

## The Case for Mandatory Reporting as an Ethical Dilemma for Social Workers

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**Abstract:** *Mandatory reporting of child abuse is a part of the civil legal system that can activate a policy cascade disproportionately criminalizing racialized and marginalized communities. While social work scholarship has explored ways to increase provider compliance with mandatory reporting laws, there is a dearth of research focused on how social work education guides future providers towards the praxis of mandatory reporting discourses. This article presents findings from a content analysis of social work textbook excerpts focused on mandatory reporting of child abuse in the U.S. We found that textbooks affirm social work's loyalty to the State by approaching mandatory reporting through a deontological lens and systematically reinforcing risk management practices. Although some texts offer a nod to mandatory reporting as facilitating ethical dilemmas, none offer guidance for how to navigate competing social work commitments, and none actually treat mandatory reporting as an ethical dilemma. We argue that social work education should equip future practitioners to: a) have a nuanced understanding of mandatory reporting laws and requirements; b) contextualize mandatory reporting within broader discourses of criminalization, professionalization, and neoliberalism; and c) ground future practices in macro social work ethics.*

**Keywords:** *Mandatory reporting, child welfare, social work education, ethical dilemma, criminalization*

The racial reckoning of 2020 in the United States created opportunities and spaces for national conversations focused on racism and criminalization. Social work was thrust into the national spotlight as calls to defund the police were accompanied by calls to move funding and responsibilities for responding to people in crisis to social workers (Jacobs et al., 2021). Calls to abolish the child welfare system were amplified. Professional conferences featured organizations calling for abolition, including the Movement for Family Power in New York and the University of Houston Graduate College of Social Work and the Center for the Study of Social Policy's upEND Movement. From Dorothy Roberts to Dominique Mikell, critical scholars offered important critiques of child welfare, addressing family separation, racial disproportionality, the criminalization of survivors, and state surveillance. This advocacy came at a time when one in three children, and more than half of all Black children in the United States have been the subject of a child abuse investigation (Kim et al., 2017).

Our research builds on critiques of child welfare as complicit in carceral practices and consequently criminalization (Bergen & Abji, 2019).. Mandatory reporting as a technology of criminalization has been legislated over time to increasingly rely on social workers, largely through the influences of neoliberalism, criminalization and professionalization

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(Mehrotra et al., 2016).

This article discusses how social work textbooks orient readers to mandatory reporting of child abuse in social work. Specifically, we review the existing mandatory reporting content included in 18 introductory social work textbooks to consider the ethical, practice, and policy implications alongside social work's growing challenge of carceral logics and practices. We discuss our main findings to offer a glimpse into the current landscape of social work education concerned with mandatory reporting.

## **Background**

### **Mandatory Reporting**

Mandatory reporting references legal statutes that require certain professions, or in some states, all residents to report suspected child abuse or neglect to child protective services (CPS) or law enforcement. Mandatory reporting, as a national strategy for detecting child abuse and neglect, is a relatively recent invention. In 1962, Kempe and colleagues published a famous report creating a medical profile of an abused child (*battered child syndrome*), prompting states to pass mandatory reporting statutes for doctors and other medical personnel (Lau et al., 2009). It was not until the passage of the Child Abuse Prevention and Treatment Act (CAPTA) in 1974 that mandatory reporting laws became a federal funding condition (Raz, 2020). These laws require reporters to assess the “reasonableness” of their suspicion, a quality that is ill-defined and variably interpreted across professions (Bailey et al., 2021; Lytle et al., 2021). In subsequent years, the number of reports skyrocketed, prompting states to open hotlines despite a lack of evidence that increased reporting helped better identify and assist children at-risk of abuse (Raz, 2020).

In 2019, US residents made 4.4 million reports to child welfare departments, alleging suspected maltreatment of 7.9 million children, a 12.6 percent increase since 2015 (US Department of Health and Human Services [USDHHS], 2021). Report rates vary dramatically by state. Less than two percent of all children in Hawaii were reported to CPS in 2019, compared to almost 17 percent in Vermont. The number of investigations into these reports is often used as a proxy for the scope of child maltreatment in the child welfare literature (Fong, 2020) which is misleading given that being reported and investigated does not inherently mean that child abuse occurred. In fact, CPS screened out over two million reports in 2019, 21.7% increase from 2015 (USDHHS, 2021). Reports are screened out when information from the report source is insufficient or does not meet the state's statutory definition of child abuse or neglect. Screen-out ratios also vary significantly by state. For example, 84 percent of reports in South Dakota were screened out in 2019, whereas just 1.6 percent of reports were screened out in Alabama (USDHHS, 2021). While there is limited empirical data surrounding the influence of professional status on whether reports are screened in or out, Damman et al. (2020) report that referrals from professionals (including social workers and the police) are more likely to be screened in, investigated, and substantiated than those from non-professional sources such as neighbors, friends, or family.

## **Registries**

Forty-seven states have centralized registries of child abuse and neglect investigation records, which may contain information such as family members' names and investigation findings (Child Welfare Information Gateway [CWIG], 2018). These registries inform future investigations, further tracking families who are already more likely to be surveilled through government databases (Eubanks, 2018). Whereas middle and upper-class families can rely on private sources of support, low-income families often rely on helping professionals and state welfare programs that warehouse and share their data. Most states have statutes requiring cross-system reporting of suspected child abuse or neglect, which might include sharing information with law enforcement and prosecutors (CWIG, 2021a). In nine states, all reports to CPS must be cross-reported to a law enforcement agency, further facilitating the criminalization of those reported.

Some state registries include all reports of suspected maltreatment, even when they are unsubstantiated (i.e., investigators are unable to confirm abuse or neglect has occurred; CWIG, 2019c). These registries are often accessed by government-contracted agencies that work with oppressed or "vulnerable" populations, including elderly people and young children, to screen-out potential employees (CWIG, 2019c; Kramer, 2019). An analysis of the American Community Survey from 2005 to 2015 found that women of color made up 48 percent of the direct care workforce (i.e., personal care aides, home health aides, and nursing assistants) and were more likely to live in poverty and rely on public assistance than white women (Campbell, 2017). Similarly, as of 2019, women of color are overrepresented in the childcare workforce, and experience higher rates of poverty than white counterparts (Ewing-Nelson, 2020). Considering that women of color are disproportionately reported and investigated by CPS, child abuse registries may disproportionately limit employment opportunities for women of color.

## **Social Workers as Mandated Reporters**

Since CAPTA, the reach of mandatory reporting statutes has extended far beyond the medical field. Today, approximately 47 states require additional professions to report suspected child abuse or neglect, and 18 require every resident to report ("universal mandatory reporting"; CWIG, 2019b) despite the fact that universal mandatory reporting is not associated with an increase in substantiated reports (when upon investigation, abuse is believed to have occurred; Krase & DeLong-Hamilton, 2015a). Nationally, social service and mental health workers were responsible for over 16% of reports made in 2019 (USDHHS, 2021). Social workers represent one of the most common professions with mandatory reporting obligations (CWIG, 2019a), placing communities with closer proximity to social services at greater contact with mandatory reporters (Roberts, 2002). Very little is known about how social workers are trained to think about, understand, or practice mandatory reporting. In their study exploring the role of social work education in training social workers for the responsibility of mandatory reporting, Krase and DeLong-Hamilton (2015b) report that many programs do provide information about the obligation to report:

Programs provide content on the social worker's obligation to report suspected child maltreatment most often through social work practice courses (88.9%). The social worker's obligation to report suspected child maltreatment is covered in policy courses in more than half (53%) of the respondent programs. This content is covered in ethics related courses in almost 40% of respondent programs. Social work programs also cover this content in courses in diversity (21%), research (13%), child welfare (6%), and introduction to social work (3%) courses. (p. 976)

Absent from the research however is attention to the content itself including but not limited to substance, lessons, and quality.

While some social workers may be motivated to report suspected abuse based on professional, moral, and ethical obligations (Lau et al., 2009), some report only intermittently, if at all. When mandatory reporters "knowingly or willingly fail to make a report when they suspect that a child is being abused or neglected" (CWIG, 2019b, p. 2), they "commit" a transgression called *failure-to-report*. Failure to report can lead to legal and professional consequences in at least 49 states, although only 20 states specify those penalties (CWIG, 2019b).

The National Association of Social Workers (NASW, 2021) *Code of Ethics* explains that legal obligations, such as mandatory reporting, can supersede social workers' commitments to clients (Ethical Standard 1.01). Some providers may take a risk-management approach, reporting to avoid legal or professional penalties (Cooperson, 2009; Wexler, 1990). Others may report hoping to get families access to services they believe they need, with the added benefit of state enforcement and surveillance. Fong (2020) argues that CPS investigations are not a result of "professionals sounding the alarm about children in imminent danger, but from constrained street-level bureaucrats hoping to rehabilitate families in need by shuttling them to a multifaceted surveilling agency" (p. 622). When focused on the moral and obligatory duty to report, mandatory reporters too often miss or ignore the potential consequences of mandatory reporting, including deportation (Bergen & Abji, 2019), parental incarceration (Jensen et al., 2005; Matthew et al., 2019), trauma, and an increased likelihood of future investigations (Fong, 2020).

### Theoretical Framework

Drawing on feminist critiques of carcerality and neoliberalism, we lean on Mehrotra et al.'s (2016) conceptual framework of *The Braid* to ground this study's exploration of social work textbook engagement with mandatory reporting content. *The Braid* is a metaphor used to explore the intersecting and mutually constituting forces of neoliberalism, criminalization, and professionalization—forces that have had and continue to have a significant influence on domestic violence work and research. While each strand of *The Braid* represents a unique phenomenon articulated through expansive bodies of scholarship across disciplines and social movements, the authors of the conceptual framework were concerned with understanding and articulating the ways comprehensive macro phenomena such as neoliberalism, criminalization, and professionalization function together to shape, constrain, and facilitate engagement with a particular social problem, domestic violence. While a full discussion of *The Braid* can be found elsewhere, Mehrotra et al. (2016) argue

that among other things, *The Braid* marginalizes social and structural change when it comes to domestic violence (DV) interventions, supports the carceral state and mass incarceration, fetishizes physical safety (Kim, 2013), and constrains who can/can't engage in DV work.

While *The Braid* was developed with DV work in mind, we believe the framework is also relevant to a range of social work commitments and engagements, including child welfare. Woven into the metaphor of *The Braid* are considerations of the impacts of criminalization and neoliberalism on social welfare and services, which has been widely documented (Reisch, 2013; Rothman, 2012; Wacquant, 2009, 2010). Numerous critical scholars agree that the penal system has become the “catch-all solution” for many social issues (Gilmore, 2007, p. 5), including child welfare. While the child welfare system is not a branch of the criminal legal system, it has and continues to frequently operate in collaboration with penal systems through CPS (Dettlaff et al., 2020; Jacobs et al., 2021). Of particular interest to this project is that child welfare systems disproportionately target and disrupt Black, Indigenous, and people of color (BIPOC) communities (Bailey et al., 2021; Dettlaff et al., 2020; Fong, 2020; Roberts, 2002, 2020).

In order to extend the theorizing of *The Braid* to child welfare, we place *The Braid* in conversation with abolition feminisms (Davis et al., 2021; Kaba, 2021; Ritchie et al., 2021) and born of BIPOC, trans, and queer theorizing and practices to end interpersonal and state violence (INCITE, 2016; Kim, 2018; Ritchie, 2017). These feminisms express an emancipatory vision to end all forms of violence, including but not limited to settler colonialism, heteropatriarchy, white supremacy, police violence, and imprisonment. Abolition feminism inspires us to interrogate social work conventions as taken-for-granted necessities and practices. For example, Roberts (2020) invites us to trouble proposed reforms to transfer power, resources, and authority from police to health and human service workers given the role such professionals already play in regulating and punishing Black and other racialized and oppressed communities. Roberts (2002) and Raz (2020) argue that over time, the *family regulation system's* (Roberts, 2002) primary function shifted from social service to punitive investigation. Consequently, this research is more broadly concerned with the ways mandatory reporting automatically places social work(ers) and child welfare in relationship with law enforcement and criminal legal systems, deepening the relationship to carcerality while foreclosing alternative approaches to child abuse prevention and intervention (Bergen & Abji, 2019).

### Situating Ourselves

We engage this work as mandatory reporters in multiple capacities. Sam's practice experience began in child welfare, providing case management services to and supervising visitations with parents whose children had been removed following reports of suspected abuse. Later, when facilitating violence prevention workshops with youth, Sam was encouraged by supervisors to always report suspected abuse; to be “better safe than sorry.” They watched youth make impossible choices between staying silent and risking the myriad of unpredictable and adverse consequences that a report can produce. Sam is also a survivor of child abuse.

Stéphanie's practice experience began as a domestic violence advocate in a shelter for

“battered women and children” during the 1990s where mandatory reporting laws influenced her work with moms and their children. Mandatory reporting always felt like an ethical dilemma that she was never trained to engage, particularly when the mother was undocumented, perhaps even dependent for citizenship status on the person using violence. We both have additional experience with mandatory reporting policies through the Title IX requirement at our university that requires all employees, regardless of work, status, or position, be mandatory reporters of sexual violence.

As social workers turned social work scholars, we are curious about the ways students are oriented to mandatory reporting practices through social work education. Introductory textbooks transmit latent messages about values and worldviews, and consequently are often seen as authoritative sources of knowledge by students (Strier et al., 2012) and instructors. With this in mind, we explored introductory social work textbooks’ coverage on mandatory reporting in social work education.

## **Method**

This study engaged a summative content analysis to understand how social work textbooks orient students to mandatory reporting policies and practice. This method uses manifest analysis to explore the usage of key concepts (identified before and during the meaning making process) and latent analysis to interpret underlying meanings (Hsieh & Shannon, 2005).

### **Sampling**

With 24.5 years of teaching graduate level social work courses between us, we leaned on our collective teaching experience, across four schools of social work, to identify six popular social work publishers. These publishers (Sage, Oxford, Pearson, Nelson, Cognella, and Routledge) listed 61 introductory social work textbooks on their websites. Textbooks were considered “introductory” if the word “introductory” was in the title, and/or if the publisher recommended the text for introductory courses. The following inclusion criteria identified an analytic sample of 18 textbooks: (a) published between 2010-2020; (b) the most recent available edition; (c) mentioned child welfare in a US context; d) not in a workbook format; and (e) published in English. We did not include any supplemental materials or manuals accompanying textbooks. See Table 1.

We used a ten-year sampling frame for several reasons. First, mandatory reporting laws have not changed significantly within this period, with one exception. Pennsylvania significantly expanded reporting laws as a response to the 2012 trial of Penn State football coach Jerry Sandusky following decades of child sexual abuse that went unreported by “responsible” adults (Raz, 2017). Second, the last 10 years have seen a 30 percent increase in reports of child abuse (USDHHS, 2011, 2020). Finally, a nine to 10-year publishing window has been used as an inclusion criterion by numerous other content analyses of social work textbooks (Giesler & Beadlescomb, 2015; Strier et al., 2012; Wachholz & Mullaly, 2001).

**Table 1.** *Textbooks (in alphabetical order)*

<ul style="list-style-type: none"> <li>• Ambrosino, R., Heffernan, J., Shuttlesworth, G., &amp; Ambrosino, R. (2016). <i>Empowerment series: Social work and social welfare</i> (8th ed.). Nelson.</li> <li>• Berg-Weger, M. (2019). <i>Social work and social welfare</i> (5th ed.). Routledge.</li> <li>• Bird, M. (2018). <i>SAGE guide to social work careers: Your journey to advocacy</i>. Sage.</li> <li>• Colby, I., &amp; Dziegielewski, S. F. (2015). <i>Introduction to social work: The people's profession</i> (4th ed.). Oxford.</li> <li>• Cox, L. E., Tice, C. J., &amp; Long, D. D. (2018). <i>Introduction to social work: An advocacy-based profession</i> (2nd ed.). Sage.</li> <li>• DuBois, B., &amp; Miley, K. K. (2019). <i>Social work: An empowering profession</i> (9th ed.). Pearson.</li> <li>• Farley, O. W., Smith, L. L., &amp; Boyle, S. W. (2012). <i>Introduction to social work</i> (12th ed.). Pearson.</li> <li>• Glicken, M. D. (2010). <i>Social work in the 21st century: An introduction to social welfare, social issues, and the profession</i> (2nd ed.). Sage.</li> <li>• Kirst-Ashman, K. K. (2017). <i>Introduction to social work and social welfare: Critical thinking perspectives</i> (5th ed.). Nelson.</li> <li>• Lewis, L. (2017). <i>Social workers as game changers: Confronting complex social issues through cases</i>. Sage.</li> <li>• Martin, M. E. (2016). <i>Introduction to social work: Through the eyes of practice settings</i>. Pearson.</li> <li>• Marx, J., Broussard, C. A., Hopper, F., &amp; Worster, D. (2011). <i>Social work and social welfare: An introduction</i>. Pearson.</li> <li>• Popple, P. R., Leighninger, L., &amp; Leighninger, R. D. (2020). <i>Social work, social welfare, and American society</i> (9th ed.). Pearson.</li> <li>• Segal, E. A., Gerdes, K. E., &amp; Steiner, S. (2016). <i>An introduction to the profession of social work: Becoming a change agent</i> (6th ed.). Nelson.</li> <li>• Sherr, M. E., &amp; Jones, J. M. (2019). <i>Introduction to competence-based social work: The profession of caring, knowing, and serving</i> (2nd ed.). Oxford.</li> <li>• Sinanan, A. (2018). <i>The social work practitioner: An introduction to fundamentals of the social work profession</i>. Cognella.</li> <li>• Suppes, M. A., &amp; Wells, C. C. (2018). <i>The social work experience: A case-based introduction to social work and social welfare</i> (7th ed.). Pearson.</li> <li>• Zastrow, C. (2017). <i>Introduction to social work and social welfare: Empowering people</i> (12th ed.). Nelson.</li> </ul>
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There are several potential limitations to this sampling strategy. Sampling the newest edition of social work textbooks privileges wealth as instructors and students may purchase older editions to bring down the exorbitant cost of books. “Human services” textbooks, which some publishers differentiate from “social work and social welfare,” were not included in this study. Consequently, this sampling strategy may privilege textbooks that are more routinely offered at 4-year BSW/MSW-granting institutions, reinforcing social service work professionalization.

### **Sample**

The majority of textbooks (74%) were published in 2016 or later. Editions of books ranged from 1st to 12th. Pearson had the most textbooks (n=6) meeting the inclusion criteria, whereas Cognella and Routledge had the least (n=1 each). Relevant content were sourced from overview chapters, practice anecdotes, welfare histories, policy reviews, and chapter quizzes.

### **Data Analysis**

After accessing this sample of books, Sam used a combination of book indexes, tables of contents, and text searches (for e-texts) to identify excerpts discussing mandatory reporting. A preliminary search found that some books referenced mandatory reporting indirectly:

A social worker may be called on to work with a problem that clearly falls within one field of practice or a problem that involves several fields. For example, the Wullbinkle family comes to a social worker's attention when a neighbor reports that Rocky, their 5-year-old son, is frequently seen with odd-looking bruises on his arms and legs. The neighbor suspects child abuse. (Kirst-Ashman, 2017, p. 1)

This vignette does not use the term "mandatory reporting," was not indexed as such, and was in an introductory chapter not focused on child welfare. For this reason, the search was broadened to include the following terms in a US context: child welfare, child abuse, child neglect, mandate(d), report(er)(ed), and Child Abuse Prevention and Treatment Act (CAPTA).

Once all excerpts were identified, Sam consulted with Stéphanie on the development of a "text summary sheet" to be used in the second stage of the analysis. The summary sheet served as a repository for documenting themes from the literature (deductive analysis) and emerging themes (inductive analysis) created during the multiple read-throughs of the excerpts. Unfortunately, this analytic approach proved to be too broad through the course of piloting it via the analysis of four texts. Sam pivoted from this analytic approach to transcribing the excerpts for open coding in Atlas.ti Cloud. The data were coded for location (where in the text is it appearing?), style (is the writing anecdotal, prescriptive, historical, political?), and function (what does it suggest, explicitly or implicitly, about practice?). Fifty-four initial codes were created and then organized into emerging themes: anecdotes, sense of duty, report types, critiques of mandatory reporting, and risk-management. To ensure trustworthiness and rigor, Sam memoed frequently about the analytic process and peer debriefed with Stéphanie. As a team, we discussed each theme as a standalone grouping of content and discussed the relationships across themes. By placing themes in conversation with the theoretical components of *The Braid*, we were able to map and articulate the relevance of *The Braid* to child welfare, as well as macro forces that shape social work education about mandatory reporting.

## Findings

In lieu of clear guidance on or critical contextualization of mandatory reporting policies, most textbooks addressed mandatory reporting through practice anecdotes. We identified 22 distinct anecdotes across 13 textbooks. Social workers (12) were the most frequent reporters mentioned, followed by equal numbers of neighbors (5) and non-social work school personnel (5). Other reporters included a hospital (reporter not specified), a grandparent, and an unknown reporter.

Six textbooks discussed mandatory reporting within sections addressing values and/or "ethically complicated" issues and discussions (Berg-Weger, 2019; Dubois & Miley, 2019; Martin, 2016; Segal et al., 2016; Sinanan, 2018; Suppes & Wells, 2018). This content rarely identified the specific ethical standards that made mandatory reporting complicated. Of equal and perhaps greater importance is that despite offering a nod to mandatory reporting as "complicated" and/or posing an ethical dilemma, textbooks overwhelmingly offer a single and oversimplified solution: report. For example:

Imagine that you are a social worker at Oasis House, where your supervisor asks you to talk with a new resident, Cathleen. Cathleen told shelter workers that she is 18 and homeless. During your talks with Cathleen, however, she admits that she is really only 15 and has run away from home. She further divulges that she does not want to go home because her mother's live-in boyfriend sexually abused her. She begs you not to share the information about the sexual abuse with anyone or to contact her mother.

...By asking you to keep the alleged abuse in confidence and to help with her emancipation, Cathleen is attempting to exercise her right to self-determination, privacy, and confidentiality. However, although you want to maintain her trust, as a social worker you are ethically and legally bound to report the abuse because she is a minor. The ethical dilemma here is clearly between client confidentiality and mandated reporting of suspected abuse. To serve Cathleen best, you must stay within your role and report the suspected sexual abuse to the child welfare agency. At the same time, you must continue to respect her right to self-determination and privacy to the extent that you can. (Berg-Weger, 2019, pp. 255-256)

What Berg-Weger (2019) initially call an "ethical dilemma" is immediately resolved by a legal duty to report.

### State Loyalty and Deontological Commitments

In social work practice literature, "ethical dilemmas" represent competing commitments social workers hold (Sasson, 2000), usually grounded in the National Association of Social Workers (NASW) *Code of Ethics*. While social work textbooks rarely offer decisive answers to these dilemmas, mandatory reporting appears to be an exception. Anecdotes present mandatory reporting as a predicament uniquely solved by a worker's legal mandate or duty, making us question whether the authors consider it a predicament.

Some authors omitted any dilemma when discussing mandatory reporting, instead offering authoritative instructions that social workers should always report suspected abuse:

If a minor client discloses during the counseling session that she is being sexually abused by her uncle, the practitioner is legally obligated to report this information to child protective services to ensure the child's safety. Disclosures are not always so clear-cut or direct, though, and there are many occasions where social workers find themselves needing to use their clinical skills to determine whether violating confidentiality is the appropriate course of action. For instance, consider the client who may be suicidal. (Martin, 2016, p. 41)

Martin (2016) frames reporting familial child sexual abuse to CPS or law enforcement as a “clear-cut” decision. Mandatory reporting becomes amalgamated with a successful child protection outcome, an imagined association that Raz (2020) argues is not supported by empirical data. Martin’s (2016) subtitle for this anecdote, “The Conflict Between Ethical Standards and Emotional Desires,” further illustrates the author’s position on legal obligations (p. 35). Mandatory reporting is framed as purely “ethical.” When juxtaposed with “emotional desires,” mandatory reporting becomes the only rational, professional response.

Deontological ethics apply “objective” moral rules and principles universally, without attention to context or outcome (Gray, 2010; Reiman, 2009). Mandatory reporting was often framed as an obligation to the State, a “public good” that supersedes obligations to the individual or collective well-being of clients and client populations. Berg-Weger (2019) embraces this deontological approach to mandatory reporting, positioning reporting as ethically “right” based on legal rules, regardless of social and political consequences for clients. A case study asks the reader to imagine they are serving Julio, a 16-year-old, undocumented boy who is houseless, trading sex, looking for his mother who is also undocumented, and needing healthcare access. This vignette raises concerns with immigration enforcement, and issues related to commercial sexual exploitation given state and federal laws that frame youth under the age of 18 engaged in the sex trades as sex trafficking victims. For the sake of our discussion, we focus on concerns around immigration and deportation.

Berg-Weger (2019) acknowledges that reporting Julio to CPS as an unaccompanied minor could put him and his mother at risk of deportation. While the author asserts that social workers are “ethically bound” to protect client confidentiality and have no legal obligation to report the client to Immigration and Customs Enforcement, they argue that: “Reporting Julio to the child protection agency, however, is another matter. As a mandatory reporter, you are obligated to report a minor without a guardian. The decision to investigate and/or intervene will rest with the agency” (p. 240).

Berg-Weger’s anecdote relies on; (a) a denial of the ways that social work and *crimmigration systems* (Stumpf, 2006) work together to surveil, punish, and displace undocumented families; (b) a commitment to state loyalty at the expense of clients; and (c) a refusal of responsibility for adverse outcomes. Even without the added layer of immigration enforcement, reporting child abuse to state authorities is the first step in a

chain of events that disproportionately funnels low-income families and families of color into the arms of the *carceral-assistential lattice* (Wacquant, 2009).

Six textbooks prioritize the duty to report over client confidentiality (Berg-Weger, 2019; Martin, 2016; Segel et al., 2019; Sinanan, 2018; Suppes & Wells, 2018; Zastrow, 2017). Authors support this choice using the NASW (2021) code for client privacy and confidentiality that makes exceptions for cases of child abuse. Sinanan (2018) speaks about these exceptions in absolute terms, writing that “a social worker is obligated to break confidentiality” to protect children from maltreatment (p. 43). Speaking of social work in criminal justice settings, Suppes and Wells (2018) write:

If a teenaged girl, on probation for running away, admitted to a probation officer that she had been running away because of her father’s sexual abuse, the social worker would feel sorry about having to violate the confidence so painfully shared by the teenaged girl, *but there would be no doubt that this situation would have to be reported and assessed further* [emphasis added]. (p. 354)

In this excerpt, the contraction “but” may serve to minimize the provider’s concern for confidentiality. Rather than explain why a provider would hesitate to report interfamilial sexual abuse to CPS, Suppes and Wells (2018) juxtapose feelings (i.e., remorse) with the duty to report.

This deontological framing of mandatory reporting is rationalized through arguments supporting criminalization and professionalization, also imbued with the impacts of neoliberalism. Several textbooks describe, albeit briefly, criminal (Colby & Dziegielewski, 2015; DuBois & Miley, 2019; Martin, 2016), civil (DuBois & Miley, 2019) professional (Martin, 2016), and societal (Ambrosino et al., 2016 Zastrow 2017) consequences for failing to report suspected maltreatment. Pressures to comply with legal mandates and avoid personal penalties take precedence over careful supervision that could inform a more nuanced, contextualized response.

Repeatedly, textbooks present mandatory reporting as a duty; a responsibility to the client, the State, and the profession. This duty communicated implicitly and explicitly, legitimizes the State as an appropriate, safe, and effective intervention into child abuse and neglect. It positions social workers as uniquely responsible for, and reliable at reporting child abuse. Lastly, it decenters clients and neglects their fears of state intervention.

### **Criminalization of Practice**

What happens when social workers do not report suspected child abuse and neglect? Six textbooks (Ambrosino et al., 2016; Colby & Dziegielewski, 2015; DuBois & Miley, 2019; Glick, 2010; Martin, 2016; Zastrow, 2017) mention penalties yet provide few details about the actual consequences of failure-to-report. Such ambiguity can create confusion among providers and perpetuate a risk-averse approach to reporting that furthers the neoliberal embrace of individual responsibility for social problems. We identified three risk domains authors used when discussing failure-to-report: professional status, professional liability, and criminalization of practice.

### ***Professional Status***

Accurate data on the scope of child abuse is arguably essential for developing informed and effective interventions. Some researchers rely on mandatory reporting as a mechanism to collect data on the scope of child abuse. Zastrow (2017) argues that failure-to-report is partially responsible for a lack of data: “The true extent of child abuse is unknown. Accurate data are difficult to get for two reasons: the failure of citizens and professionals to report suspected cases and the reluctance of abused children to talk” (p. 182). This assertion makes several assumptions. If the author measures the “true extent of child abuse” by reports, then they risk conflating suspected and substantiated abuse. If instead they rely on substantiated abuse, they take-for-granted decades of research on racial and class disproportionality. Regardless of the approach, textbooks do not compel students to think critically about the meaning of harm beyond their states’ respective legal statutes. Ambrosino et al.’s (2016) textbook goes so far as to equate reporting with child saving: “Many children’s lives are saved because someone took the time to make a report, and children’s lives are lost because individuals who knew or suspected a child was being mistreated failed to make a report” (p. 358).

While Ambrosino et al. (2016) were the only authors to overtly suggest mandatory reporting can prevent child deaths, several others included statistics on child abuse deaths in the same section of the text, or page. This is notable considering that deaths resulting from child maltreatment are relatively rare (CWIG, 2021b) and we could not locate any empirical evidence that links the implementation of mandatory reporting laws to a decrease in child fatalities. Rubin (2016), a White House appointee on the Commission to Eliminate Child Abuse and Neglect Fatalities, argued in a 2016 op-ed that there is an insufficient amount of evidence on fatality prevention. This emphasis on child deaths is another feature of individualization within child protective work. We suggest that the impacts of neoliberalism on child welfare work to overemphasize provider responsibility for child maltreatment while downplaying the role of community and structural inequity.

### ***Individual Professional Liability***

In states that license social work, social workers are typically required to follow state laws, including mandatory reporting (Krase, 2018). Consequently, failure to report can subject a licensed social worker to repercussions from their state licensing board. While professional organizations like the NASW cannot suspend licenses, they can sanction members for failure-to-report. Two textbooks stress fear of such professional penalties. For example, while Martin (2016) encourages clinical supervision to inform decisions about reporting, they also warn readers about the professional consequences of failure-to-report:

Determining when that line has been crossed between appropriate parenting and abuse is a clinical issue, best explored within clinical supervision, but it is important to note that, legally, it is the practitioner’s professional license that will be at risk if the appropriate actions are not taken. In some states a failure to report suspected child abuse can result in a range of consequences, such as professional sanctions, or the loss of one’s professional license, or criminal charges. Thus,

although clinical supervision can be of significant assistance in making these types of clinical decisions, the practitioner must make the final decision on whether to break confidentiality to protect the child's welfare. (Martin, 2016, pp. 41-42)

The risk highlighted by Martin (2016) is not the potential adverse consequences a youth might face from staying in an abusive home, nor being forcibly removed. Instead, the author focuses on the professional risk of not reporting. The reader is left with an impossible choice: consider the decision carefully with the help of supervision or report immediately to avoid professional sanctions. This risk averse approach is also seen in the Colby and Dziegielewski (2015) textbook:

If you were concerned that the report is not needed or if you are not sure if you should make the report, call anyway and confer with an intake worker. It is not your responsibility to prove that abuse or neglect has occurred, but only that you suspect it. If you make a report and it is found that the report was made in good faith, you will be immune from liability. (p. 244)

Overall, the use of risk-averse language without more nuanced and critical discussion may lead readers to prioritize professional liability over the safety and well-being of children and families.

### ***Criminalization of Practice***

Three textbooks highlight criminal penalties for failure-to-report. In some states, mandatory reporters can face up to five years in jail and \$10,000 in fines if they fail to report (CWIG, 2019b). These penalties criminalize non-compliant providers, effectively criminalizing practice. While textbooks could acknowledge, at minimum, the range of penalties across states or provide state-specific examples, the textbooks surveyed instead spoke in vague terms:

If a social worker, similar to other professionals, fails to make a report of an incident involving child abuse or neglect, or knowingly fails to provide additional information, or prevent another person from reporting such an incident, he or she can be found guilty of criminal charges. (Colby & Dziegielewski, 2015, p. 244)

DuBois and Miley (2019) and Martin (2016) specify that social workers can face misdemeanor and felony charges for failure-to-report:

Most states have strict laws that define the parameters of child abuse reporting, including delineating what constitutes a reportable concern, the timeframe in which a mandated reporter must report suspected abuse, and the consequences of failing to report suspected abuse, such as the suspension of one's professional license. In fact, in most states, the failure to comply with mandated reporting requirements is a crime (a misdemeanor or even a felony for repeated failures). (Martin, 2016, p. 76)

With limited details, readers may assume that failure-to-report is rare and often results in prosecution. In actuality, failure to report is common and prosecution is rare (Krase, 2018; Polowy et al., 2012). Delaronde and colleagues' (2000) study of 382 mandatory reporters

(social workers, pediatricians, and physician assistants) found that over half of participants failed to report suspected child abuse. It is difficult to prove beyond a reasonable doubt that a social worker knowingly or willingly failed to report. For this reason, “most cases are either dismissed before trial, end in acquittal at trial, or are reversed on appeal” (Polowy et al., 2012, p. 21). The frequency of prosecution, however, may be distorted by high-profile media cases, such as the death of Gabriel Fernandez, profiled in a 2020 Netflix docuseries. Incomplete information in social work textbooks, combined with moral panics in the media (Lash, 2017; Raz, 2020), may influence social work students’ motivations for reporting.

### **Mandatory Reporting and Complicity With the State**

Few textbooks address the ways mandatory reporting, as a social work duty, furthers social work’s complicity with systems of surveillance and control. When tensions around mandatory reporting surface in the texts, most authors follow up with a reminder of social workers’ legal obligations to report. Two textbooks discuss class disproportionality (Marx et al., 2011; Popple & Leighninger, 2020) and one racial disproportionality (Marx et al., 2011) in reporting practices. Marx et al. (2011) argue that “disparate reporting” is one of several reasons why “poor and minority children” are more likely to enter the foster system, suggesting that “a combination of socioeconomic factors in various state and federal policies as well as disparate reporting and service delivery increase the likelihood that poor and minority children will enter the foster care system” (pp. 229-230).

Popple and Leighninger (2020) present class-based “reporting bias” as a theory that modern social scientists reject, pointing to research that finds poor people are only “slightly over reported” and a probability that poor parents are more likely to maltreat children (p. 304). Popple and Leighninger (2020) miss an opportunity to explicate the ways in which capitalism and white supremacy unevenly distribute resources for childrearing and risk reinforcing myths of poverty culture. The robust literature on racial disproportionality in child abuse reporting is largely ignored.

### **Troubling Complicity**

While much of the engagement with mandatory reporting echoes the criminalization, neoliberalism, and professionalization found in social work responses to domestic violence, we also found signs of resistance to *The Braid* in the Popple and Leighninger (2020) textbook, where the authors use anecdotes to explore the tension between legal mandates, social work’s commitment to social justice, and the importance of relationships. A short story about a county-employed social worker considers social justice and the impact of structural oppression on mandatory reporting outcomes. The worker, responding to a new policy requiring she report any new child born to a welfare recipient, weighs her commitment to social justice against her legal duty:

The worker is aware of the requirements that social workers should comply with the law. However, she is convinced that reporting newborns might preclude future essential services. [She] also believes that the new regulations will create a new class of citizens (children born to welfare mothers) that might be discriminated

against in various ways. (Popple & Leighninger, 2020, p. 133)

The “however” is an essential and unusual rhetorical device. While social work textbooks often approach ethical dilemmas, such as intervention with a suicidal client, with an acknowledgment of nuance, the dilemma of child maltreatment is presented as “clear-cut” in most texts. The legal obligation to report to law enforcement or child welfare authorities is paramount and unquestioned regardless of the potential outcome. Popple and Leighninger’s (2020) anecdote is unique in its invitation to keep talking beyond the declaration of a legal mandate.

### Discussion

In this study, we found that social work textbooks’ engagement with mandatory reporting appealed to state loyalty, deontological ethics, and professional liability—each deeply intertwined with *The Braid*. These textbooks take-for-granted mandatory reporting as a fixed and necessary response to suspected child abuse and neglect. Mandatory reporting becomes a moral imperative, not because of its efficacy in improving lives or its contributions to social justice, but because of its investment in governing through State surveillance and the regulation of bodies.

Textbooks privileged deontological perspectives, arguing for the primacy of social work’s legal commitments through the use of decontextualized anecdotes. With a dearth of evidence supporting its effectiveness as a tool to identify and mitigate child maltreatment, mandatory reporting is presented as a morally sound intervention to be universally applied to a vast array of circumstances. Pressures to comply with legal mandates and avoid personal penalties take precedence over careful supervision that could inform a more nuanced, contextualized response. When readers suspect maltreatment, they are encouraged to consider an array of individualized consequences if they fail to report. This approach to mandatory reporting assumes the existence of an essential good, which clashes with critical and constructivist approaches to social work practice that stress the significance of context.

When contextualized within broader discourses of professionalism, neoliberalism, and criminalization, we are better able to appreciate the ways mandatory reporting may not only work against other social work mandates including social justice and anti-oppression but may work to further entrench social work within carceral logics and systems. Neoliberalism’s influence on notions of safety and well-being relies on individual responsibility such that individual “perpetrators” are sought and held responsible for child maltreatment, and individual professionals are made accountable to the state rather than to the alleged victims or their communities. The state then makes social workers individually responsible for child protection through mandating surveillance and reporting, threatening professional sanctions if they refuse or fail to comply. We speculate and worry that child welfare and adjacent organizations, chasing funding within neoliberalism’s competitive and market driven structure, may use the number of reports as markers of efficacy, consequently associating a decline in reports with a decline in individual social workers fulfilling their professional responsibilities.

Criminalization is the process by which behaviors and people become crimes and criminals (Michalowski, 1985). Decisions to report subject families, disproportionately BIPOC and low-income, to additional layers of state surveillance and criminalization. Once a call is reported and screened-in, child protection workers can visit homes accompanied by law enforcement, or once inside a home, they can report suspected crimes to law enforcement. What may seem like a simple and procedural decision to phone in a suspected case of abuse may implicate social workers in a broader process of state violence. No surveyed textbooks discussed the relationship between mandatory reporting and criminalization, which we find stunning and troubling. Furthermore, only one textbook (Marx et al., 2011) touched on racial disproportionality in reporting, attributing it to socioeconomic factors, without any discussion of white supremacy.

Through processes of professionalization, social workers increasingly employ technical solutions that individualize problems and promote apolitical approaches to practice (Mullaly, 2019). Across the country, mandatory reporting is just one of many expectations that social workers submit to in exchange for state recognition via credentialing and licensing bodies. As described earlier, social workers who fail to report can face professional sanctions. Similarly, in some states, people reported for suspected abuse or neglect are placed on child abuse registries that can inhibit professional and economic opportunities. While social workers surveil clients for suspected abuse and neglect, agencies and regulatory bodies surveil social workers for suspected noncompliance with reporting laws, under the guise of professionalization. This surveillance, in conjunction with other consequences of *the Braid*, positions social work as a precarious practice removed from social change work.

If we accept Sasson's (2000) definition of an ethical dilemma as a decision between two or more competing ethical commitments, our analysis shows that many introductory social work textbooks frame mandatory reporting as a non-ethical dilemma. We argue that mandatory reporting is an ethical dilemma and textbooks should treat it as such. Mandatory reporting, as an ethical dilemma, calls into question long standing social work tensions between micro and macro practice, as well as competing commitments to professional mandates and social justice. When textbooks privilege legal commitments and deontological reasoning, they promote social work's complicity in carceral systems. The life-and-death decision to subject a person, and by extension their family and community, to the family punishment system should not be "clear cut" or easily resolvable.

In social work education programs, textbooks can function as an authoritative discourse with the power to expand or delimit the possibilities to resist *The Braid*. Instructors could benefit from textbooks that reimagine reporting discourses, particularly in generalist programs where they are expected to understand and teach a broad range of subjects. The problem of how we write about mandatory reporting cannot be resolved with individual scholars and instructors. Social work needs a reckoning with how it understands the history, function, and future of mandatory reporting. Currently, the strands of *The Braid* collide to silence students, instructors, and practitioners. Social workers struggle to discuss, debate, and generate new knowledges about mandatory reporting because the very subject is so incredibly elusive, and questioning mandatory reporting automatically renders the questioner professionally suspect.

## Conclusion

This article explored how social work textbooks orient readers to mandatory reporting of child abuse. We illuminated what content currently exists across the most recent editions of US introductory social work textbooks published in the past 10 years. While this study cannot tell us how instructors understand, make sense of, nor teach about mandatory reporting, it does provide an important baseline for what content is available to students. Expanding the information and resources available to students could advance innovations in how we teach, practice, and theorize child welfare work. Future studies might explore mandatory reporting coverage in child welfare-focused textbooks; mandatory reporting coverage in instructor manuals or supplemental instructor materials; as well as how instructors make use of textbook coverage on mandatory reporting. Below, we offer two suggestions for how scholars can expand writing on mandatory reporting.

First, textbooks could expand mandatory reporting content to include mezzo and macro considerations. Agency policies and procedures, as well as structural systems of oppression are absent from writing on mandatory reporting. At the agency or community level, social workers may feel pressure to report or not report based on factors such as data-driven funding or political pressure such as being tough on crime. At the societal level, decisions to report cannot be separated from facilitators of inequity including white supremacy, capitalism, and the criminal punishment system. Second, textbooks could situate decisions to report child abuse and neglect within the context of social work ethics and principles without privileging deontological reasoning. Mandatory reporting is not an activity devoid of structural influence and consequences. Social work students should be encouraged to engage with macro-focused ethical principles, such as: awareness of the impact of politics on practice (NASW, 2021); action against “oppression, racism, discrimination, and inequities” (NASW, 2021, 1.05b); resistance to neutrality in the fight for Black liberation (National Association of Black Social Workers [NABSW], n.d.); protection of the Black community against “unethical and hypocritical practice” (NABSW, n.d., para. 8); advocacy against oppressive and harmful agency policies (International Federation of Social Workers [IFSW], 2018); and accountability for harm (IFSW, 2018). Integrating macro-focused ethical principles may help address the crisis of complicity currently facing our field.

Students could be encouraged to engage in ethical decision-making around child maltreatment, weighing not just legal mandates and professional consequences, but also commitments to social justice. This critical deliberation might include deconstructions of constructs like abuse and neglect; interrogations of the disproportionate distribution of surveillance technologies; and education about the legacies of colonialism and white supremacy in child welfare. Ultimately, social work students in introductory courses should be encouraged to think critically about social work complicity with systems of oppression, to inform ethical decision-making about mandatory reporting in advance coursework and future practice.

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