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NEWSLETTER

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## New York Lawmakers Weigh Calls To Overhaul Mandated Reporting of Child Maltreatment

BY SUSANTI SARKAR, ADILIA WATSON AND MICHAEL FITZGERALD



Alexis Warnic, parent and advocate at JMACForFamilies, speaks at a New York City rally before the state Assembly committee hearing on mandated reporting. Photo by Susanti Sarkar.

In a public hearing that stretched nearly eight hours today, New York state lawmakers heard from top child welfare officials, parents and former foster youth about the need to radically overhaul mandated reporting of child maltreatment.

**I** And in a remarkable shift from the past, prominent leaders of the state’s foster care system called for reforms long embraced by activists and civil rights attorneys.

“We cannot make sufficient progress within the current laws that were written over 50 years ago,” said Jess Dannhauser, commissioner of New York City’s Administration for Children’s Services (ACS). Dannhauser told lawmakers he believes the state “should conduct a full review and assessment” of the Statewide Central Register of Abuse and Maltreatment, “as well as mandated reporter laws, and then take action — legislative or otherwise.”



## It’s time to change how we support kids

**accenture**

Presiding over the hearing, Queens lawmaker Andrew Hevesi even floated the idea of scrapping mandatory reporting entirely, warning of the trauma it could cause families. He considered the change, even though it could result in a potential loss of \$4 million in federal funds, for violating a bedrock child welfare law from the 1970s.



Jess Dannhauser, commissioner of New York City’s Administration for Children’s Services, told the state Assembly’s Standing Committee on Children and Families, “We have to fundamentally reorient our system.” Photo by Susanti Sarkar.

“Is this something we can eliminate?” Hevesi asked Dannhauser, referring to New York’s compliance with the Child Abuse Prevention and Treatment Act, which incentivized states to create mandated reporting systems. “Forgo that small amount of money from the federal government and still do the best we can to protect our kids? Is that a possibility?”

Dannhauser didn’t disagree. “We have to fundamentally reorient our system to be about a much narrower set of young people who are really in danger,” he said.

Former foster youth impacted by mandated and anonymous reporting, and parents who grew up in the child welfare system weighed in at the Assembly hearing — held in New York City by the Standing Committee on Children and Families — sharing firsthand accounts of why such a change is needed.

“I hated myself and always felt I had to prove to people that I’m worth caring about,” said Tanesha Grant, now director of the nonprofit Parents Supporting Parents NYC, adding that she continues to struggle with these feelings. “Because of mandated

reporters harming and not helping my mother to keep me, that now has translated to my three children not having any family on their mother's side. This is generational trauma.”

It was widely acknowledged among those who testified that a disproportionate number of the children and families reported to the central registry, known as SCR, are Black and brown. Although these disparities have seen a long-term decline nationwide, Black children remain greatly overrepresented in foster care statewide, [according](#) to federal data.

Among the roughly 20 parents who spoke at the public hearing were women who described CPS calls used as [threats](#) or weapons against them after they had suffered intimate partner violence.

“This system seems to take the word of mandated reporters as facts because they are doctors, social workers or even police officers,” Sai Malena Jiménez testified. “But these people are also human, who have racial biases, who make mistakes and who can also act maliciously.”

Even those who identified as mandated reporters pointed out the harms of the practice, including a mandated reporter working in New York City's Department of Education, who described a “culture of dissonance” for employees who may not want to call CPS on families but feel they have no choice.

Testifying for the state's Office of Children and Family Services, Acting Commissioner Suzanne Miles-Gustave pointed to the agency's “fabulous” new training for mandated reporters, and stressed the importance of allowing anonymous calls.

“No one should ever know the name of an anonymous reporter, or any reporter, quite frankly,” Miles-Gustave said, emphasizing that callers are encouraged to leave their names.

She further stated: “Our agency continues to take a critical lens to when calls to the SCR are accepted and what types of reports are being made as a critical step in understanding how to continue our reform efforts.”

No specific action was proposed at today's hearing, which was held to gather testimony, but numerous reforms were discussed, including scaling back who is required by law to make reports, whether anonymous reports should be allowed and exceptions for intimate partner violence.

An educator named Sejal spoke to rallygoers from the perspective of a mandated reporter. Photo by Susanti Sarkar.

Assemblymember Hevesi described anonymous reporting “as a weapon against people in poverty.”

“In a system where you're trying to avoid childhood trauma by stopping abuse and neglect to the best of your ability, we're coming in with the heavy hand of another childhood trauma and separation,” Hevesi said. “And the entire process is traumatic for those kids.”

Ron Richter, the former Administration for Children's Services commissioner and current executive director of the child welfare service agency JCCA, called the current list of professions that are required to be mandated reporters “shockingly overbroad.”

“We should really re-examine and build a stronger screening system so that we don't unnecessarily subject families to this potentially stressful and destabilizing process,” Richter said.

Commissioner Dannhauser recommended lifting criminal and civil liability for failure to report abuse and neglect, and described the need to reduce the flood of reports, which can tie up investigators' time from cases that may warrant more urgent intervention.

Dannhauser cited recent city [data](#) showing that less than 30% of hotline calls were “indicated” or substantiated as child abuse or neglect.

“The volume of calls distracts from our efforts to protect children who are truly in danger,” Dannhauser said. “Furthermore, the ubiquity of ACS investigations in some communities makes some families more reluctant to engage in supportive programs.”

The state has taken some recent action.

New [training](#) that Gustave-Miles praised and provided statewide to doctors, teachers and others who frequently call the hotline, aims to avoid the “implicit bias component” of such reports.

Testifying today, Angelica Charles, a parent advocate and traveling nurse, said she left the foster care system — where she experienced physical and sexual abuse — as an 18-year-old mother with another child on the way. Her fourth baby was stillborn, through no fault of her own, she testified before lawmakers. Her tragedy was compounded when a mandated reporter in the family shelter where she lived called CPS. Two weeks later, she said, feeling severely depressed and still reeling from her baby’s death, her other three children were removed.

“They exploited my pain and my childhood trauma and used it against me,” Charles said. “And I was not only revictimized but treated like a villain because of what I went through.”

Another mother, who said her child was taken away following an involuntary drug test reported to CPS by the doctor who delivered her baby, broke down during her testimony. She described the trauma she experienced while fighting to get her daughter back: A caseworker “acted like a prison guard,” she said.

Hours before the hearing began, dozens of parents and activists organized by the advocacy group JMACforFamilies and other groups, including the Parent Legislative Action Network and The Bronx Defenders, gathered to rally near City Hall. Opponents of mandated reporting policies criticized child welfare agencies for using funds to separate and police families rather than to help struggling parents. They waved signs calling for “support, not surveillance.”

Rally speaker Ericka Brewington, front, is an impacted parent and advocate at JMACforFamilies. Photo by Susanti Sarkar.

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