Not Neutral: The impact of mandatory reporting on domestic violence survivors

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Today’s Goals

Share findings about impact of mandatory reporting on DV survivors

Explore policy and practice implications
Who’s on the webinar today?

DV/IPV Program
Culturally-specific agency
Youth-serving agency
Government/ Public Health agency
Other
At your agency, do you:

Provide direct services to young people?

Provide direct services to adults?

Supervise direct service providers?
Question

Have you ever had to make a mandated report to CPS or law enforcement?
Question

In one word, what was that experience like for you?
What is mandatory reporting?
What abuse is reported and by whom?

1. Crime-related injuries from a weapon
2. Child abuse, neglect or exploitation
3. Elder abuse
4. Domestic violence or sexual assault

Differs WIDELY by state
How does this affect DV survivors?

1. Crime-related injuries from a weapon
2. Child abuse, neglect or exploitation
3. Elder abuse
4. Domestic violence or sexual assault

Healthcare providers report DV injuries if weapon used
DV advocates as mandatory reporters
Exposure to DV as child abuse
Healthcare providers report DV-related injuries
Why study this?

Strengthening civic and community resources for survivors

Images by: Megan Mitchel, Dan Hetteix, Andre Luiz Gollo, PJ Souders, Jonathan Li from the Noun Project. Interfaith symbol from “thesheaf.com”
The impact of mandatory reporting on the help-seeking and wellbeing of domestic violence survivors

There’s no one I can trust
What we asked

1. Have you ever not asked someone for help because you were afraid the person would be legally required to report what you shared to an official or authority figure (e.g., the police, child protective services, your parents)?

2. Has anyone that you asked for help warned you that they would be legally required to report what you shared with them to an official or authority figure?

3. Has anyone you ever asked for help ever reported what you shared to an official or authority figure?
3,616 DV survivors and help-seekers completed the survey

Roughly 20% identified as LGBTQ

44% were 24 years old or younger

<table>
<thead>
<tr>
<th>Gender (n = 3510)</th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women-</td>
<td>2,984</td>
<td>85%</td>
</tr>
<tr>
<td>Men-</td>
<td>421</td>
<td>12%</td>
</tr>
<tr>
<td>Trans*</td>
<td>35</td>
<td>1%</td>
</tr>
<tr>
<td>Gender variant</td>
<td>70</td>
<td>2%</td>
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<table>
<thead>
<tr>
<th>Sexual Orientation (n = 3537)</th>
<th>#</th>
<th>%</th>
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<tbody>
<tr>
<td>Heterosexual</td>
<td>2,878</td>
<td>81%</td>
</tr>
<tr>
<td>Bisexual</td>
<td>294</td>
<td>8%</td>
</tr>
<tr>
<td>Gay/Lesbian</td>
<td>145</td>
<td>4%</td>
</tr>
<tr>
<td>Sexually fluid</td>
<td>220</td>
<td>6%</td>
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<tr>
<th>Race/Ethnicity (n = 3436)</th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>White/Caucasian</td>
<td>1,959</td>
<td>57%</td>
</tr>
<tr>
<td>Latino/a/ Hispanic</td>
<td>550</td>
<td>16%</td>
</tr>
<tr>
<td>Black/ African American</td>
<td>447</td>
<td>13%</td>
</tr>
<tr>
<td>Multi-racial/ Mixed race</td>
<td>241</td>
<td>7%</td>
</tr>
<tr>
<td>Asian/ Asian American</td>
<td>206</td>
<td>6%</td>
</tr>
<tr>
<td>American Indian/ Native Alaskan</td>
<td>36</td>
<td>1%</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Age (n = 3511)</th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;18 years old</td>
<td>482</td>
<td>14%</td>
</tr>
<tr>
<td>18-24 years old</td>
<td>1064</td>
<td>30%</td>
</tr>
<tr>
<td>25- 40 years old</td>
<td>1388</td>
<td>40%</td>
</tr>
<tr>
<td>&gt;40 years old</td>
<td>577</td>
<td>16%</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Seeking help for self or other (n = 3526)</th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Looking for help for self</td>
<td>3,072</td>
<td>87%</td>
</tr>
<tr>
<td>Looking for help for other</td>
<td>454</td>
<td>13%</td>
</tr>
</tbody>
</table>
Asking for Help and Being Reported
Nearly 1 in 10 (9%) participants said that someone they turned to for help reported what they shared to an official or an authority figure.

\( n = 3,485 \)
50% Much Worse
12% A Little Worse
20% No different
15% A Little Better
3% Much Better
Made things worse

The formal report was made without my being on board. I felt helpless, and as though my situation had been labeled FOR me before I could come to any conclusion myself.

[The report] made the stalking more active and gave more information to the perpetrator which helped him to violate the restraining order.

Made no difference

CPS came to investigate/interview but nothing was done after that.

Made things better

He got more counseling and better meds.
Asking for Help and Being Warned
Question

Raise your hand if while a participant was sharing with you, you ever warned them that you might have to make a report to CPS or law enforcement.
Question

When in the process of working with someone did you offer this warning?
Question

In one word, what was that experience like for you?
1 in 7 (15%) participants were warned when reaching out for help that the person would legally have to report what they shared to an official or an authority figure

n = 3,206
How have participants responded when you’ve warned them about having to make a report?
6 in 10 (60%) participants said the warning changed what they decided to share.

n = 458
Minimized their experiences

I lied to them and said things were fine.

Held back important details

Left out any physical parts of abuse towards children.

Stopped talking

Never said another word.

Stopped reaching out for help

I talk to no one, there's no one I can trust, no one I can turn to and nowhere I can go.
The support you’re looking for will require me to involve systems that I don’t think will help you. To avoid that potential harm, don’t tell me what’s going on with you so that I don’t have to connect you with that system.

But I still need support
Too Afraid to Reach Out for Help
Over 1 in 3 (34%) participants said they have not asked someone for help for fear the person would be legally required to report what they shared.
Significantly more people under 18 years old were afraid to reach out for help.

Nearly half (48%) of people under 18 years old said they did not seek help from someone for fear of being reported. This was significantly more compared to participants from all other age groups.
Participants most commonly did not turn to family or friends for support.

- Friend/family: 29%
- Healthcare Provider: 28%
- Police: 9%
- CBO: 2%
What did participants fear would happen?

**Arrest of partner**

He would go to jail and get out and kill me.

My husband would be arrested, and he is our only income, we have no savings.

**Child removal**

That my children would be removed and I would be blamed for everything, or called crazy.

**Homelessness**

I lose the last of what I have. The roof over my head

**Deportation**

My child's father would be deported and my child would be father-less
Let’s take a breath
What do these data show?

Mandatory reports are not benign

Mandatory reports are not support

Mandatory reports create obstacles to receive support
Youth unable to safely access support

If you tell me anything about being hurt by someone else, I will have to report to law enforcement or child welfare.
Over-reporting for parents experiencing DV

She arrived at shelter in a taxi without a car seat for her child. That’s not safe – we have to report.*

*Real situation we were asked to weigh in on during an earlier presentation!
Promoting a model of involuntary disclosure

I have to report this injury to authorities.
Community supports lead to formal interventions
And that can erode supports
Scenarios
Scenario 1

You’re meeting with a 15 year old one-on-one and at the end of your time together she tells you that her and her boyfriend had a fight last weekend and during the fight her boyfriend choked her.
Based on your current role and knowledge do you think this would be a mandated report?
Scenario 2

You are facilitating a support group for adult survivors of domestic violence. During the discussion one of the group participants says that she’s feeling a lot of shame because her 5-year-old saw her husband hit her last night.
Based on your current role and knowledge do you think this would be a mandated report?
Scenario 3

You’re working one-on-one with a 14 year old when she discloses that she was sexually assaulted by her 17 year old friend. She’s scared that she might be pregnant and doesn’t know who to talk to or where to go.
Question

Based on your current role and knowledge do you think this would be a mandated report?
Scenario 4

You run a youth group and during a group meeting one of the young people in the group, who is 16 years old, starts talking about how he just broke-up with his boyfriend and now his boyfriend is posting threatening messages on Facebook and Snapchat including “If Jason ever has the guts to show his face around here again, he’ll be sorry”
Question

Based on your current role and knowledge do you think this would be a mandated report?
Homework

For each of these scenarios take time to reflection on the following questions:

1. How would you go about determining if the situation warrants a mandated report?
2. How would you respond to and support the person in each of these scenarios?
3. What mechanisms, policies or structures are in place at your organization to determine next steps?
4. Who would you go to at your organization to get clarity?
Programs and Advocates Can:

1. Understand your state’s **specific Mandatory Reporting statutes**. Know when a report is or isn’t mandated.
2. Don’t “over” report! Never use reporting to CYA.
3. Clarify program practices re: reporting and warning.
4. Coach youth about their rights and the process of mandatory reporting.
Programs and Advocates Can:

Clarify your program’s confidentiality policies in serving youth (13-18).

Always **safety plan**.

Offer as many choices as possible.

Make reports to a trusted detective.

Anticipate & plan for the repercussions

**Don’t do it alone**, get support!!!
The Antiviolence Field can:

- Affirm the value of **confidential opportunities** for people of any age experiencing harm to speak frankly about their lives.

- **Maximize the supports** that survivors can seek without facing unwanted system involvement.

- Gather info about how often mandatory reports are made, about whom, and their impact.

- Identify and **strengthen community-based interventions** that do not involve criminal legal systems, including transformative justice.
Questions
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The views and opinions expressed in this presentation do not necessarily reflect those of FSBY, ACF, or HHS.
Resources

Mandatory Reporting Is Not Neutral
https://www.mandatoryreportingisnotneutral.com

You can download a copy of the report at:
http://lgbtqipv.org

For more information about the LGBTQ IPV Institute, please contact: info@nwnetwork.org
Thank you!

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EXTRA SLIDES
TGNC & Multiracial survivors are significantly more likely to be warned

**Trans Survivors**
- 57% more likely than women-¹

**Multiracial Survivors**
- 65% more likely than White survivors³

**Survivors**
- 75% more likely than men-²

¹ odds ratio = .43, $p < .001$
² odds ratio = .25, $p < .001$
³ odds ratio = 1.65, $p < .05$
Most survivors were warned by mental and medical health providers.

Over a quarter (26%) were warned by friends and family.
Most participants were warned they would be reported to the police (44%) or to CPS (24%).

More than 1 in 10 people (12%) said they were not even told to whom they would be reported.

- Police: 44%
- CPS: 24%
- They never said: 12%
- Family: 5%
Only **3 out of 10** (31%) participants who were reported received any preparation before the report was made.

\[ n = 255 \]