Mandatory reporting

Civil Reporting
Ecclesiastical Reporting
SOME STATISTICS
Nearly five children die every day in America from abuse and neglect.

(National Children’s Alliance)
Adult retrospective studies show that 1 in 4 women and 1 in 6 men were sexually abused before the age of 18 (Centers for Disease Control and Prevention, 2006).

This means there are more than 42 million adult survivors of child sexual abuse in the U.S.
Only 5% of sexual abuse is perpetrated by a stranger.

(Snyder, 2000).
Civil Reporting Duties
All states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands require certain professionals, and in some cases, the average person to report physical abuse, neglect or sexual abuse of minors.
Approximately 26 States currently include clergy among those professionals mandated by law to report known or suspected instances of child abuse or neglect.
In approximately 18 states and Puerto Rico, any person who suspects child abuse or neglect is required to report. This inclusive language appears to include clergy but may be interpreted otherwise.
Get to Know Your State’s Laws

- Find out what your state’s mandatory reporting requires.
- Inform your staff of your state’s laws.
- Train your staff in what the law requires.
Failure to Report

- Approximately 47 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands impose penalties on mandatory reporters who knowingly or willfully fail to make a report when they suspect that a child is being abused or neglected.
Many states classify failure to report as a misdemeanor punishable with imprisonment and substantial fines.
A failure to report can also expose your organization to liability.
What does the Book of Order say?
G-4.0302  Mandatory Reporting

“All any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined by G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law. Or (3) she or he reasonably believes that there is risk of future physical harm or abuse. “
WHO IS REQUIRED TO REPORT

- Ordered ministry: Teaching Elders, Ruling Elders, Deacons and Certified Christian Educators
WHAT ARE THEY REQUIRED TO REPORT

- Harm or the risk of harm related to physical abuse, neglect, sexual molestation or abuse
  - Of a minor (anyone under 18 years of age)
  - Or an adult who lacks mental capacity
• REPORT INFORMATION WHEN

• such information is gained outside of a confidential communication; and

• you are not bound by an obligation of privileged communication under law; or

• you reasonably believe that there is risk of future physical harm or abuse
TO WHOM TO MAKE THE REPORT

- To both church and civil legal authorities
Sexual Abuse Defined in the Rules of Discipline (D-10.04001c)

• **Sexual abuse** of another person is any offense involving sexual conduct in relation to
  • any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent;
  
  or

  • any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position.
Confidentiality

See G-4.0301
A teaching or ruling elder commissioned to pastoral service
- may break confidentiality if given permission by confidant
- or if mandated to real confidential information
- “may reveal confidential information when she or he reasonably believes that there is a risk of imminent bodily harm to any person.”

Some states only recognize the Roman Catholic sacraments of confession, penance and last rites as confidential.
Inform and train your staff in what the Book of Order requires.
Mandatory Sexual Misconduct Policy

- In G-3.0106 Administration of Mission
  - A new section was added by the GA in 2010
  - “All councils shall adopt and implement a sexual misconduct policy.”

- The GA also approved a Sexual Misconduct Policy and its Procedures which can be found at
Implementing a Policy and Mandatory Reporting

Your council should implement a policy:

1. so that your staff and congregation know how to comply with state law reporting duties
   - describe what the law requires.
   - specify who to notify, how, and contact numbers.

2. so that your staff and congregation know how to comply with the Book of Order reporting duties
   - describe what the Book of Order requires.
   - specify who to notify, how, and contact numbers.
Where Can I Find A Sample Policy?

• Refer to:
  • http://www.presbyterianmission.org/ministries/creating-safe-ministries/create-policies/
  • the PCUSA policy
  • your presbytery’s policy

• Church insurers often have sample policies on their website.
RECOGNIZING CHILD ABUSE
Common indicators of sexual abuse
No one indicator necessarily implies abuse but rather a constellation of symptoms.

- Being overly affectionate or knowledgeable in a sexual way inappropriate to the child's age
- Medical problems such as chronic itching, pain in the genitals, venereal diseases
- Other extreme reactions, such as depression, self-mutilation, suicide attempts, running away, overdoses, anorexia
- Personality changes such as becoming insecure or clinging
- Regressing to younger behavior patterns such as thumb sucking or bringing out discarded cuddly toys
- Sudden loss of appetite or compulsive eating
- Being isolated or withdrawn
- Inability to concentrate
- Lack of trust or fear of someone they know well, such as not wanting to be alone with a babysitter or child minder
- Starting to wet again, day or night/nightmares
- Become worried about clothing being removed
- Suddenly drawing sexually explicit pictures
- Trying to be 'ultra-good' or perfect; overreacting to criticism
Common indicators of physical abuse

No one indicator necessarily implies abuse but rather a constellation of symptoms.

- Unexplained recurrent injuries or burns
- Improbable excuses or refusal to explain injuries
- Wearing clothes to cover injuries, even in hot weather
- Refusal to undress for gym
- Bald patches
- Chronic running away

"It shouldn't hurt to be a child."
• Fear of medical help or examination
• Self-destructive tendencies
• Aggression towards others
• Fear of physical contact – shrinking back if touched
• Admitting that s/he has been punished but the punishment is excessive (such as a child being beaten every night to ‘make him study’)
• Fear of suspected abuser being contacted
Common indicators of emotional abuse

No one indicator necessarily implies abuse but rather a constellation of symptoms.

- Physical, mental and emotional development lags
- Sudden speech disorders
- Continual self-depreciation ('I'm stupid, ugly, worthless, etc')
- Overreaction to mistakes
- Extreme fear of any new situation
- Inappropriate response to pain ('I deserve this')
- Neurotic behavior (rocking, hair twisting, self-mutilation)
- Extremes of passivity or aggression
Definition of Neglect

Harm or threatened harm to a child’s health or welfare that occurs through either failure to provide adequate food, clothing, shelter, or medical care or placing a child at unreasonable risk to the child’s health or welfare by failure to intervene to eliminate that risk when the person is able to do so and has or should have knowledge of the risk.
FILING A REPORT
You are required to file a report under most state laws when you have reasonable cause to suspect abuse or neglect.
You are not required to determine whether abuse or neglect has actually occurred.
There are NO excuses for not reporting

- You may believe that filing a report will not lead to any benefit to the minor involved.
- You may believe that filing a report may actually place the minor at an increased risk of abuse or neglect.
- You may be uncertain that abuse or neglect has actually occurred.
- However, failure to report can lead to civil penalties (criminal) and does not comply with mandatory reporting duties of civil law or the Book of Order.
- **REPORT IT!!** And let the authorities investigate and sort it out.
How to make a report

• Know where to make a report *before* you suspect abuse. Some hotlines are statewide, other locations have county reporting procedures.
You should be prepared to provide, if known, the following information when making a verbal report:
• Child’s current address as well as past addresses, if known, and the address where the alleged incident happened if different.
• If the alleged perpetrator lives with the child.
• Alleged victim’s full name, birth date, and race.
• Alleged perpetrator’s full name.
• If known, provide the relationship of the perpetrator to the child.
• Statements of the child’s disclosure and context of the disclosure. For example, was the child asked about the injury, or did s/he volunteer the information?
• History of the child’s behavior and patterns of attendance may be helpful to the investigation.
• Why you think the child is being abused, neglected and/or maltreated.
Be sure to...

- Document your report
  - Date and time of call
  - Who you talked to
  - What you reported
  - What you were told would happen
You SHOULD NOT attempt to investigate the matter yourself.

The official investigation could be nullified if the child is asked leading questions or the alleged perpetrator is pursued.

You can be charged with a crime if you investigate when you already know or suspect abuse.
To sum up...

- You may be a mandatory reporter as per the PCUSA Book of Order.
- In addition to civil authorities, report suspected abuse to your presbytery.
- Know your state and county’s reporting procedures before you need them.
- Child abuse is a serious societal problem.
- Be part of the solution. Don’t ignore child abuse.