



At-risk young mothers in Out-of-Home Care:
Incorporating risk mitigation in mandatory reporting

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Introduction: a conflict in Out-of-Home Care (OOHC)

Our focus

- A subset of young mothers for whom there is elevated risk of child removal
- A conflict that arises when:
 - supporting a young mother to develop parenting, self-care and independence skills, while also being mandatory reporters obliged by law to report risks to her child
- Repeated mandatory reporting undermines trust, conflicts with the goal of care and support

Presentation outline

- Situating a young mother and child in the child protection and OOHC system
- Alignment between findings of the 2023 Australian Child Maltreatment Study and early mandatory reporting rationale
- Reorienting child protection systems from reaction to prevention
- Our proposal: jointly-holding risk with a young mother and limiting mandatory reporting
- Practical, ethical, legal implications of this proposal

Situating a young mother and her child

- Child protection and OOHC system – 4 key steps
 1. identify and report child risk
 2. assess risk and implement risk mitigation strategy
 3. mitigation is unsuccessful, child is determined ‘in need of care and protection’
 4. child is placed in OOHC
- When a mother is in OOHC, a mandatory report is almost certain and she must then prove a *double negative*, that she **is not unsafe**

The ACMS and mandatory reporting

- Two important messages from the Australian Child Maltreatment Study
 - child maltreatment is serious + broad measures do work*
- Early rationale for mandatory reporting (MR)
 - once child risk is identified, it must be reported*
- The two ACMS messages and the early MR rationale sit well together
- Yet, the rate of child maltreatment remains high and the rate of children entering OOHC is not reducing, leading to proposals that child protection systems aren't working

A universal system: prevention prior to risk identification

...[t]he systems that have grown up to respond to risk of harm are typically fractured and focused on emergency responses (i. e., responding to notifications of risk, particularly in response to the growth of mandatory reporting requirements). But there is no ‘mandatory response’, and no systemic coordination of how, across different professional and community groups, we can empower those who are engaging with children and their families on a regular basis [so they] can **‘hold the risk’** and, more importantly, work with families to address the concerns that otherwise would bring them to the attention of statutory child welfare systems (Higgins et al, 2024, p. 4)

Jointly 'holding' child safety risk

- A young mother in OOHC lacks informal supports – she is on her own
- Our proposal - an explicit commitment to jointly holding child safety risk with a young mother and limiting mandatory reporting obligations for those holding the risk
- Shifts risk focus from a young mother to the quality of supports she receives

Practical, ethical and legal implications

- A young mother will make mistakes
- Repeated mandatory reporting does not make her child safer
- An explicit commitment to jointly held risk, and limiting mandatory reporting, raises the question of liability
- This question also applies to Higgins' *et al* system-wide proposal
- The question is worth asking and we should find a way to answer it

Selected references

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