

National LGBTQ Institute on IPV



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

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National Resource Center  
on Domestic Violence

# Today's Goals

Share findings about  
impact of mandatory  
reporting on DV survivors

Explore policy and practice  
implications





Raise Hand

# Who's on the webinar today?

DV/IPV Program

Culturally-specific agency

Youth-serving agency

Government/ Public Health agency

Other



Raise Hand

## **At your agency, do you:**

Provide direct services to young people?

Provide direct services to adults?

Supervise direct service providers?

**Raise Hand**

# Question

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



Chat Box

# 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



Click the images to download

*There's no one  
I can trust*

The impact of mandatory reporting  
on the help-seeking and wellbeing  
of domestic violence survivors

Journal of Family Violence  
<https://doi.org/10.1007/s10896-019-00103-w>

ORIGINAL ARTICLE



## The Impact of Mandatory Reporting Laws on Survivors of Intimate Partner Violence: Intersectionality, Help-Seeking and the Need for Change

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### Abstract

Research illustrates the importance of help-seeking for intimate partner violence (IPV) survivors. However, mandatory reporting (MR) laws can affect help-seeking by requiring some sources of support to report survivors to formal systems. This convergent mixed methods study of 2462 survivors surveyed through the National Domestic Violence Hotline explores how MR laws impact survivors' help-seeking, the outcomes of their help-seeking, and whether their race, gender, and/or sexual orientation influenced their experiences. Findings indicated that MR laws reduce help-seeking for over a third of survivors, provider warnings about MR often reduce survivors' ability to receive the support they seek, and reports when triggered make the situation worse for most survivors. Significant differences emerged by gender identity and race/ethnicity, emphasizing unique contexts for trans and gender non-conforming survivors and survivors of color. We provide policy and practice implications given these unintended harms of MR laws for IPV survivors.

**Keywords** Intimate partner violence · Survivors · Domestic violence · Mandatory reporting · Help-seeking · Intersectionality · LGBTQ · Race/ethnicity · Gender identity

### Introduction

More than 36% (43.6 million) of women in the United States have experienced stalking, physical abuse and/or sexual violence by an intimate partner at some point in their lifetime (Smith et al. 2018). According to the CDC, these rates were higher for women and men of color as compared to their White counterparts (Breiding et al. 2014), and lesbian, gay,

high rates of IPV emphasize the need for all survivors to be able to access the support they need. Evidence suggests, however, that mandatory reporting (MR) laws can affect the help-seeking strategies of survivors (Jordan and Pritchard 2018). The current study takes an intersectional approach to examine how MR affects the help-seeking behaviors of and outcomes for survivors. The following review of literature will 1) describe MR laws and their connection with IPV and 2) outline

# 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**

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	#	%
<i>Gender (n = 3510)</i>		
Women-	2,984	85%
Men-	421	12%
Trans*	35	1%
Gender variant	70	2%
<i>Sexual Orientation (n = 3537)</i>		
Heterosexual	2,878	81%
Bisexual	294	8%
Gay/Lesbian	145	4%
Sexually fluid	220	6%
<i>Race/Ethnicity (n = 3436)</i>		
White/Caucasian	1,959	57%
Latino/a/ Hispanic	550	16%
Black/ African American	447	13%
Multi-racial/ Mixed race	241	7%
Asian/ Asian American	206	6%
American Indian/ Native Alaskan	36	1%
<i>Age (n = 3511)</i>		
<18 years old	482	14%
18-24 years old	1064	30%
25- 40 years old	1388	40%
>40 years old	577	16%
<i>Seeking help for self or other (n = 3526)</i>		
Looking for help for self	3,072	87%
Looking for help for other	454	13%

# **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**



Raise Hand

## 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.



Chat box

## Question

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



Chat Box

# 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





Chat

## Question

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.





## **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**



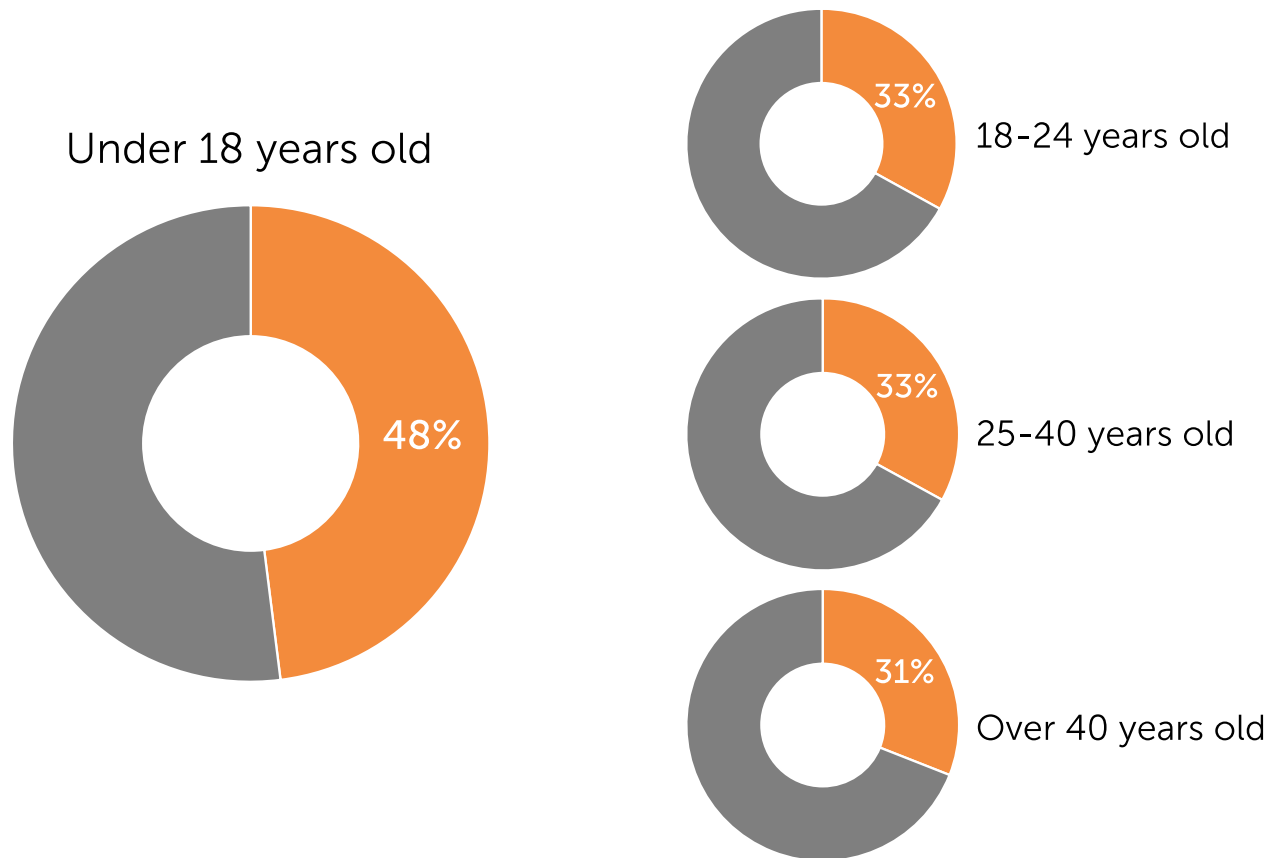
# **Too Afraid to Reach Out for Help**

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.

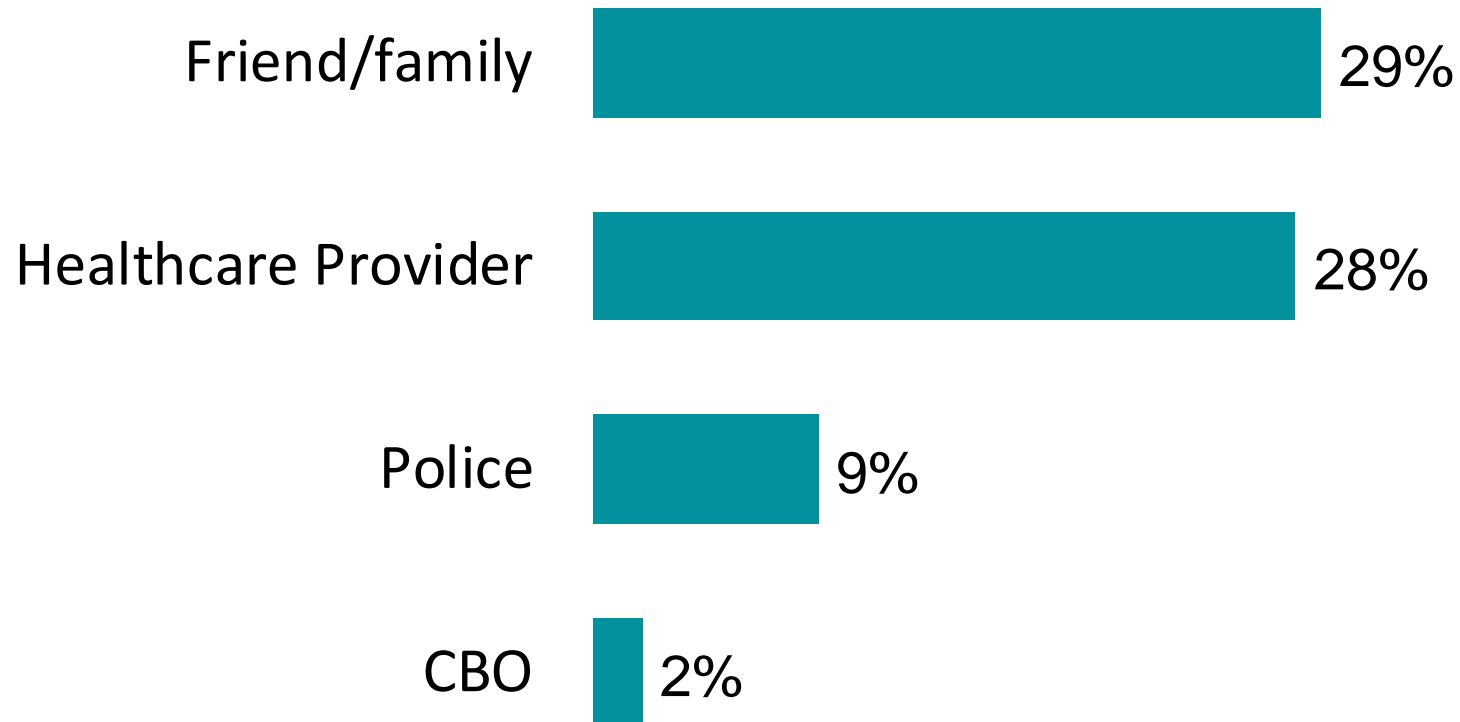


# Significantly more people under 18 years old were afraid to reach out for help.

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.



# 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*

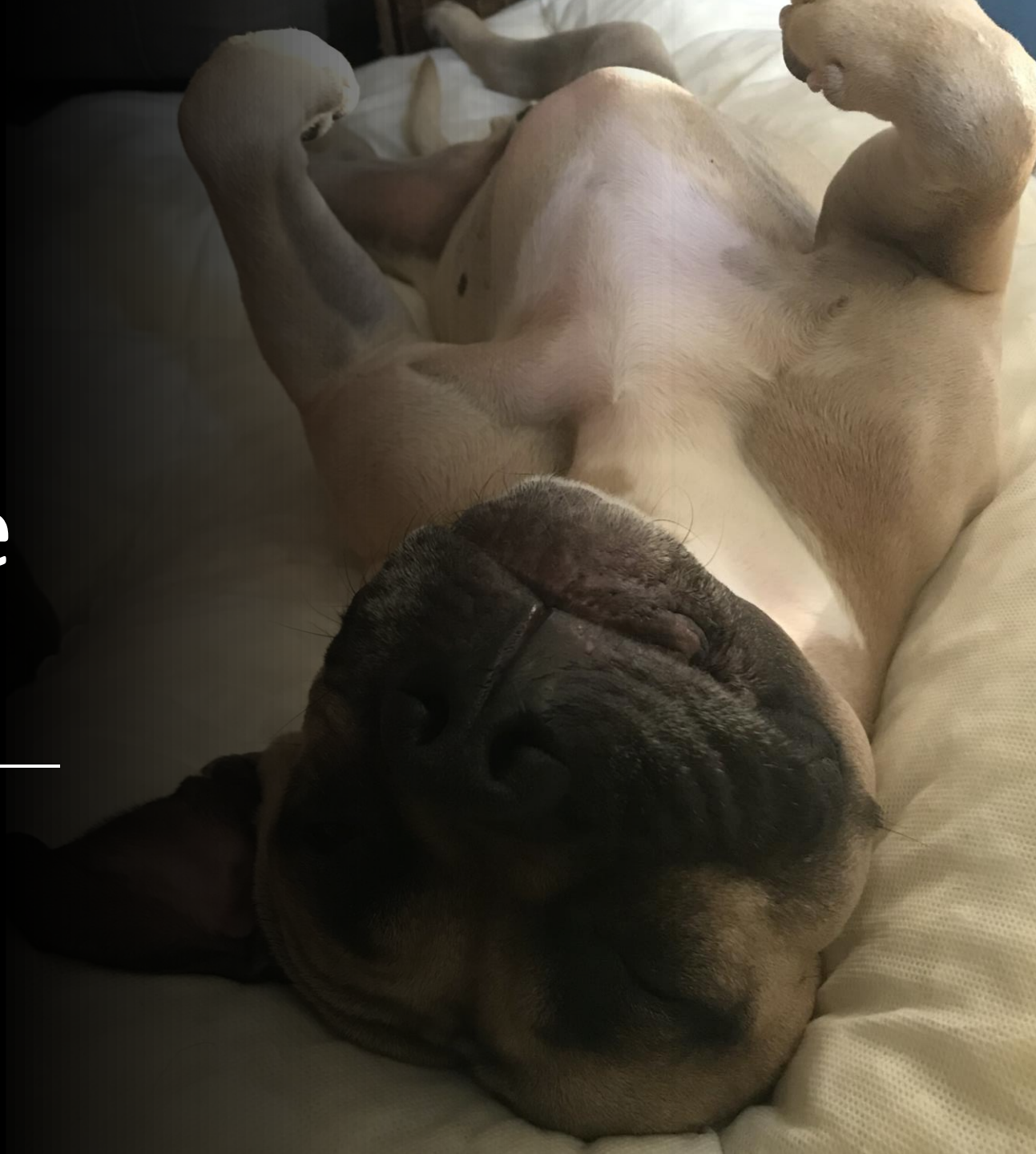
## Deportation

*My child's father would be deported and my child [would] be father-less*



Let's take  
a breath

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# 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!*

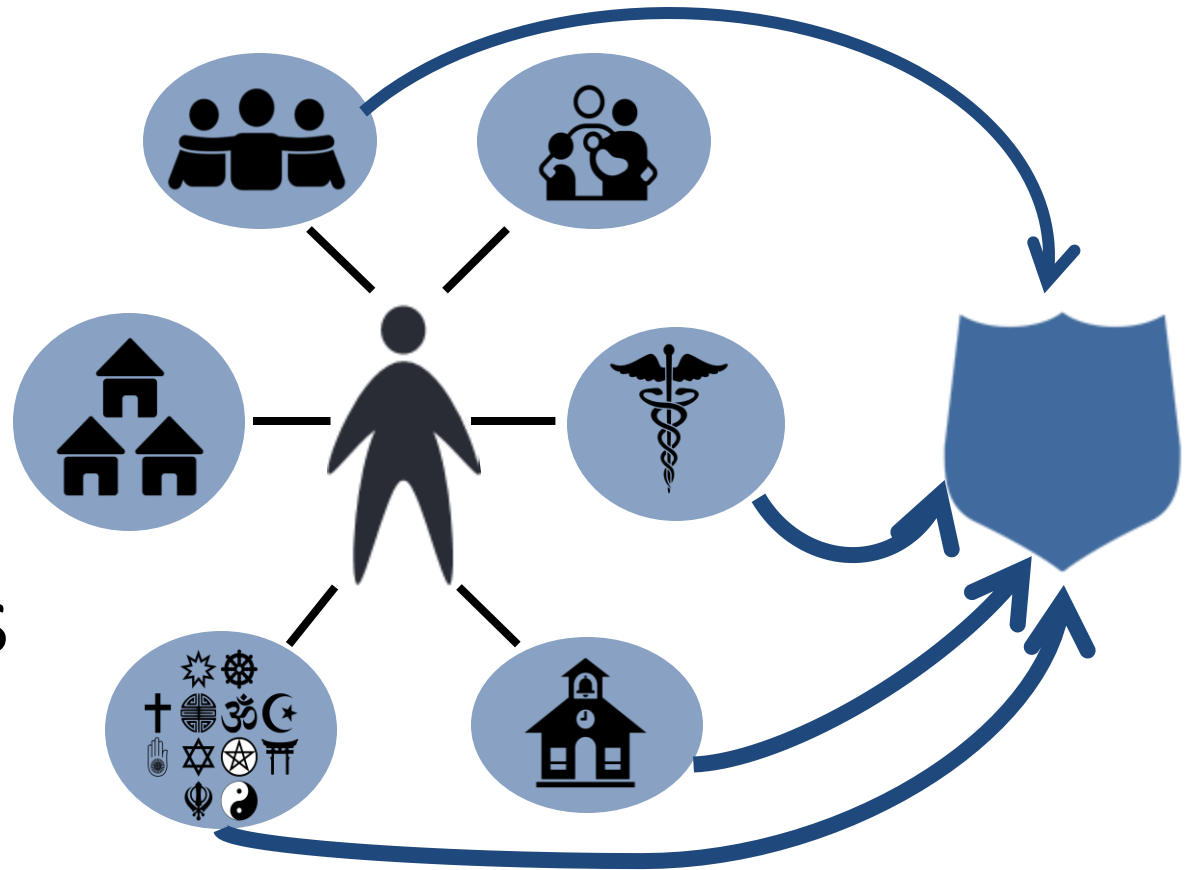


Promoting a  
model of  
involuntary  
disclosure

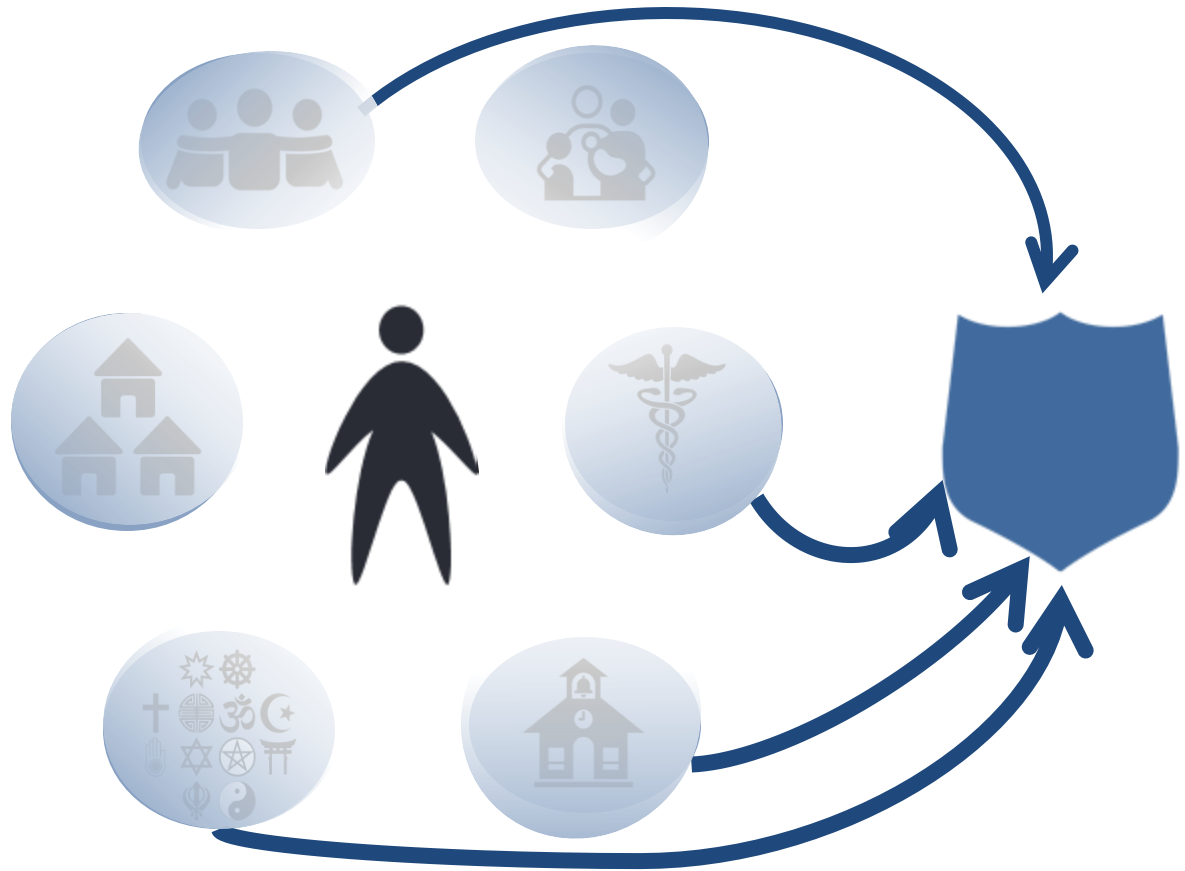
*I have to report this  
injury to authorities.*



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.





Chat

## Question

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.



Chat

## Question

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.



Chat

## 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”



Chat

## 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?



# **Practice Recommendations & New Directions**

# Programs and Advocates Can:



Understand your state's **specific Mandatory Reporting statutes**.

Know when a report is or isn't mandated.



Don't "over" report! Never use reporting to CYA.



**Clarify program practices** re: reporting and warning.



**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

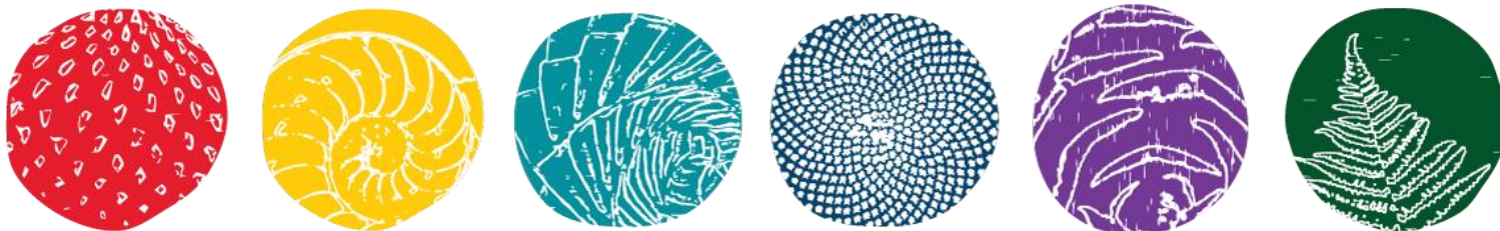


Identify and **strengthen community-based interventions** that do not involve criminal legal systems, including transformative justice

# 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](mailto: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-<sup>1</sup>

**75%** more likely than men-<sup>2</sup>

**Multiracial  
Survivors**

**65%** more likely than White survivors<sup>3</sup>

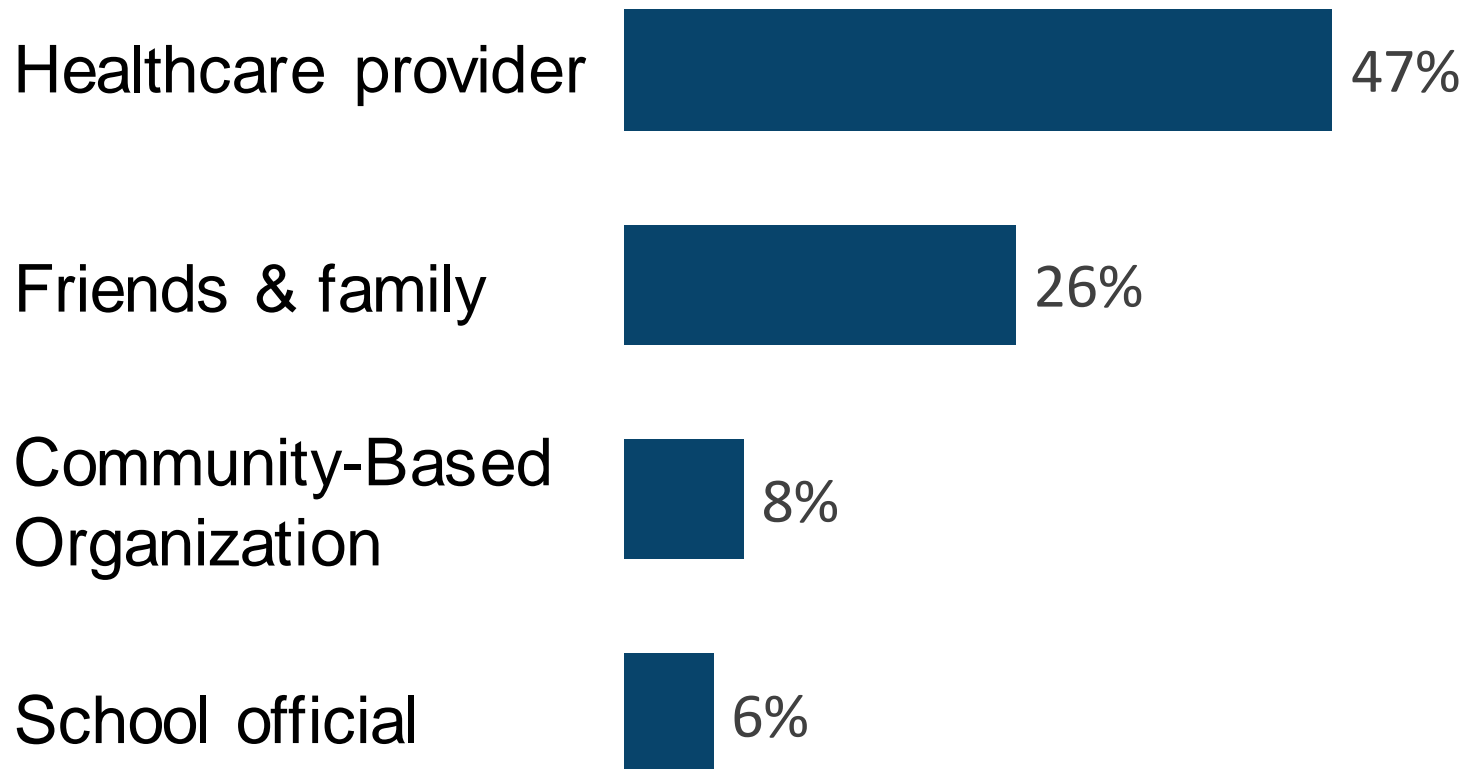
<sup>1</sup> odds ratio = .43,  $p < .001$

<sup>2</sup> odds ratio = .25,  $p < .001$

<sup>3</sup> odds ratio = 1.65,  $p < .05$

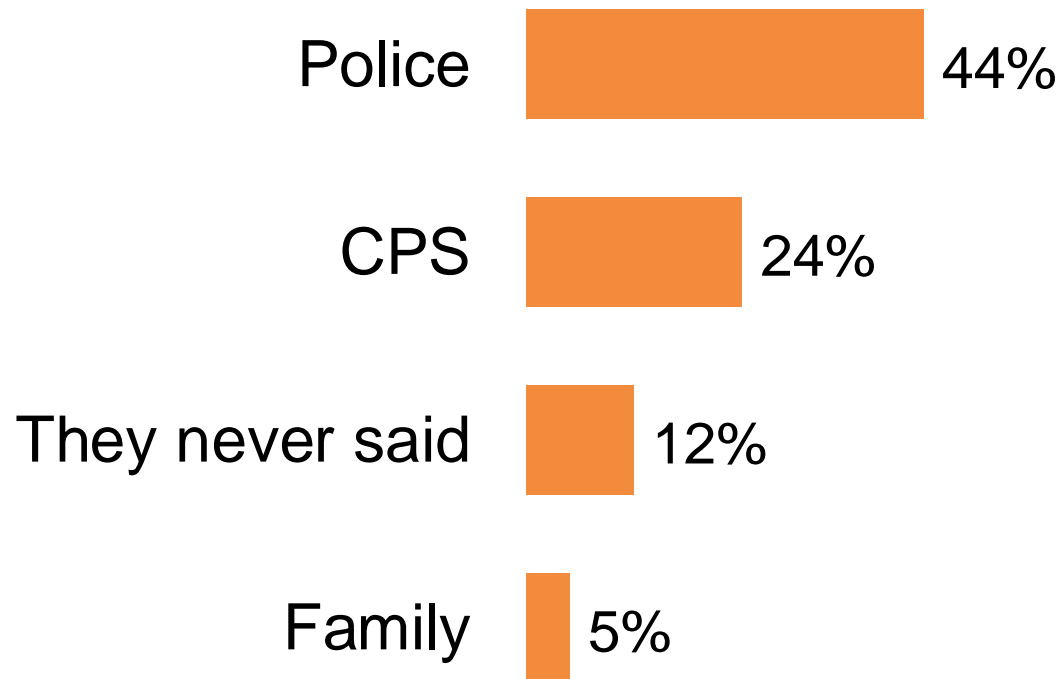
# Most survivors were warned by mental and medical health providers.

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.



Only **3 out of 10** (31%) participants who were reported received any preparation before the report was made.

