test the above-mentioned language (for example, in mock interviews) beforehand, to ensure comprehension among and accessibility to participants.
- **Prepare resources and referrals to support participants.** Ahead of time, prepare resources and referrals that are relevant to the jurisdiction and topics at hand, to share with participants should they want support. These resources should include confidential and private resources, such as family defense resources and religious organizations, in case participants are interested in talking with someone without the concern of reporting. Depending on the jurisdiction, privileged communication is protected with attorneys and with clergy or other religious practitioners.

Table 1. Prompts that researchers can use to reflect on their role as mandated reporters

Principle	Reflection Prompts
Challenging the seeming neutrality of mandatory reporting	<ul style="list-style-type: none"> • What do I know about the history of mandatory reporting laws and political contexts? • How are my mandatory reporting legal obligations in tension with my research ethics? • When I think of people who are capable of causing harm, who comes to mind? Why is that? • What biases or moral judgements do I have about what constitutes abuse or neglect? How might they affect my role as mandated reporter? • Do I know what happens after I make a report? Am I aware of the short- and long-term consequences of reporting for individuals and families? • How could a report make conditions worse for research participants and their families/communities?
Minimizing avoidable reporting	<ul style="list-style-type: none"> • Am I familiar with the laws around mandated reporting in the jurisdiction(s) of my research? • Do I know with confidence what I am required to report? • Whom could I turn to for counsel or guidance if my mandatory reporting obligations are unclear to me? • How and when do I let participants know that I am a mandated reporter? • Could my approach to asking questions and facilitating research sessions lead to unintentional disclosure from participants? How do I prevent that from happening?
Moving from mandatory reporting to supporting	<ul style="list-style-type: none"> • Am I aware of the options participants have at their disposal should they need or want support? • Do I have resources and referrals I can share with participants? Have I vetted those resources/referrals? Do I know about what participants might expect when using these resources/referrals (e.g., waiting lists, limitations around citizenship status, agency collaboration with law enforcement, exposure to other mandated reporters, etc.)? • Am I prepared to help participants process information about mandatory reporting and my role as a mandatory reporter? • Do I have the skills to support participants with safety planning, if needed?

Using harm reduction strategies to center survivors	<ul style="list-style-type: none"> • How and when do I inform participants of the reports that I would be required to make? • What protocols do I have in place for making reports? Do these protocols allow for participants to be involved in the decision-making and reporting processes? • Am I prepared to give a strengths-based account of the individuals or families in question? • Whom could I turn to for helping me process and prepare before making a report?
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Strategies Prior to Potential Disclosure During Research Interactions

During research interactions, before participants have disclosed anything that is required to be reported by law, researchers should make all efforts to ensure participants are aware of their mandatory reporting obligations. Table 2 offers possible language that can help researchers:

- Minimize unintentional disclosure through upfront information. Ensure that participants are well aware of the research team’s mandatory reporting duties, before and at the beginning of research sessions. Ask if anyone has questions and discuss all questions.
- Use alternative language and hypotheticals to circumvent the need for reporting. If possible and welcomed:
- Talk in hypothetical scenarios with participants who may be inclined to share experiences that might otherwise necessitate reporting.
- Offer participants alternative language during a research session if they are talking about something they are unsure would be subject to a mandatory report. For example, they could reference experiencing “issues at the household” that are leading them to having to do schoolwork at a friend’s house, without needing to mention that the electricity in their home is out while their parent is unemployed and unable to pay the bill, which could potentially be construed as neglect.
- Offer to report anything participants would like reported. Offer caring support to participants who do want to report, and invite them to share after the session individually. Make the report in collaboration, or seek consent and clarification when a participant wants the researcher to make a report on their behalf.
- Remind participants of mandatory reporting obligations throughout. As needed, provide reminders of the mandatory reporting obligation during research sessions.
- Make use of gentle interruptions when anticipating an impending disclosure. If a participant appears close to disclosing something that would be subject

to a mandatory report, try to gently interrupt and warn them before disclosure occurs, reiterating your reporting duties so that the participant can decide if they would like to share more information with you.

Table 2. Example language that can be used with participants before a potential disclosure

Example Context	Example Language
In an informed consent form to be signed by an adult research participant	“Please note that if you share any personal experiences of abuse or neglect, we are required by [jurisdiction] law to report those experiences to [relevant department]. When I say “abuse” and “neglect”, I mean [list examples that are congruent with the relevant jurisdiction’s guidelines]. This report could lead to a follow-up investigation of your family or current placement, including follow-up communication, home visits, and more. When being investigated, you do not have the right to remain silent or the right to counsel. Please know that you do not have to share anything in this session that you would not like to be reported to the authorities.”
When a researcher is introducing themselves to a minor at the beginning of a research session	"I am a mandated reporter, which means that I am required to notify law enforcement or child protective services if someone under 18 shares with me that they are being harmed. For example, if you tell me that someone is forcing you to have sex or that you are having sex with someone who is a lot older than you, I would need to make a report. If I must make a report, I am required to include your full name. This means that you might be contacted by [relevant entity], and they may decide to open an investigation... If you do want a report to be made to the authorities for them to look into this situation, I am here to support you. You can speak to me in private after the session.”
During a research session when the researcher anticipates a disclosure	“Before you share anything further, I feel the need to inform you again that I am obligated by law to make a report, and this is what that means...” “This is an important topic. Are you open to discussing it in the context of a hypothetical scenario? For example, let’s imagine that [particular situation] happened. Hypothetically, ...”

Strategies After a Disclosure

After a disclosure has occurred, researchers should:

- **Inform the participant of the report that needs to be made and what it will entail.** Let the participant know that a report needs to be made based on what was disclosed, and explain what information will need to be shared and what may happen now that a report will be submitted. Ideally:
 - Inform the participant immediately or shortly after the disclosure, such that they are aware of what they have just shared and do not continue disclosing additional information.
 - Inform the participant individually and in private.
- **Give the participant the opportunity to determine their level of involvement in the mandatory reporting process.** This could look like:

- Inviting them to be a part of the reporting process, gathering all necessary information with them, being present in the room, and/or making the report together.
- Making a report in their absence, after reiterating what information will be included.
- Providing them with information about the mandatory reporting channels for them to make a report themselves.
- **Take the time to process with the participant and support as needed.** Support them if a safety plan is needed.
- **Offer participants resources and referrals available.** These should be location-specific, prepared and compiled ahead of time, in case they would be helpful.
- **Make the report in a way that mitigates harm as much as possible.** This could mean consulting with a trusted colleague before reporting, as well as preparing to give a strengths-based account of the individual or family’s situation and circumstances—ideally discussed with the participant ahead of time. When making a report over the phone, this could also mean asking the operator to repeat back the information you share to check for accuracy.

As defined by some experts, “the essence of trauma is it takes control away from you or someone you care about” (Penrod 2022). Participants can experience nonconsensual mandatory reports as a loss of control; therefore, researchers should rely on trauma-informed guiding principles when interacting with participants after a disclosure has occurred. Table 3 offers example language for describing the reporting process to participants, with an eye towards transparency, collaboration, and choice.

Table 3. Example language that can be used with participants before a potential disclosure

Trauma-Informed Principle	Description	Example Language
Trustworthiness & Transparency	Decisions are made with transparency and the goal of building and maintaining trust.	“I have to report this to [authority] within 48 hours because it’s the law. After I do, [possible outcomes] are likely to happen. What is your plan after [possible outcomes]? Do you have any questions for me?”
Collaboration & Mutuality	Healing happens in relationships and with sharing of power and decision-making.	"Would you like to be in the room when I make the call to [authority]?"

Empowerment, Voice, & Choice	People are supported in their choice and empowered in cultivating self-advocacy skills.	"You should be able to choose whether I share this private information about you with [authority], however, the law prevents me from giving you the right to do so. But I'm going to give you the most choice and control that I can."
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Adapted from Joyce (2023)

CONCLUSION

The importance of centering survivor agency and reducing nonconsensual and/or unsubstantiated reports is relevant for anyone interacting with and collecting data from humans. Navigating mandatory reporting requirements is not only a moral and ethical issue, but also a legal and regulatory one. All data collection efforts should account for the possibility that participants might disclose information that is potentially subject to mandatory reporting laws.

We urge researchers to reflect on and problematize the conflict between mandatory reporting laws that apply to their work and the ethical duties that researchers aspire to uphold. By adding friction to mandatory reporting, a survivor-centered approach can be applied to transform ethnographic research practices, challenging the seeming neutrality of mandatory reporting, minimizing avoidable reporting, moving from mandatory reporting to supporting, and using harm reduction strategies to center the agency of the very people who will live with the life-altering consequences of researcher-made mandatory reports. We hope that this framework encourages researchers to discuss and practice reflexivity around their moral and ethical commitments. Lastly, as we look at groups of social workers, teachers, and other professionals who are not just adding friction to mandatory reporting in their day-to-day professions, but also organizing to propose alternative legislations, recommendations to state agencies, standards of practice, and other calls to action, we invite researchers to think about the collective, political impact that they can have in challenging mandatory reporting on a wider scale.

APPENDIX: PRINCIPLES AND STRATEGIES FOR A SURVIVOR-CENTERED APPROACH TO MANDATORY REPORTING IN RESEARCH

Principles for Survivor-Centered Approach to Mandatory Reporting in Research	Challenging the Neutrality of Mandatory Reporting	Minimizing Avoidable Reporting	Moving from Mandatory Reporting to Supporting	Using Harm Reduction Strategies
Strategies prior to research interactions				

1. Understand the minimum requirements for reporting.		X		
2. Minimize potential disclosure through prudent research design.		X		
3. Train researchers on the context of mandatory reporting.	X	X		
4. Craft accessible explanations of mandatory reporting for participants.		X	X	X
5. Prepare resources and referrals to support participants.			X	
Strategies prior to potential disclosure during research interactions				
6. Minimize unintentional disclosure through upfront information.		X		X
7. Use alternative language and hypotheticals to circumvent the need for reporting.		X		
8. Offer to report anything participants would like reported with them or for them.			X	X
9. Remind participants of mandatory reporting obligations throughout.		X		X
10. Make use of gentle interruptions when anticipating an impending disclosure.		X		
Strategies after a disclosure				
11. Inform the participant of the report that needs to be made and what it will entail.				X
12. Give the participant the opportunity to determine their level of involvement.			X	X
13. Take the time to process with the participant.			X	X
14. Offer participants resources and referrals available.			X	
15. Make the report in a way that mitigates harm as much as possible.	X			X

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