

## The Resource Center Newsletter

### **Re-Thinking Mandatory Reporting for Survivors and Youth of All Genders & Sexual Orientations**

When I was 18 years old, I volunteered at a local domestic violence shelter. Part of the 40-hour volunteer training included a briefing on our new role as mandated reporters. Learning this new information, I felt a wave of anxiety wash over me. What if I failed to recognize a situation that required a mandated report? What if the survivor I was working with didn't want to involve child protective services, or the police? And my most daunting fear: What if making a mandated report made the survivor less safe?

In my fifteen years of experience in the domestic violence movement, I have met countless other advocates who share similar fears and discomfort with engaging in the system of mandatory reporting, yet they continue to do so for a seeming lack of other options.

Mandated reporting, a set of policies intended to keep survivors and their children safe by requiring those in "helping" professions to report certain harms to authorities, has shown to have a wide array of unintended consequences that negatively impact those the policy was meant to protect. In its 30+ years of providing advocacy to LGBTQ survivors, the Northwest Network of Bi, Trans, Lesbian & Gay Survivors of Abuse has seen first-hand how the concerns I shared above are grounded in the real-life experiences of survivors. These consequences are particularly harmful for people and communities experiencing systemic marginalization and oppression: DV survivors, youth, Black, Indigenous, and People of Color, LGBTQ folks, disabled and mentally ill people, homeless and unstably housed people, and so many more.

In 2015 the National LGBTQ Institute on Intimate Partner Violence, a project of the NW Network and the National Coalition of Anti-Violence Programs, conducted a study with the National Domestic Violence Hotline to look at the impacts of mandatory reporting on the wellbeing of domestic violence survivors. The study revealed that while in the course of seeking services, nearly one in ten survivors had their experiences reported to an official or authority figure. Of those who were reported, 85% said the mandated report had no impact or made their situation worse. Only 3% of respondents reported that a mandated report made their situation much better.

While the efficacy of mandated reports is a huge concern for our field, we have also seen how destructive the requirement of mandated reporting can be to the relationship between service provider and survivor. In the same study cited above, we learned that nearly 50% of young people under the age of 18 did not seek support services from someone for fear of triggering a report. One commonly regarded best practice is to share with full transparency about our role as mandatory reporters. Unfortunately, what our research and anecdotal experiences both show is that these strategies can also disrupt the relationship between a provider and survivor and create an environment of distrust. Six out of 10 respondents shared that the warning changed what they decided to share with their advocates, effectively leaving many with no support around what are possibly the most dangerous aspects of their situation.

Mandated reporters are not limited to the domestic violence field. Doctors, teachers, and in some states, all adults are legally required to report to authorities when they determine that a minor is experiencing harm. Unfortunately, the threshold for behaviors that constitute harm are not always clear, and this allows for subjective decision-making that can be confused by homophobia, transphobia, and misunderstandings about the cycles of domestic violence. I have seen reports made against parents who are transitioning and therefore seen as “unsafe” or “mentally ill.” The NW Network has worked with young people who have triggered reports by dressing in gender non-conforming ways that were interpreted by someone as a form of self-harm. These types of cases point to the very real dangers of a system that encourages people to err on the side of “over-reporting.”

So, what do we do when a system put in place to protect vulnerable individuals actually ends up hurting them? One takeaway from our research and work with survivors is the need to lift up confidentiality as a foundational pre-cursor for effective advocacy. If survivors cannot share all the intricacies of the abuse they have experienced, advocates cannot effectively support them. We can also rely on one of our strongest advocacy tools: safety planning. Safety planning is a process of thinking through the possible outcomes and consequences of a variety of choices. It also involves co-creating with the survivor a plan to meet their needs while reducing the potential for harm. If a report has to be made, it is vital that advocates safety plan with survivors to lessen the harmful impacts of the report and subsequent system-involvement.

On a systemic level, we must go back to our roots and understand the original intent and subsequent evolution of mandatory reporting policies. We must ask ourselves,

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“to what extent do our current practices align with the original intent and scope of mandatory reporting? How are we centering the needs and wellbeing of survivors and families in our current implementation of mandatory reporting policies?” As a field, it is important that we advocate for policy reforms and practice guidelines that can help ensure that any actions mandated by the state closely align with the wishes of survivors and support their and their family’s wellbeing.

Looking back on my first years as a domestic violence advocate, I can see now that my anxieties were justified. Through my work with LGBTQ survivors and families, the shortcomings of mandatory reporting policies have become abundantly clear. Survivors and families across all sexual orientations and gender identities need those of us working in social services and criminal legal systems to continue advocating for them and their ability to safely and securely seek services.

**For more information:**

[www.nwnetwork.org](http://www.nwnetwork.org)

[www.lgbtqipv.org](http://www.lgbtqipv.org)

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