CHILD ABUSE RESPONDING &
REPORTING PROCEDURES

# Response and Reporting Overview

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Anyone who knows of, or has reasonable cause to suspect, a child has been abused, abandoned, neglected, or exploited in violation of the law should immediately contact the appropriate state abuse hotline [provide number here]. All reports are confidential and access to these reports is limited by specific criteria described in the appropriate state’s statute(s).

State laws generally require that certain categories of persons responsible for the care or treatment of children report to state authorities when there is reasonable cause to believe that a child has been abused or neglected, or is in danger of abuse or neglect. The specific laws, and thus their specific requirements, vary from jurisdiction to jurisdiction. For example, some states require any person having cause to believe that a child's physical or mental health and welfare has been or will be adversely affected by abuse or neglect to report immediately to authorities. Other states require only those who have special occupations, such as nurses, counselors, teachers, physicians, law enforcement officers, or the like, to report suspected cases of abuse.

Every church in the Diocese should be familiar with, and every person responsible for the care of children in the church should be made aware of, the applicable child abuse reporting requirements and procedures in that jurisdiction.

Each church in the Diocese should review the applicable laws in its jurisdiction and should create a written response plan that is consistent with those laws.

As a helpful resource, [this government website](https://www.childwelfare.gov/topics/systemwide/laws-policies/state/) links to the child abuse reporting laws in each jurisdiction by state. Laws can change over time, however, and it is the responsibility of the individual church, not the diocese nor the Anglican Church in North America, to make certain that it has identified and understands the child abuse reporting laws that currently apply to it at any specific time.

In addition to complying with any applicable legal requirements, churches should also have in place appropriate procedures for internal reporting to appropriate church leaders of any suspected mistreatment of or injury to a child and any suspicious or unusual information about a child.

# Responding to the Child Disclosing Abuse

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

One of several ways in which the clergy, staff member, or volunteer may come to suspect child abuse or neglect is from information that a child himself or herself shares. If a child discloses abuse or neglect, the clergy, staff member, or volunteer receiving such a communication should attempt to:

* Respect the child’s privacy by finding an appropriate non-threatening place to talk;
* If reasonably possible, ask a staff member, trained volunteer, or other responsible adult to join in listening to the child’s/youth’s account;
* Be calm and compassionate, and avoid expressing doubt or disbelief, judgment of the person, or shock or outrage;
* Assure the child that any abuse was not his/her fault;
* If helpful, tell the child that he/she was brave to disclose the abuse;
* Children disclosing abuse are often vague in their initial disclosure, so avoid questions that could make the child feel responsible or plant ideas that could taint the child’s recollection and account. A safe question is always, “Is there anything else you’d like to tell me?”

Write down as accurately as possible what the child disclosed. This information can be used in filing the Report of Suspected Abuse Form and helps capture all the information needed to make a Child Protective Services report.

Be careful afterwards not to discuss the information with, or in front of, other people who do not need to know what happened. Discussion about the information should be limited to appropriate church and legal authorities, as discussed further below.

# Reporting to Church Authorities

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Churches should also have in place appropriate internal procedures and mechanisms for reporting to appropriate church leaders any suspected child abuse or neglect, any other suspected mistreatment of or injury to a child, and any suspicious information involving a child. Such internal reporting allows church leaders to determine whether a legal reporting obligation has been triggered, whether further information is needed, and/or whether pastoral or other care for children and others should be offered.

At times, when the church leader receiving such reports puts together the separate pieces of information provided by different leaders and volunteers, the leader may discern a pattern or recognize information that triggers further investigation and/or a report to state authorities. (Such internal church reporting procedures are not intended to supersede any applicable legal reporting requirements.)

It is critical to be prepared in advance by adopting an appropriate plan and following that plan if an incident or allegation of child abuse occurs. [Sample plans should be provided to churches.] When there is reason to believe child abuse or neglect has occurred or is occurring, act immediately. Do not ignore or fail to take seriously any reported incident.

**Implement Your Response Plan**. The church is expected to have in place an appropriate plan (even if only a very brief one) to use when responding to any allegation of child abuse. That plan may include a response team of individuals instructed with proper response mechanisms, along with additional procedures to implement throughout the church in responding to the allegation.

**Report to the Rector**. The individual(s) suspecting abuse or neglect should immediately notify the Rector and Senior Warden (or another person designated by the Rector or Senior Warden or otherwise identified in the church’s child abuse reporting procedures as authorized to receive such reports) of the suspected child abuse. The church should also identify in its response plan and other children’s ministry policies other persons who may receive such a report if the Rector or Senior Warden is the person who is the subject of the allegations or is otherwise suspected of having committed abuse or neglect.

**Suspend Person Accused of Abuse from Duties.** If the person accused of abuse is employed by or volunteering with the church, the Rector (or the designee) should immediately remove the person accused of abuse from the situation in which the accusation arose and from any duties where he/she will have any further contact with children. This can be done quietly and should be done quickly and without exception. An interim transfer to a position that has no contact with children is one possibility; a leave of absence (with pay if the person is an employee) may be another solution. The church leadership will determine whether the person accused of abuse will continue in ministry.

**Notify Parents Where Appropriate**. If the person accused of abuse is not the child’s parent or guardian or otherwise a member of the household, the Rector or the designee should contact the child's parents or appropriate guardians and offer support from the church.

**Notify the Bishop***.* The rector shall notify the Bishop. The Bishop shall notify the Diocesan chancellor. The Bishop may request periodic updates of the investigation being conducted and subsequent actions taken at the local church level and/or may initiate a third-party investigation into the allegations of child abuse.

**Notify the Church Legal Counsel**. In most circumstances, the rector should notify the church’s legal counsel. Obtaining competent legal advice at the very outset of the matter will help protect the church from failing to comply with legal duties and/or being exposed to additional legal liability. In addition, if the investigation is conducted by legal counsel, the information gathered and conveyed to the attorney may be privileged from disclosure as a confidential attorney/client communication under certain state laws.

# Reporting to Legal Authorities

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

The rector or other appropriate church leaders should consult with the church’s legal counsel for assistance in identifying and complying with the appropriate abuse reporting requirements within the required time frame under applicable state laws.

No allegations, complaints or reports of suspected abuse should be ignored. As discussed above, churches should be aware of and should comply with any applicable legal obligations to report suspected child abuse and neglect.

Further, even where reports are not legally required, voluntary reports of suspected abuse or neglect are legally permitted in all jurisdictions in the diocese and should always be considered with the assistance of legal counsel.

If the church determines that a report is legally required or decides that it should make a permissive report even though one is not legally required, contact the appropriate legal authorities [provide contact information]. Contact information should be updated by the church regularly.

**Cooperate with the investigating legal authorities.** Subject to advice of the church’s legal counsel, the church should cooperate in the investigation conducted by the governmental agency to which the report has been made, as well as any other law enforcement agencies involved with the investigation.

**Notify insurance providers.** Unless the church’s legal counsel advises otherwise, the church should promptly notify its liability insurance company. This is important for at least four reasons: (1) the insurance policy may require immediate notification for coverage to be effective; (2) the policy may pay for counseling or legal advice; (3) the policy may not provide coverage for lawsuits involving acts of sexual abuse; and (4) the insurance carrier, having dealt with similar cases, may be a source of helpful advice. Unfortunately, most insurance policies do not generally cover sexual misconduct or negligent hiring/supervision in sexual abuse situations. Separate “riders” can be purchased, although some require strict preconditions to coverage like screening, awareness, and prevention training.

**Appropriately document actions.** Designated clergy should document any actions taken regarding the complaint, and retain that documentation in confidential files. (The church’s legal counsel may have specific instructions for how such documentation should be prepared and maintained.) It should be noted that the investigation of suspected child abuse is the legal responsibility of the police or child protective authorities. It is not the responsibility of church leaders to prove that such an incident did or did not take place.

# Release of Information

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

**Carefully consider any release of information.** Identify a single person to respond to all inquiries (media or otherwise), such as a specially trained management person, and instruct all other workers politely to direct all inquiries to that person. Use an approved, prepared statement to answer media inquiries and to convey news to members of the church. Such a statement should be reviewed by the church’s legal counsel. Don’t release any information until the church has solidly confirmed its factual content. Safeguard the privacy and confidentiality of all involved by not releasing names or other identifying information, especially that concerning minors.

**Maintain appropriate confidentiality** of any allegations and of the investigation as much as possible. Emphasize the importance of maintaining the confidentiality of the investigation to each person who is interviewed and instruct them not to disclose any information regarding the allegations or your investigation to anyone other than law enforcement or child protective authorities. Maintaining appropriate confidentiality will: (1) protect the privacy and reputations of those actually or allegedly involved in the incident; (2) reduce the risk that defamation may occur; and (3) help preserve the attorney-client privilege, where otherwise applicable.

**Reach out to, and care for, anyone who has disclosed abuse**. One of your church’s primary missions is sharing the love of God with children. Offer whatever pastoral care and other help is appropriate and available to the child who has disclosed abuse and his/her family.

**Treat the accused with dignity and support**. Since the accused has not been formally charged or convicted, he/she should be treated as innocent until proven guilty beyond a reasonable doubt. Be supportive and objective.

**Bring closure to the investigation.** If the accused is eventually convicted, then discipline or dismissal is generally appropriate. Counseling may also be appropriate. If charges are unsubstantiated, the decision about whether to restore the accused to full employment or volunteer service may depend on a number of circumstantial factors. Consult the Bishop and legal counsel for guidance. Of course, all personnel actions should be well documented in writing and kept in confidential files. Attorney-client privileged material should never be disclosed without first consulting your attorney.

It is essential that each church respond to a report or instance of abuse in a manner that promotes healing for the child who has disclosed abuse, the person accused of abuse, and the loved ones of both parties, as well as healing in the local church and community (see Section I).

# Internal Church Communication and Reporting

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Clergy, staff members, and volunteers shall report promptly to the appropriate ministry leader, supervisor, or Rector whenever the clergy, staff member, or volunteer:

* Is involved in or becomes aware of any sexually-oriented communications involving a child connected with the church; or
* Is involved in or becomes aware of any inappropriate behavior involving a child by a clergy person, a staff member, or a volunteer; or
* Is arrested for, or convicted of, any crime involving child abuse and/or neglect, is charged with child sexual abuse in a civil proceeding; commits an act of child sexual abuse; or (except as otherwise prohibited or limited by applicable laws and regulations) is diagnosed with any paraphiliac psychological condition, as defined by the American Psychiatric Association, including, but not limited to, pedophilia, voyeurism or exhibitionism; or
* Becomes aware that a member of his/her household has been arrested for, or convicted of, any crime involving child abuse and/or neglect; been charged with child sexual abuse in a civil proceeding; committed an act of child sexual abuse; or (except as otherwise prohibited or limited by applicable laws and regulations) been diagnosed with any paraphiliac psychological condition, as defined by the American Psychiatric Association, including, but not limited to, pedophilia, voyeurism or exhibitionism; or
* Becomes aware that a person who is attending the church has been arrested for, or convicted of, any crime involving child abuse and/or neglect; has been charged with child sexual abuse in a civil proceeding; has committed an act of child sexual abuse; or (except as otherwise prohibited or limited by applicable laws and regulations) has been diagnosed with any paraphiliac psychological condition, as defined by the American Psychiatric Association, including, but not limited to, pedophilia, voyeurism or exhibitionism.

*Such information is important to enable church leaders to see that appropriate child protection mechanisms are in place in accordance with this policy while handling this information in a responsible and confidential manner.*

# How to Report Abuse to Child Protective Services

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Although the name of the person reporting the suspected abuse may be requested for follow-up purposes, the person reporting abuse to Child Protective Services is generally NOT required to give his/her name. If the person reporting does provide his/her name and requests anonymity, there are legal mechanisms in place in each state to protect the reporter from having his/her name given to the alleged abuser, unless otherwise ordered by a court.

It is helpful for the person reporting suspected abuse to provide the following:

* The name and address of the child and the parent or person responsible for his/her care;
* The names of other persons, especially children, living in the suspected victim's home;
* Address of the child's home;
* The child's age, sex, and race;
* The name of the school the child attends;
* The name and address of the alleged abuser, if known;
* A description of the alleged abuse and or neglect, including how long it may have been happening;
* The relationship between the person reporting the abuse and the child.

Please refer to the sample form for Report of Suspected Child Abuse below, to be used when reporting allegations of child abuse to Child Protective Services and other authorities.

Once completed, that form should be kept in a confidential file with the church.

## Child Protective Services Procedure after Initial Report

If the Child Protective Services worker determines that the report of abuse is a valid complaint, then the complaint must be investigated. To constitute a valid complaint, all of the following criteria must be met:

* The child must be under the age of 18 at the time the complaint occurred;
* The alleged abuser must be the child's parent or caretaker at the time of the abuse;
* The report must be made in the city or county where (a) the child lives, (b) the abuse occurred, or (c) if neither of these is known, where the abuse is discovered; and
* The circumstances must meet the state definition of abuse or neglect.

# Sample Form for Report of Suspected Child Abuse

//////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

***Confidential: Keep completed form in locked file. [Provide direction here as to where these forms will be stored.]***

|  |  |  |
| --- | --- | --- |
| Your Information | Name: |   |
| Date of initial report: |   |
| Title/Position: |   |
| Supervisor: |   |
| Address: |   |
| Phone:  |   |
| Email:  |   |
| Information Regarding Suspected Victim(s): | Name: |   |
| Age: |   |
| Biological sex: |   |
| Address: |   |
| Telephone: |   |
| Relationship to the church: |   |
| Name of any other suspected victim (attach additional forms): |   |
| How did you become suspicious of possible abuse? |   |
| Information about the Person Suspected of Child Abuse: | Name: |   |
| Address: |   |
| Telephone: |   |
| Relationship to the church, if any: |   |
| Confidential Details (Keep locked up) | Describe any physical evidence of suspected abuse: |   |
| Describe incidence details such as type, date(s), time(s), and location(s) of suspected abuse: |   |
| Witnesses (if any) | Name/phone/age: |   |
| Relationship to church, if any: |   |
| Name/phone/age: |   |
| Relationship to church, if any: |   |
| Reporting Details | To whom was the initial report made (name/title/phone): |   |
| What is their relationship to the church? |   |
| On what date was the suspected abuse reported to Child Protective Services? |   |
| Name of CPS worker who received the report: |   |
| If reported to police, what was the name of officer receiving report and the date? |   |
| Were the parents notified? Date and parent phone number: |   |
| Was suspected abuse reported to the Diocese, what date, and to whom was it reported? |   |
| Any other information which may be helpful to the investigation? |   |
| Submission | Date:  | Signature: |