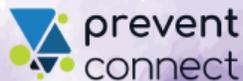


Welcome, this web conference will begin soon

Sexual Violence Prevention during the COVID-19 Pandemic: Adapting in an Ever-Changing Landscape

Workshop Three: Handling Disclosures in a Trauma-Informed Way in Online Sexual Violence Prevention Environments During COVID-19



Meet Our Facilitators and Hosts



Mo Lewis
Prevention Specialist,
National Sexual Violence
Resource Center



Tori VandeLinde
Project Coordinator,
ValorUS/
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Claudia Sibaja
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connect
A ValorUS PROJECT

PreventConnect.org

info@PreventConnect.org

PreventConnect.org/email – email group

Learn.PreventConnect.org – eLearning

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nsvrc.org

resources@nsvrc.org

campus.nsvrc.org – eLearning campus

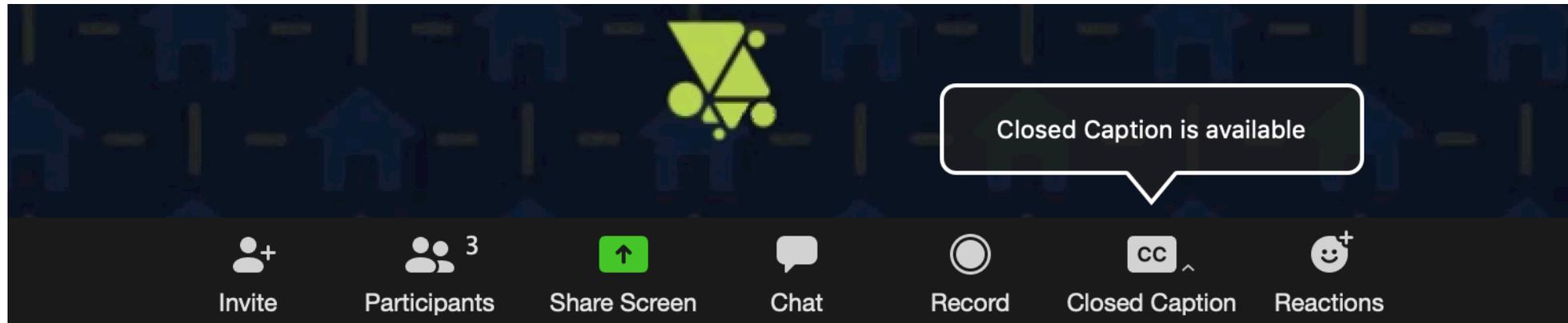
Follow Us

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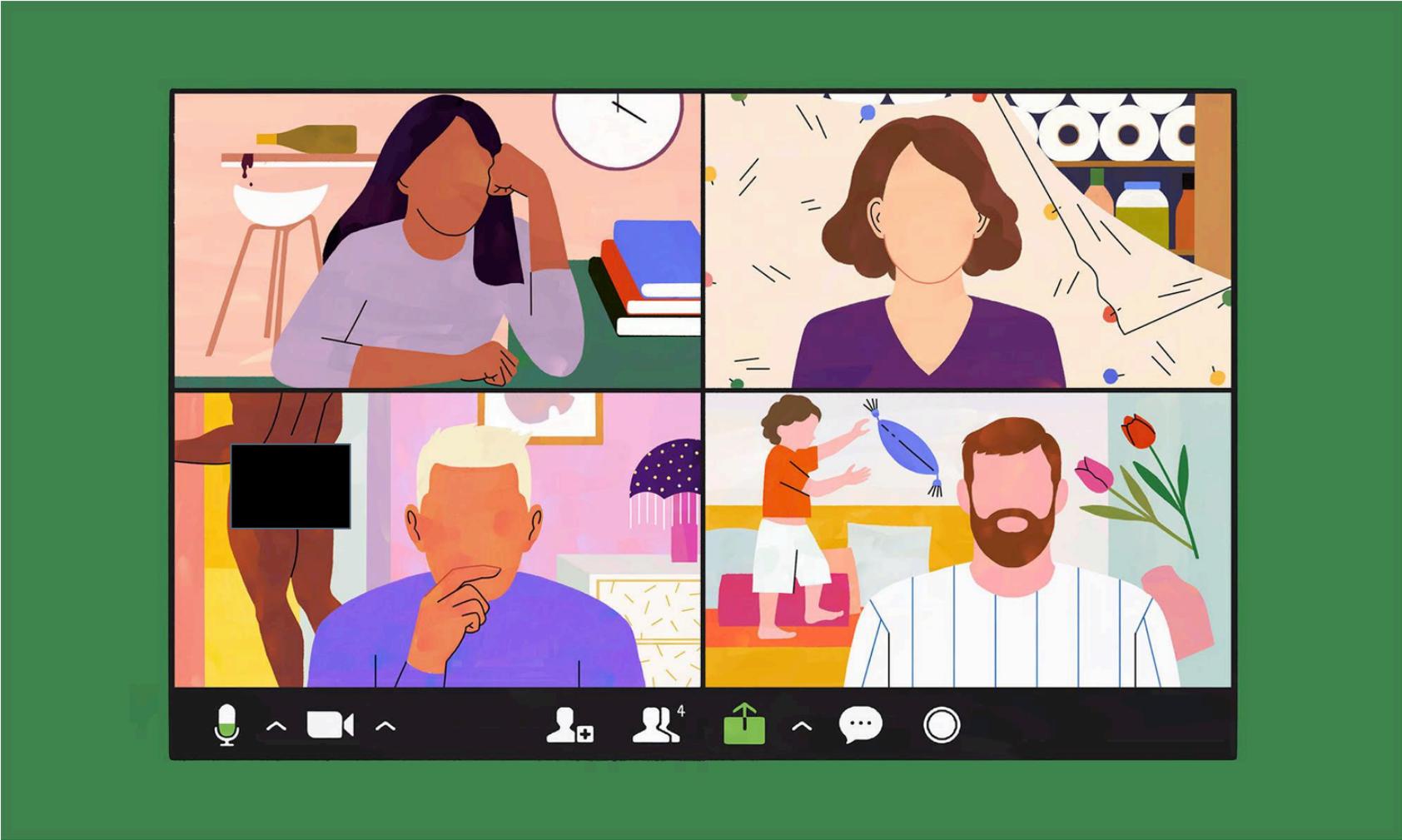
facebook.com/NSVRC

How to use Zoom

- ▶ Text chat
- ▶ PowerPoint Slides
- ▶ Polling Questions
- ▶ Phone
- ▶ Closed Captioning
- ▶ Web Conference Guidelines



What virtual facilitation means to us



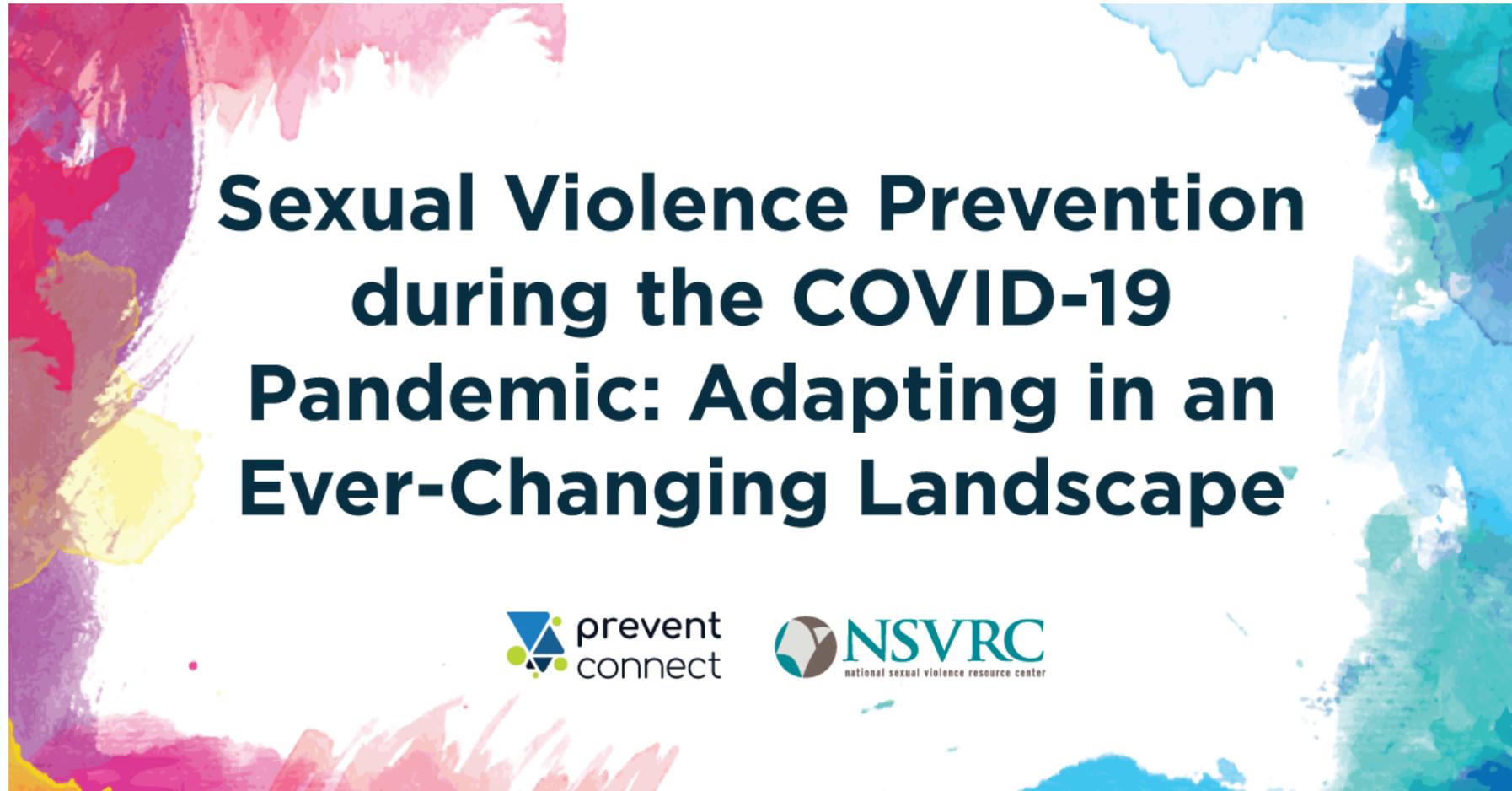
PreventConnect

- ▶ Domestic violence/intimate partner violence
- ▶ Sexual violence
- ▶ Violence across the lifespan, including child sexual abuse
- ▶ Prevent before violence starts
- ▶ Connect to other forms of violence and oppression
- ▶ Connect to other prevention practitioners

About NSVRC



About the Series



<https://www.nsvrc.org/covid-19-web-series>

Key Takeaways

Sexual Violence Prevention during the COVID-19 Pandemic: Adapting in an Ever-Changing Landscape

Workshop One: Creating Emergent Spaces for Sexual Violence Prevention during COVID-19



<https://www.nsvrc.org/covid-19-web-series/workshop1>

Sexual Violence Prevention during the COVID-19 Pandemic: Adapting in an Ever-Changing Landscape

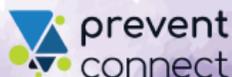
Workshop Two: Adapting Sexual Violence Prevention Curriculum During COVID-19



<https://www.nsvrc.org/covid-19-web-series/workshop2>

Sexual Violence Prevention during the COVID-19 Pandemic: Adapting in an Ever-Changing Landscape

Workshop Three: Handling Disclosures in a Trauma-Informed Way in Online Sexual Violence Prevention Environments During COVID-19



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Objectives

- ▶ Describe tips and guidance for being trauma-informed when handling disclosures of violence in a physically distanced environment
- ▶ Identify challenges and opportunities to trauma-informed response to disclosures of violence in online, remote sexual violence prevention spaces
- ▶ Discuss the impacts of mandated reporting laws on sexual violence prevention and promoting equity

LEGAL DISCLAIMER

- ▶ This web conference is not able to give legal advice, but aims to provide education about best practices to respond to disclosures and information about legal requirements.
- ▶ Persons seeking legal advice about specific situations should consult an attorney about implications for themselves and their organizations.



Ongoing Impacts, Ongoing Conversations

Sexual Violence Prevention during the COVID-19 Pandemic: Adapting in an Ever-Changing Landscape



Bridge to prevention

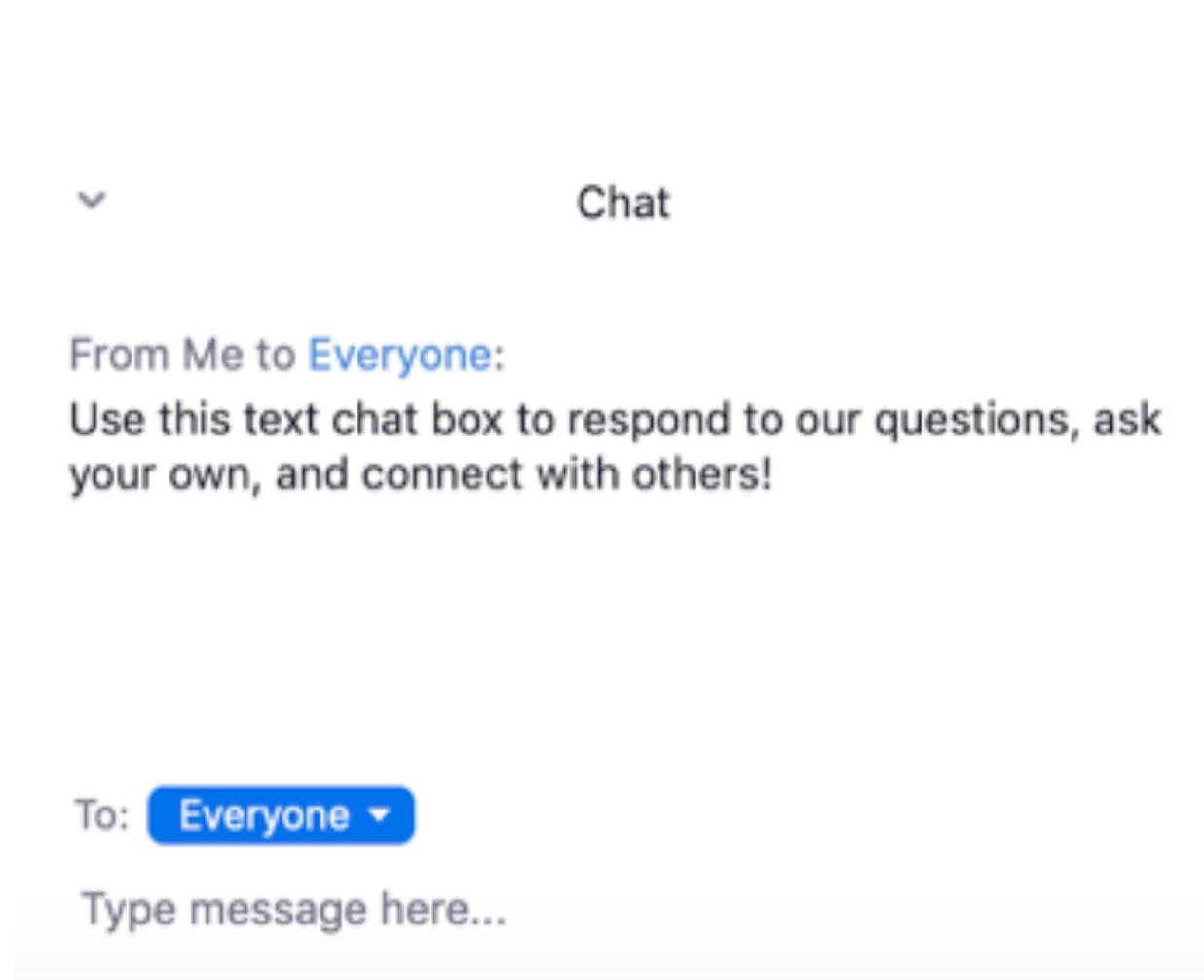


Wading through the grey



Have you made a mandatory report before?
Please use one word to describe your experience.
First and last names of participants will not be shared in the text chat transcript.

Text Chat Question



A screenshot of a text chat interface. At the top left is a small downward arrow icon. To its right is the word "Chat". Below this is a message from the sender: "From Me to Everyone: Use this text chat box to respond to our questions, ask your own, and connect with others!". Below the message is a "To:" label followed by a blue button with the text "Everyone" and a small downward arrow. At the bottom is a text input field with the placeholder text "Type message here..."

Meet Our Guests

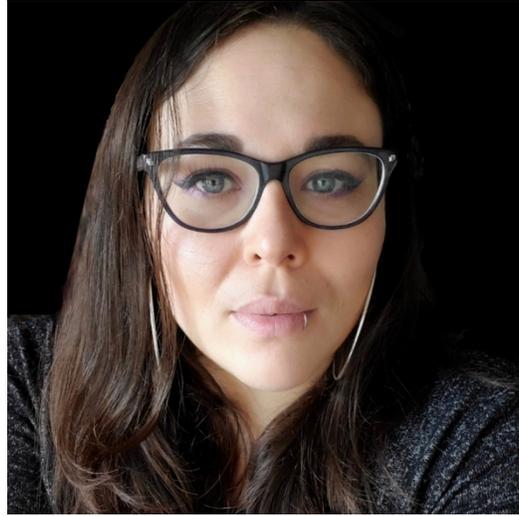


Shannon Perez-Darby
Anti-violence advocate, consultant, and writer
pronouns



Emily Austin, JD
Consultant,
Pivot Advocacy, PC
she/her/hers

Meet Our Guests



Shannon Perez-Darby
Anti-violence advocate, consultant,
and writer
she/her

MANDATORY REPORTING IS NOT NEUTRAL

Shannon Perez-Darby

www.MandatoryReportingisnotNeutral.com

www.shannonperezdarby.com

Generally speaking, MANDATORY REPORTING is

A state regulated system that requires certain professionals (youth workers, domestic violence advocates, mental health workers, etc.) to report **specific harms by adults to people under 18 years old** as well as certain vulnerable adults.

MANDATORY REPORTING AND TEEN DATING VIOLENCE

- ▶ The **concept of mandatory reporting** was initially designed to respond to harm done to people under the age of 18 by adults
- ▶ It was **not designed with peer to peer** and teen dating violence in mind

***There's no one
I can trust***

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

Lippy, C., Burk, C., & Hobard, M. (2016). There's no one I can trust: The impacts of mandatory reporting on the help-seeking and wellbeing of domestic violence survivors

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

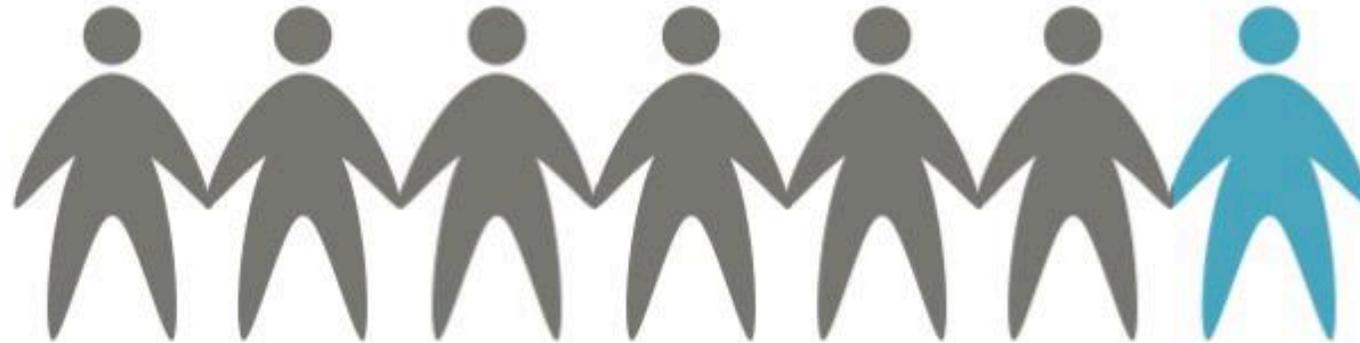
20% No different

15% A Little Better

3% Much Better

n = 202

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



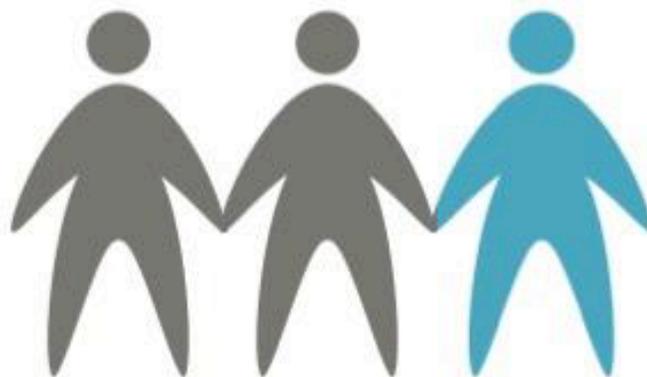
n = 3,206

6 in 10 (60%) participants said the warning changed what they decided to share.



n = 458

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.



n = 3,516



Unintended
Consequences?



*I have to report this injury
to authorities.*

**Help-seekers are
unable to safely
access support**



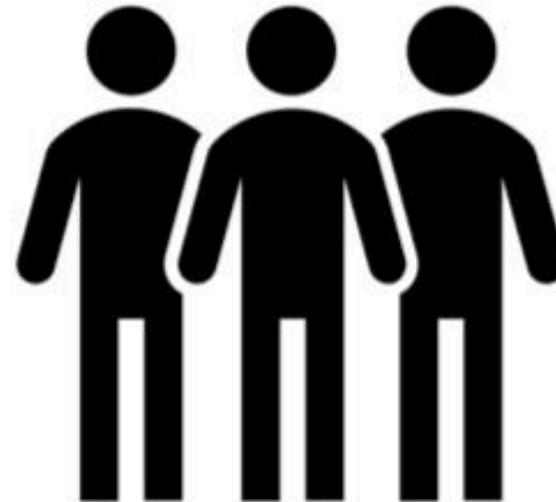
Over-reporting
for parents
reaching out
for help

*She drove to shelter without a
car seat. That's not safe – we
have to report.*



**Undermining
the self-
determination
of people with
disabilities**

*He doesn't know any better,
we better make a report just
to be safe.*

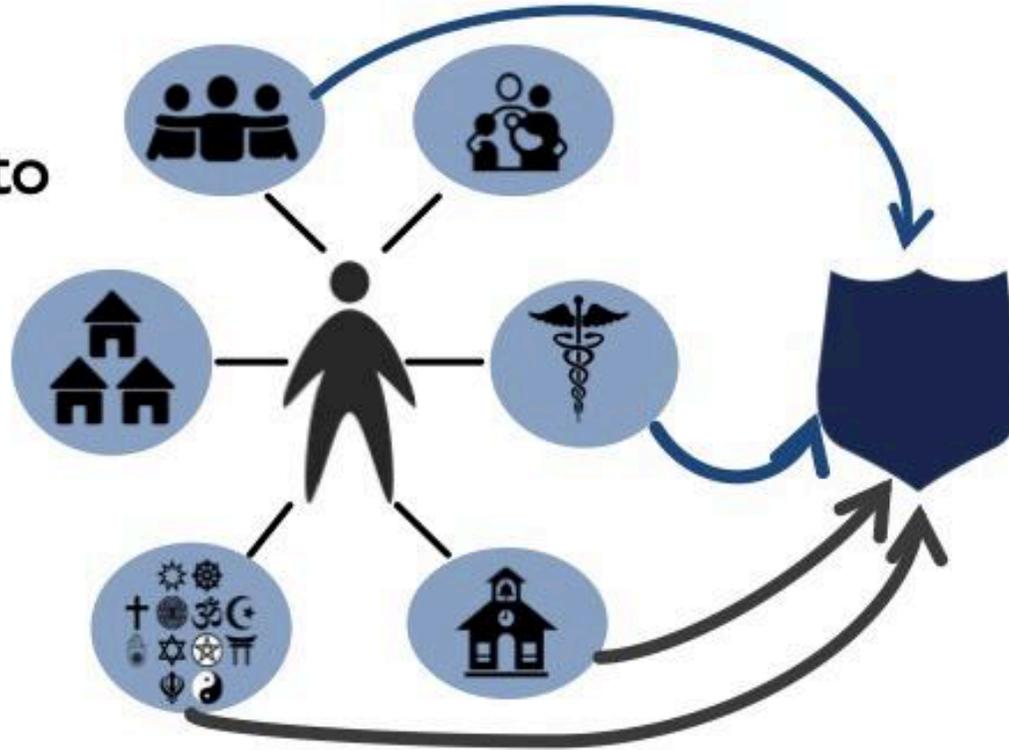


Erodes the self-determination and confidentiality of people experiencing violence

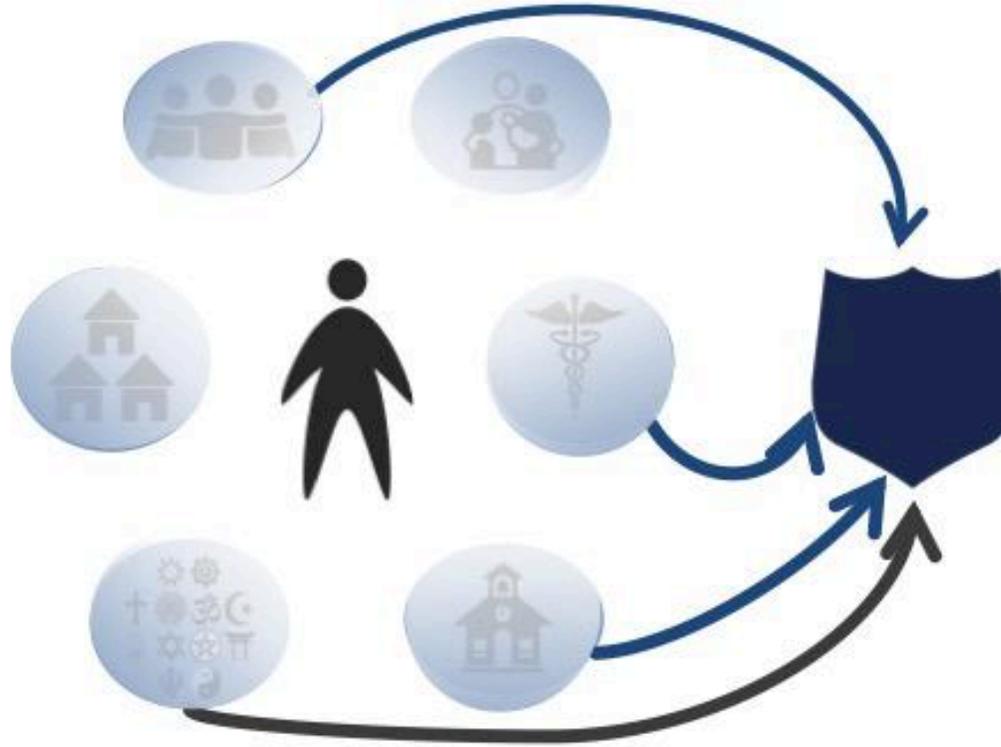
If you tell me anything about being hurt by someone else, I will have to report to law enforcement or child welfare.



Community supports lead to formal interventions



This ***erodes***
rather than
builds supports



MANDATORY REPORTING IS NOT NEUTRAL 1/2

WHAT IS MANDATORY REPORTING?



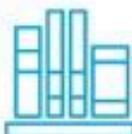
Mandatory Reporting (MR) is a set of federal & state laws that require certain people to report specific harms to the police or child protective services. Who is mandated to report and what harms should be reported change by state. In some states only certain professionals such as healthcare workers, anti-violence advocates & social workers are mandated reporters. In other states reporters are anyone over the age of 18.

IMPACT

- Mandatory reports often make things worse and not better; half (50%) of survivors who have been reported said it made the situation much worse.
- Mandatory reporting can **DECREASE** connection and trust. This harms survivors of gender-based violence. What people experiencing violence need are more places where they can be safe, honestly reach out for support & have control over what happens with their personal information.



MORE HARMFUL THAN HELPFUL?



- Faced with confusion around mandatory reporting, many mandated reporters think it's best to just report anything they think might be violence or abuse.
- This over-reporting makes help seekers less safe by decreasing their choices & forcing them into systems that are under-resourced, overburdened & not designed to help them in the first place.
- MR policies require that reports are made even if it does not benefit the person experiencing harm or they do not want their personal information shared with police or other government systems.
- MR disproportionately impacts survivors of domestic and sexual violence and people under the age of 18.

Go to www.MandatoryReportingisNotNeutral.com for more

MANDATORY REPORTING IS NOT NEUTRAL 2/2

ABOLISH POLICING NOT JUST POLICE

- For harms that are outside the scope of child protective services MR's are required to report directly to the police.
- This requirement takes people who are designed as civilian helpers and deputizes them as arms of the state.
- A law supposedly designed to help people get support is now more likely to cut people off from support, increase chances of criminalization and deters people reaching out for help.
- Anyone who is being crushed by the state is being harmed by mandatory reporting.



WHAT YOU CAN DO!



- **Don't over report:** If you are a mandatory reporter only report clear harms within the legal requirements. MR laws only allow providers to override their HIPPA or other confidentiality requirements based on clear, known harms & not "a hunch." Make decisions around MR from the assumption that the report will cause harm.
- **Abolish/Change** MR laws to ensure that people experiencing harm have autonomy over their own experiences & information; drastically reduce the number of people who are required to report.
- **Burden of Benefit:** Ensure that any law or professional standard requires action only when they can PROVE benefit to the person experiencing harm.
- **Harm Reduction:** If you have to make a mandated report be sure to meaningfully notify & involve the person experiencing the harm & infuse choice wherever possible.
- **Identify Alternatives:** Center community-based processes outside of the criminal legal system to address and prevent harms and ensure accountability.

Go to www.MandatoryReportingisNotNeutral.com for more

**WHERE DO WE GO
FROM HERE?**

HARM REDUCTION

- ▶ Understand your state's **specific Mandatory Reporting statutes**.
 - ▶ Know when a report is or isn't mandated.
- ▶ Don't "over" report!
- ▶ **Clarify program practices** around mandatory reporting.
 - ▶ Work through case studies to sharpen discernment about when a report is mandated.
- ▶ Anticipate and plan for the repercussions of a report to CPS or the police.
- ▶ **Don't do it alone**, get support!!!

REAFFIRM CONFIDENTIAL OPPORTUNITIES FOR YOUNG PEOPLE TO REACH OUT FOR SUPPORT

- ▶ Always **safety plan** with a young person when a report is made. Offer as many choices as possible.
- ▶ Be explicit about the level of confidentiality available to people under 18 years old

REINSTATE “DISCRETION” IN REGARD TO REPORTING

- ▶ **“May”** allows you to break confidentiality legally.
- ▶ **“Must”** requires you to make a report.
- ▶ “Advocates *may* report...”

POLICY MAKERS CAN

- ▶ Abolish mandatory reporting laws
- ▶ Issue guidance for member programs that to clarify mandatory reporting limitations.
- ▶ Sharpen your analysis on the inherently racist nature of policing

A VISION FOR SUPPORT

- ▶ Center the self-determination of people experiencing violence especially people under 18 years old and people with disabilities.
- ▶ Encourage engagement and connection over reporting.
- ▶ Re-invigorate Advocacy and tools such as 'safety planning'.
- ▶ Work to create the conditions to support loving, equitable relationships and communities.

RESOURCES

- ▶ **Mandatory Reporting is Not Neutral Campaign:**
www.mandatoryreportingisnotneutral.com
- ▶ **There's No One I can Trust Report:**
https://issuu.com/thenwnetwork/docs/there_s_no_one_i_can_trust-_mandato/3

THANK YOU!

For more information, technical assistance or additional training:

Shannon Perez-Darby
perezdarby@gmail.com
www.shannonperezdarby.com

State Laws

RESOURCES & ALL STATE LAWS ON MANDATED REPORTING IN:

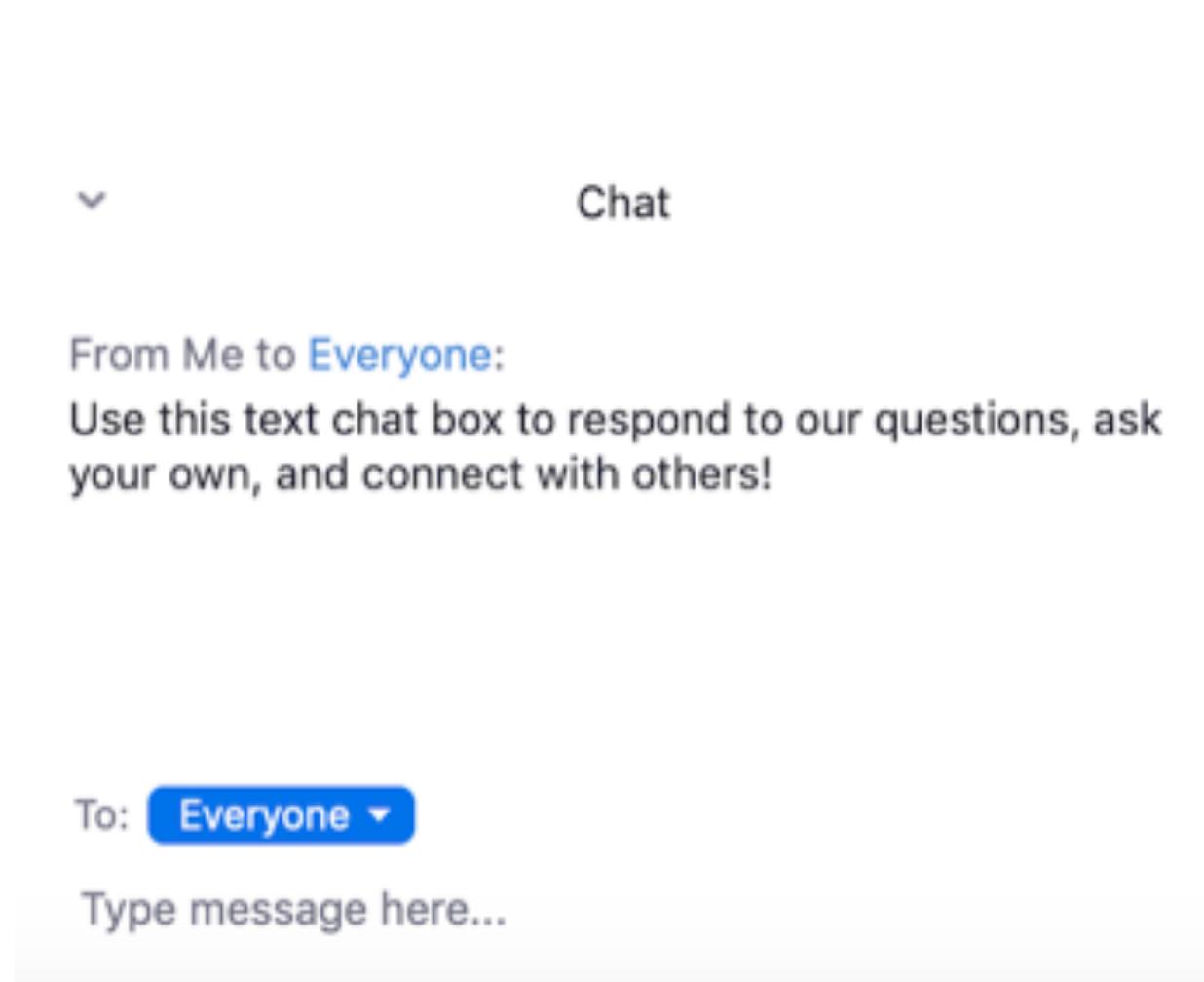
- ▶ CHILD ABUSE
- ▶ ELDER/DEPENDENT ADULT ABUSE
- ▶ DOMESTIC VIOLENCE
- ▶ STATE STATUTES FOR PRIVACY AND CONFIDENTIALITY
- ▶ PROTECTIONS

Link:

<https://docs.google.com/spreadsheets/d/1uf8-H7xRLIHGO3cWR-8M6vYqnT-prvsRNRRCix12uko/edit?usp=sharing>

What would need to be in place so that people (particularly young people) have what they needed to be supported and prevent violence?

Text Chat Question



Meet Our Guests



Emily Austin, JD
Consultant,
Pivot Advocacy, PC
she/her/hers

DISCLOSURES IN AN ONLINE ENVIRONMENT

EMILY AUSTIN, JD

PIVOT ADVOCACY, PC

LEGAL DISCLAIMER

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INTERSECTION OF INTERESTS

Legal system

Advocacy systems

Criminal justice system

Education systems

Service/housing systems

LEGALITIES AT PLAY

- ▶ Child abuse and neglect reporting laws
- ▶ Elder/dependent adult abuse reporting laws
- ▶ Violence/firearm/domestic violence reporting laws
- ▶ Confidentiality guidelines in VOCA and VAWA
- ▶ State privileged communications and confidentiality laws
- ▶ Technology and social media laws, protections and restrictions

VAWA AND VOCA GUIDELINES

VAWA:
34 U.S.C. §
12291(b)(2)

VOCA:
28 CFR §
94.115

VAWA

- ▶ grantees and subgrantees shall not— (i) disclose, reveal, or release any **personally identifying information or individual information** collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or (ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

NUISANCES OF AN ONLINE AND VIRTUAL ENVIRONMENT

- ▶ Not in-person
 - ▶ Missing physical clues, body language
- ▶ Development of trust
 - ▶ Can be impaired
 - ▶ Can be accelerated because of being able to connect during remote meetings/discussions
- ▶ Not a controlled environment
 - ▶ Home invasion/privacy invasion
 - ▶ Persons that cause harm in the house/room/off camera

WHY DO WE VALUE
CONFIDENTIALITY?



Why do we value confidentiality?

Text Chat Question



Chat

From Me to **Everyone**:

Use this text chat box to respond to our questions, ask your own, and connect with others!

To: **Everyone** ▼

Type message here...

A Newton's cradle with five silver spheres hanging from a blue background. The spheres are arranged in a line, and the lighting creates strong reflections on their surfaces. The background is a gradient of blue and orange.

WHAT IS THE IMPACT OF MANDATORY REPORTING?



CONSEQUENCES OF FILING A REPORT?

POLL QUESTIONS



WHY BE CLEAR?



ROLES AND SCOPE

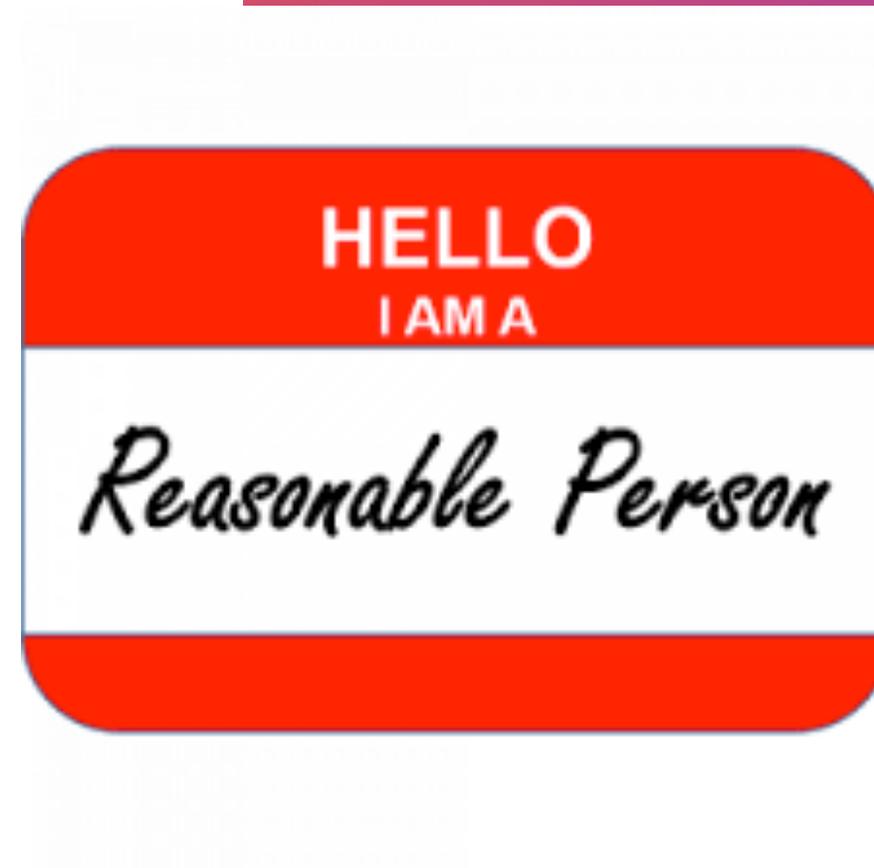
Who is a mandatory reporter?

What is reported?

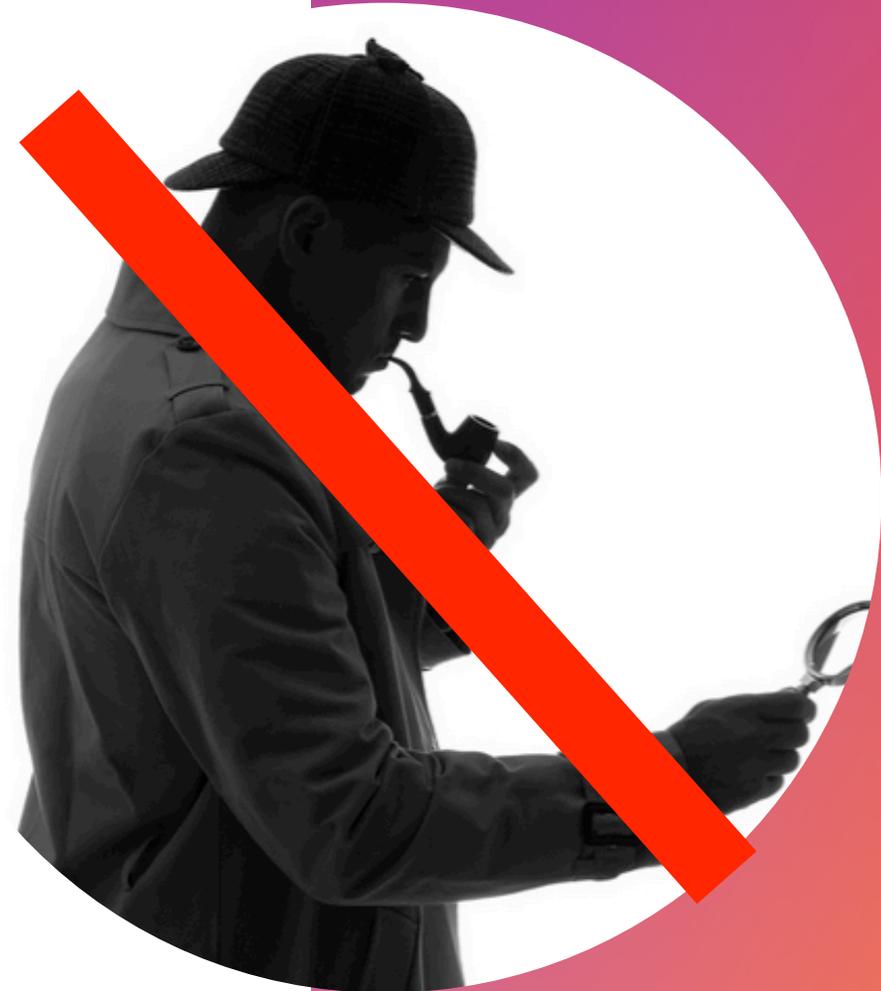
*How is a report filed and to whom
is the report filed?*

What happens next?

PROFESSIONAL EXPERTISE



YOU ARE NOT AN
INVESTIGATOR





TRAUMA-INFORMED PRACTICE

- ▶ How is the practice inspiring:
 - ▶ Safety
 - ▶ Trustworthiness
 - ▶ Choice
 - ▶ Collaboration
 - ▶ Empowerment

BEST PRACTICES

Be knowledgeable about your roles in both confidentiality/privileged communications and mandatory reporting.



BEST PRACTICES

Be transparent in the intersections of confidentiality and mandatory reporting.



BEST PRACTICES

Only gather the information necessary to do the job.

Do not over report or take on an investigative role.



BEST PRACTICES

Gather waivers for disclosures that are informed, written and reasonably time-limited.



BEST PRACTICES

Have clear guidelines for disclosures that center voice and choice for survivors and clients, including work with youth/minors.



BEST PRACTICES

- ▶ Anticipate the impacts of the report.
 - ▶ When possible, include the survivor in the reporting process.
 - ▶ Assist in safety planning around the repercussions of reporting.



BEST PRACTICES

Review policies and protocols for online and technology-based disclosures



BEST PRACTICES

Provide for support and supervision of reporting questions that reflect organizational values.



SCENARIO 1

During a youth group organizing session, Sal (they/them/theirs, age 16) announces that they are in a new relationship with a new partner, and that they are going away for the weekend with their partner.

- ▶ Based on your current role and knowledge do you think this would be a mandated report?
- ▶ What would you say or do next?
- ▶ What mechanisms, policies or structures are in place at your organization to determine next steps? Who would you go to at your org to get clarity?

SCENARIO 2

Rose, a DV and SV counselor, is doing a virtual counseling session with Cody. Cody's young daughter is running around in the background of the session and has a large bruise on her forehead.

- ▶ Based on your current role and knowledge do you think this would be a mandated report?
- ▶ What would you say or do next?
- ▶ What mechanisms, policies or structures are in place at your organization to determine next steps? Who would you go to at your org to get clarity?

SCENARIO 3

Mikel (he/him/his), a rape crisis center prevention educator, runs a weekly leadership group at the Junior College over Zoom. During one of the sessions, one of the youth leaders, Kate (she/her/hers, age 14), direct messages the prevention educator and asked him about the signs a child is being sexually abused. During the chat/text conversation the young person discloses that she suspects that her step-parent is hurting her sister.

- ▶ Based on your current role and knowledge do you think this would be a mandated report?
- ▶ What would you say or do next?
- ▶ What mechanisms, policies or structures are in place at your organization to determine next steps? Who would you go to at your org to get clarity?

How can you begin
to move your visions
for more equitable
systems to action?

Text Chat Question



Chat

From Me to **Everyone**:

Use this text chat box to respond to our questions, ask your own, and connect with others!

To: **Everyone** ▼

Type message here...

Envisioning more equitable systems



Shannon Perez-Darby
Anti-violence advocate, consultant, and writer
pronouns



Emily Austin, JD
Consultant,
Pivot Advocacy, PC
she/her/hers



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