THE PRESBYTERY OF OHIO OF THE ORTHODOX PRESBYTERIAN CHURCH

REPORT OF THE COMMITTEE ON STATE MANDATED REPORTING

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PART I: PRELIMINARIES

The Committee recognizes the good work that has been done on this general topic by our denomination. In this report we are not seeking to replace or redo the work that has already been done by others but help compile and apply it to our particular contexts. We highlight two resources below:

The OPC's Study Report on Abuse: REPORT OF THE SPECIAL COMMITTEE TO HELP EQUIP OFFICERS TO PROTECT THE FLOCK. This report provides a helpful analysis of the topic as well as answers questions about how the church should relate to law enforcement in these difficult cases. Below is the text from the report on Mandated Reporting:

Reporting and Mandatory Reporting

Reporting incidents of sexual abuse is necessary for the protection of the flock. Policies should reflect the current laws of federal, local, and state governments. This may mean that reporting to the appropriate law enforcement agency is mandatory. One should note, however, that a municipality that does not require reporting after a certain age is not a substitute for godly and Biblical prudence. One may report an incident even if it is not a legal requirement. For further helpful guidelines, see the appendix containing the ACBC Statement on Abuse, specifically the section on "allegations."

Law enforcement will do their own investigation. The Lord ordained the magistrate for the punishment of evil and preservation of peace. Often cases have been reported where families or churches try to handle serious crimes "in house." The problem with this approach is that families and churches are neither equipped, nor instructed by God to do so. The civil magistrate is authorized to punish crimes according to just laws; families and churches are not. Volunteers, parents, and church officers are not immune to, or exempt from, God's ordinance (Rom. 13:1–5).

Sometimes churches or families mistakenly decide to punish a crime themselves "in house." The problem with dealing with crimes "in house" is that they may not be appropriately dealt with. Further, other sexual predators within a family or church may indeed be seeking cover by protecting others. If a crime has been committed, the Lord has established the magistrate with the sword for the purpose of protecting citizens. Members of the church are subject to civil authorities under the authority of Christ.

An example of this is how David and Absalom responded to Amnon's rape of Tamar in 2 Samuel 13. King David became angry when he heard about the events (v. 21), but he did not prosecute his son's crime (vv. 20–21). Absalom (Tamar's older brother) avenged his sister by murdering Amnon (vv. 28–29). The result was the beginning of the revolt of Absalom against David. These things were written for our instruction (1Cor. 10:11). Therefore, we urge the officer to consider the complexities and inherent biases involved when attempting to adjudicate and prosecute alleged crimes against those we love and respect.

We are thankful that the Committee on Christian Education of the Orthodox Presbyterian Church has recently published Dr. Alan Strange's *Commentary on the Book of Church Order of the Orthodox Presbyterian Church.* In several places, Dr. Strange treats the misuse of Matthew 18 and we commend his comments, particularly those found in BD III. 1,4,5. Sadly, Matthew 18 has been twisted by perpetrators of abuse to further oppress their victims through a flat appeal to Christ's words. Strange helpfully points out that Matthew 18 is not applicable in matters of public sin, nor necessarily in matters of sin that are not between equals (WLC 126-133, 151).

Matthew 18 does not have in view inferiors going to superiors with alleged offenses. Such can perhaps be done in cases in which the superior is truly humble and will give a fair hearing to the inferior and even repent. Often, however, the very behavior that an inferior would be offended by involves an alleged misuse of authority and power on the part of the superior. If a superior is alleged to be abusing his office as a superior, it is unreasonable and irrational to insist that the inferior must approach him under the rubric of Matthew 18, as if they were the equals implied in the text ("if your brother sins against you").

If the superior can be easily entreated by the inferior, then that is a happy, though perhaps unusual, situation, and Matthew 18 may be quite possible. However, if the superior is offended by being challenged by the inferior, as is often the case even when things are at the level of simple forgiveness—in which parties, whether superior or inferior, acknowledge sin and seek forgiveness and restoration—it is usually the case that an inferior is quite vulnerable and in no position to "go to the superior under the rubric of Matthew 18." Even if the superior claims to be reasonable and approachable, he may not be, and the judgment of others about whether he can truly be easily entreated in the given case should or would need to be brought into view and the superior not simply be left to be judge in his own case.

All this is to say that Matthew 18 is not customarily in play in the case of a superior offended by an inferior: to insist that it is misguidedly puts them on the same level; at the same time, when an inferior alleges offense by a superior, especially of a serious nature (abuse of various sorts come to mind), the judgment of the church should usually be brought in as the first step (which should refer violations of the law to civil authorities), rather than the session wrongheadedly requiring a member alleging pastoral or other special officer malfeasance to "go to the pastor (or elder/deacon) and work it out with him in terms of Matthew 18."

That is not the proper use of Matthew 18—to require inferiors claiming injury to go to superiors with whom there is no proper sense of a level playing field. Matthew 18, if carefully thought through, just as it is not required in cases of public sin, is also not required when a superior, especially in the discharge of his office, is thought by an inferior to have offended. An allegation of such to the local elders should be sufficient for them to seek to address the matter, involving the presbytery if and as necessary. Matthew 18 has too often been as heavy-handedly abused as was Job at the hands of his well-meaning but ultimately misguided friends.

PART II: DEFINITIONS

CHILD ABUSE OR NEGLECT: any act or failure to act, resulting in imminent risk or serious harm, death, serious physical or emotional harm, sexual abuse, or exploitation of a child by a parent or caretaker who is responsible for the child's welfare. Child abuse or neglect should be reported as soon as there is reasonable suspicion.[1]

REASONABLE SUSPICION: is when a person has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect abuse. A belief or suspicion is reasonable if someone else with your education, training, and professional experience would have the same suspicion. Reasonable suspicion can start with the feeling that something doesn't feel right, but such a gut feeling, without other concerns, is not "reasonable." You need to objectively identify and examine your biases and overcome those that might interfere with your ability to be reasonable and identify objective evidence of abuse and neglect.

MANDATORY REPORTER is someone required by law to report to the magistrate if they suspect or know that child abuse is occurring.

PERMISSIVE REPORTER is anyone who is not a mandatory reporter. Although a permissive reporter is not legally obligated to report to the magistrate, given the high moral and ethical standard Christians are to uphold, the committee *highly encourages* reporting any reasonable suspicions to the elders or the state.

CLERGY: The definition of "clergy" may vary by state. It is safe to say that Ministers who register with the state to perform legal ceremonies, such as weddings, are considered clergy. Our reading of the State of Ohio's legislation is that clergy, along with those who receive compensation to lead ministries, are considered mandated reporters while volunteers are permissive reporters.

- The crucial legal distinction, then, is not between Ministers and Ruling Elders or Deacons, but between professionals and volunteers.
- This suggests church staff who are paid to head up a ministry, such as youth leaders, may bear legal responsibility as mandated reporters, even without formal ordination.

CLERGY PENITENT PRIVILEGE: The law is complicated around this issue. It should be noted that the Orthodox Presbyterian Church does not recognize the sacrament of confession or the seal of the confessional. Below is from the OPC's Study Report:

Clergy-Penitent Confidentiality Laws

Clergy-penitent confidentiality refers to the confidentiality between officers of the church and those who confess sin. If a victim of sexual predation indicates such in a counseling session, the officer or volunteer should report it to the proper authorities in the church and civil sphere. Each

[1] For reference see Ohio Revised Code 29.1922 "Endangering Children." https://codes.ohio.gov/ohio-revised-code/section-2919.22

state has distinct laws regarding clergy-penitent privilege and mandatory reporting. Below are some complicating factors.

One factor of clergy-penitent confidentiality is that sexual predators may confess sins to a pastor or other officer in a counseling situation. Consider the analysis of Richard Hammar in *Pastor, Church, & Law*, "The clergy-penitent privilege does not prevent clergy from disclosing confidential communications to the police. Rather, it prevents clergy from disclosing the content of privileged communications in court. Clergy who choose to inform the police about information shared with them in confidence are providing no more than a 'tip.' The police will need to confirm the information through their own investigation, since the minister will be prevented by privilege from disclosing the information in court."[6] For a full discussion of clergy-penitent privilege see Hammar, pages 102–134.

It is godly and wise to notify the civil authorities regarding crimes, but local laws of how such notification will be construed by the civil magistrate will vary. It is wrong to assume that clergy-penitent privilege is absolute, especially considering that the legal origin of this privilege is in the Roman Catholic doctrine of the confession as a sacrament. This so-called privilege does not prevent church officers from reporting crimes.

Law enforcement must do their own independent investigation. This may seem like it prevents serious crime from being prosecuted swiftly, but it is the common law of the land and is due process. In cases where families or church officers fail to disclose sexual crimes against the least of the disciples, the civil magistrate may find them liable for crime too. In such cases it shows the ethic of derived authority. Though the church or a family may fail to enforce the will of God, the civil magistrate may fulfill God's civil will as a duly instituted ordinance.

- **Confession vs. Observation:** In states where privilege *is* recognized (like parts of Pennsylvania or Ohio), it usually only applies to the **Sacrament of Confession** or formal "spiritual counseling." If a clergy member observes physical bruising on a child or hears a child disclose abuse in a non-confessional setting (e.g., a youth group meeting), the privilege almost never applies.

CONSEQUENCES OF NOT REPORTING: A "knowing" or "willful" failure to report by a mandated reporter is a criminal offense and can lead to civil lawsuits against the individual and the religious institution. When a man refuses to report, he bears some responsibility for prolonging harm to a child and brings public scandal and reproach to the church and her witness to Jesus Christ.

PART III: OVERVIEW OF STATE LEGISLATION

INDIANA:

OVERVIEW: Everyone is a state-mandated reporter.
https://www.in.gov/dcs/hotline/

Citation: Ann. Code § 31-33-5-1

Any individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

KENTUCKY:

OVERVIEW: All persons are mandated reporters and must file a report with the state immediately, though the law does provide for some forms of clergy-penitent privilege.
https://prd.webapps.chfs.ky.gov/reportabuse/OutofHours.aspx

The Requirement for Clergy to Report Citation: Rev. Stat. § 620.030

Any person who knows or has reasonable cause to believe that a child is neglected or abused shall immediately cause an oral or written report to be made.

Citation: Rev. Stat. § 620.030

Neither the spousal privilege nor any professional-client/patient privilege, except clergy-penitent privilege, shall be grounds for refusing to report or for excluding evidence regarding a neglected or abused child, or the cause thereof, in any judicial proceedings resulting from a report.

OHIO:

OVERVIEW: Clergy are mandated reporters and must report reasonable suspicion immediately. There may be limited clergy-penitent privilege in some cases.
https://childrenandyouth.ohio.gov/for-families/children-services-foster-kinship-adoption/report-abuse-neglect

The Requirement for Clergy to Report Citation: Rev. Code § 2151.421

No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under age 18 or a person under age 21 with a developmental disability or physical impairment has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable

person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused or poses the threat of causing the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division.

PENNSYLVANIA:

OVERVIEW: Clergy must report, but they cannot be *compelled to testify* in court about confidential communications. However, the reporting duty itself is mandatory.
https://www.pa.gov/services/dhs/report-child-abuse-or-neglect-as-a-mandated-reporter

The Requirement for Clergy to Report Citation: Cons. Stat. Tit. 23, § 6311

Adults who are required to report suspected child abuse include a clergy member, priest, rabbi, minister, Christian Science practitioner, religious healer, or spiritual leader of any regularly established church or other religious organization.

Privileged Communications Citation: Cons. Stat. Tit. 23, § 6311.1

The privileged communications between a mandated reporter and a patient or client of the mandated reporter shall not apply to a situation involving child abuse or relieve the mandated reporter of the duty to make a report of suspected child abuse.

Confidential communications made to a member of the clergy are protected under title 42, § 5943 (relating to confidential communications to members of the clergy).

WEST VIRGINIA:

OVERVIEW: Clergy must report suspected abuse within 24 hours, and clergy-penitent privilege is explicitly denied by law.
https://bss.wv.gov/centralized-intake-abuse-and-neglect

The Requirement for Clergy to Report Citation: Ann. Code § 49-2-803

When any member of the clergy has reasonable cause to suspect that a child is neglected or abused, or observes the child being subjected to conditions that are likely to result in abuse or neglect, such person shall immediately, and not more than 24 hours after suspecting this abuse, report the circumstances or cause a report to be made to the Department of Health and Human Resources.

Privileged Communications Citation: Ann. Code § 49-2-811

The privileged quality of communications between any professional person and their patient or client, except that between attorney and client, is hereby abrogated in situations involving suspected or known child abuse or neglect.

PART IV: PRACTICAL CONSIDERATIONS WHEN REPORTING

You should be aware of your particular state's protocol. See the links provided in the legal requirement overview for your state.

Information to have ready:

- **The Child's Info:** Name, age (or approximate age), and address.
- **The Parents/Guardians:** Names and contact information if known.
- **The Alleged Perpetrator:** Name and their relationship to the child.
- **The Specific Concern:** A description of the injuries, the child's behavior, or the specific statements made.
- **Immediate Danger:** If the child is in immediate physical danger, **call 911** before calling the hotline.

Other Considerations:
Anonymity: You can generally report anonymously, though providing your name can help investigators if they have follow-up questions.

Immunity: States provide "Good Faith" immunity. This means that as long as you aren't making a report maliciously or as a prank, you are legally protected from civil or criminal liability even if the investigation finds no evidence of abuse.

Immediate Reporting: For mandated reporters, the clock usually starts the moment you have "reasonable cause." Most of these states require a report **immediately** or within 24 hours.

Written Records: It is wise for ministers to keep written records in their files of incidents involving mandatory reports. It is wise for the minister to keep a written record of when he reported an incident and to whom he reported it for documentation purposes.

A WORD OF ADVICE

1. In our states, the minister is required by law to immediately report suspected abuse.

2. It is the opinion of the committee that it would be wise in most circumstances for the minister to let the session know that a report has been filed with the state so that they can minister to the family and congregation in a unified manner. Elders do well to support the minister and families involved through a very difficult matter and pray for the unity of the church.
    a. It is natural and ordinarily prudent for the minister to seek the wisdom of many counselors in difficult situations.

3. The session should be careful not to subject the minister's mandatory state report to a session vote or unduly pressure him not to report an incident to the state. Jurisdiction in criminal matters belongs to the state not the church.

   a. A mandatory report is a matter of civil law that may have ecclesiastical ramifications. The session may deem it appropriate to bring formal church discipline to bear on the situation, which in no way replaces civil consequences.

4. In a situation where the session has asked the minister to let them review and vote on his mandatory reporting of abuse and neglect prior to his filing with the state, the Presbytery's committee on Visitation and Sessional Records should be notified immediately and VSR should do what they can to help restore a healthy working environment to the church.
   a. A sessional vote on whether to have a minister file a mandated report can be a form of intimidation by a session towards a minister, who alone in most of our states is legally liable to criminal consequences. Added to this, that the session approves the budget, including the minister's pay, and one can see how this can become an unspoken form of blackmail.

PART V: COMMITTEE RECOMMENDATIONS

1. We recommend that this report be circulated to our Sessions for study.
2. We recommend that the Committee on Candidates and Credentials add a question to the floor portion of ordination exams asking the candidate if he is aware of the State's mandatory reporting laws and if he has read the denominational and Presbytery reports on these matters.
   - This question directs men to resources that they should be familiar with prior to entering ministry.
   - By doing this publicly at Presbytery, this brief question helps to raise awareness of this issue to all present.
3. We recommend that the Committee on Visitation and Sessional Records add our above "Word of Advice" to their list of annual questions as a form of preventative care and accountability.
4. The Committee recommends that this report be maintained and updated by the Website Committee according to changes in legislation every 5 years or as we become aware of changes, whichever comes first.
5. The Committee recommends that it be dissolved.

PART VI: SAMPLE PROTOCOL FROM LIVING WATER OPC

Living Water OPC is located in Springfield, Ohio. If Sessions wish to use this protocol they should be careful to adjust this protocol to their particular state's legal requirements and state definitions of clergy. Some of our churches take two office views and others take three office views. We advise that the local session adjust this protocol to their context.

Appendix F. Child Abuse and Neglect Reporting Steps

Basic Definitions

Child abuse or neglect is any act or failure to act, resulting in imminent risk or serious harm, death, serious physical or emotional harm, sexual abuse, or exploitation of a child by a parent or caretaker who is responsible for the child's welfare. Child abuse or neglect abuse should be reported as soon as there is *reasonable suspicion.*

Reasonable suspicion is when a person has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect abuse. A belief or suspicion is reasonable if someone else with your education, training, and professional experience would have the same suspicion. Reasonable suspicion can start with the feeling that something doesn't feel right, but such a gut feeling, without other concerns, is not "reasonable." You need to objectively identify and examine your biases and overcome those that might interfere with your ability to be reasonable and identify objective evidence of abuse and neglect.

Who is Responsible?

Generally, there are two types of child abuse reporters. A **mandatory reporter** is someone required by law to report to the magistrate if they suspect or know that child abuse is occurring. At Living Water, your pastors, as clergy, fall under this category. A **permissive reporter** is anyone who is not a mandatory reporter. Anyone at Living Water who is not an ordained minister would fall under this category. However, although a permissive reporter is not legally obligated to report to the magistrate, given the high moral and ethical standard Christians are to uphold, the session of Living Water OPC *highly encourages* reporting any reasonable suspicions to one or both of your pastors.

Whom to Report to?

1. Do you have reasonable cause to suspect that child abuse is taking place?[2]
    a. "Yes"
    b. "No"
2. If you answered "Yes" to Question 1, are you an elder at Living Water or any other church?
    a. "Yes"
    b. "No"
3. If you answered "No" to Question 2, are you a children's volunteer at Living Water?
    a. "Yes"
    b. "No"
4. If you answered "No" to Question 3, we still encourage you to report your suspicions to a Living Water elder.

[2] If you are not sure whether your suspicion rises to the level of reasonable, we encourage you, nonetheless, to disclose it to an elder and see if they agree with your assessment.

5. If you answered "Yes" to Question 4, you are required by Living Water Child Protection policy to report your suspicions to a Living Water elder.
6. If you answered "Yes" to Question 2, you are a mandatory reporter and should follow the procedure below.

Mandatory reporting steps once abuse or neglect has been disclosed or discovered, or when there is reasonable suspicion:

1. Fill out the Incident Report Form (Living Water OPC Child Protection Policy Appendix D).
2. Immediately report reasonable suspicion/disclosure/discovery of abuse to a child welfare or law enforcement office of your county
    a. Call the Ohio Department of Job and Family Services' 855-O-H-CHILD (855-642-4453), an automated telephone directory that will link callers directly to a child welfare or law enforcement office your county (reports can be anonymous). A report can also be made in person or electronically.
        i. A preliminary call to the local Child Advocacy Center is also highly recommended as this often yields additional guidance or support when reporting to law enforcement.
        ii. If the child is a victim of domestic violence or is in the custody of an alleged abuser, a local domestic violence shelter may also provide helpful information on protecting an abused spouse or child, while reporting the abuse.
        iii. If you suspect the child or spouse may be in danger if you report, seek expert help from sources (i) and (ii) as well as law enforcement by calling them and letting them know that a report of abuse or suspected abuse needs to be made and that there is reason to believe filing a report will put a child or spouse in danger. Law enforcement may provide some assistance, but you are more likely to receive concrete expert help on safety during reporting from a domestic violence shelter and/or child advocacy center.
3. Do not speak to the suspect prior to reporting to the authorities; it can interfere with and compromise the investigation.

When reporting, follow the steps below:

1. State that the call is to report child abuse or suspected child abuse.
2. Provide:
    a. The name and address of the child you suspect is being abused or neglected;
    b. The age of the child;
    c. The name and address of the parents or caretakers;
    d. The name of the person you suspect is abusing or neglecting the child and the address if available;
    e. The reason you suspect the child is being abused and neglected
        i. Describe the specific events that caused you to report;
        ii. Report any questionable or concerning behaviors observed
            1. in the victim
            2. or with the alleged perpetrator;
    f. Any other information which may be helpful to the investigation
        i. Notify the investigators of any known witnesses;
        ii. All physical evidence must also be turned over to the investigative team

1. Retain copies where possible;

iii. Provide any other relevant information without personally filling in the gaps or using conjecture.

3. Reports should be clear, factual, and complete.
    a. Include names and contact information for additional witnesses.
4. Maintain a record of to whom, when, and what was reported.
5. Anonymous accusations will not be automatically reported
6. In the event that a spouse and minor children must be moved to a safe location prior to filing a report, church leadership should seek legal help from a domestic violence shelter or skilled family law attorney who can assist in obtaining the necessary protective orders.[3]
7. **Note:** *All of the above information is not needed to make a report. If you are not sure you have enough information to report, always err on the safety of the child. Children Services screens all reports to determine if there is enough information to investigate.*

When the report is filed:

1. The agency or officer receiving the abuse report might request a follow-up written report to be filed. The written report shall contain as per Ohio Law:
    a. The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;
    b. The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;
    c. Any other information, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.
2. Once the investigative agency determines that it is an actionable report, then the involved parties will be notified (see below). Once the determination has been made and the investigative agency has made the suspect aware of the report, do not postpone or delay notification. There is no benefit from, and indeed great harm in, postponing or delaying notification.

Notifying relevant parties:

1. Families with children outside the church context who may have been in contact with the alleged abuser should also be notified. Also consider the families with children in the alleged abuser's profession or any other voluntary capacity.

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[3] If the abused spouse has already retained skilled legal counsel, the church should notify the retained attorney and seek help obtaining protective orders. Emergency removal of an abused spouse and child for their safety can have legal implications in a custody dispute or separation/divorce proceeding. In some cases, the spouse who is protecting the child/children may not be legally allowed to shield them from court-ordered visitations with a parent, even if abuse is alleged and a report made. Violating a court order can result in the protecting parent being in contempt of court or facing criminal charges or allegations of parental alienation. Because these are legally complex issues with potentially significant ramifications, involve an attorney skilled in family law, custody issues, and abuse prior to a crisis. Attorneys help guide and advise the process of protecting a spouse and minor children in a way that best protects their legal rights.

2. When an allegation of *sexual* abuse is made against someone in the church, recognize the likelihood there may be other victims. Additional people in the congregation may have other details important to the investigation. Notification is not a determination of guilt; it is the necessary means for ensuring a proper investigation. Investigations are incomplete without this wide-ranging information. The intent is not to slander a person, rather it is to give true statements about a report regarding an individual. A policy of reporting allegations for the purpose of ensuring a fair and just investigation, helps communicate clearly to your congregation that these routine processes are not determinations of guilt, but rather are standard protective and policy measures that are followed for all individuals.
3. All families with children who may have been in contact with the alleged abuser must be notified quickly after reporting to law enforcement and CPS. This includes families with children in any church-associated community groups. Notification should occur as quickly as possible but *not* before the suspect is aware that a report has been filed. Once the alleged abuser is aware of the report, there is no benefit, and significant detriment, to failing to properly notify relevant communities and individuals.
4. If sexual abuse is alleged and the alleged abuser was ever in leadership, a volunteer in the church, or has a circle of connection within the church that is difficult to very clearly identify or notify on an individual basis, the entire congregation must be notified using multiple formats. This includes, but is not limited to, the church email list and an announcement accompanying services. This is also true for nonsexual criminal child abuse which took place in the alleged abuser's role in the church: for example, a childcare worker who allegedly hit a child during Sunday school.

Notifications should:

- Protect the identity of the victim and witnesses. For example, in a case when the victim is the child of the alleged abuser, identify the victim as "a child who has a close relationship with the family."
- Identify the type(s) of abuse alleged without using minimizing language. For example, use terms such as physical sexual abuse, videotaping, photographing, exposure, showing the child pornography, engaging in sexually explicit conversations or communications, etc. Words do not need to be graphic, but they should identify the range of the alleged abuses. This may also help alert others with information or red flags they may not previously have recognized.
- Identify the general context of the abuse as much as possible while continuing to protect the victim. For example, "the allegations relate to events that took place with a minor where X teaches," or "these allegations were brought by a family who attends our church, though the alleged abuse took place in a non-church context," or "these allegations relate to events that took place during our youth retreat," etc.
- Provide clear instructions for anyone else with information. Provide contact information for a detective and CPS worker and/or direct those with relevant information to reach out immediately.
- Clearly identify the boundaries for the suspect.

Appendix G. Additional Guidelines for Mandatory Reporters

Categories of Abuse Recognition with Examples[4]

1. A child **directly** discloses they are being abused or neglected.
   Examples:
   "My dad touches my privates when mom's not around."
   "Our youth pastor is asking me to send him nude pictures."
   "My mom hardly ever feeds us"
2. A child **indirectly discloses** information that might suggest they are a victim of abuse or neglect. This is the most common disclosure of abuse. In these cases, it is likely that the child is hinting at current abuse and hoping you will understand.
   Examples of a disguised disclosure: "I have a cousin who is being abused."
   Example of a disclosure via hints or gestures: "My friend told me…"
3. A child **accidentally discloses** abuse or neglect.
   Examples:
   The child records written details regarding abuse.
   You walk in on abuse taking place.
   You overhear a teenager talking about their abuse.
   A child exhibits physical signs of abuse.
   You notice that a child does not have a doctor listed on their form.
4. A child's **behavior provides clues** they might be a victim of abuse or neglect. (A parent or caregivers' behavior might also make you alert to the fact that they are abusive.)
   Examples:
   A teenager consistently lingers after youth group meetings and delays going home.
   A toddler flinches when touched.
   A child displays sexualized behavior.
   A grade schooler is overly physically aggressive with his peers.
   A child steals food from others.
   Example of parent or caregiver behavior: A parent overtly rejects their child, or another adult makes up excuses to be alone with a child.
5. A child **shows physical signs** they may have been abused or neglected.
   Examples:
   A child has difficulty walking or sitting.
   A child shows up in a grungy short sleeved shirt without a jacket in winter.
   A child has bodily injuries, and no plausible explanation is offered.
   A child has burn marks or bruises that resemble objects such as a hand, fist, belt buckle, or rope.

Difficulty in Disclosing[5]

Often, children are reluctant to disclose. Inherent to this difficulty is that an abuser may be in an intimate relationship with the child and/or someone the child wants to protect. It is likely that the child has a complex connection with the person perpetrating harm against them. Additionally, a

[4] From the PCA's Report on Abuse
[5] From the PCA's Report on Abuse

child may remain silent because they are afraid of negative reactions from adults, or of "getting into trouble" with their abuser. This results in a variety of confusing circumstances for those involved, including the question of why someone did not report.

Why Children Do Not Disclose Abuse

1. The child may be instructed to keep the abuse a secret.
2. The child may be afraid to tell anyone.
3. The perpetrator may have threatened the child.
4. The child may not know who is safe to tell.
5. The child may not know how to tell. For instance, they might lack the language needed to capture what is happening to them or to share all the complexities involved.
6. The child may be made to feel responsible for the abuse.
7. The person harming the child may have established an emotional connection with them and/or the family to lower inhibitions.
8. The perpetrator may have convinced the child that abuse is normal.
9. The child may be convinced no one will believe them.
10. The child may have dissociated from the events. A victim's mind may have difficulty reconciling what happened. To survive, abuse victims can involuntarily disconnect from their thoughts, feelings, memories, and surroundings. This makes it even more challenging for victims to accurately remember events, and timelines, or possess an absolute certainty about what occurred.
11. The child may love their abuser and desire to protect him or her.
12. The parents may categorize the abuse as "discipline" and have told the child it is God's command.
13. The child may not recognize what they are experiencing is abnormal because it has always been their reality.

Why Parents or Other Adults Neglect to Report Abuse

Adults might be aware of the abuse but also fail to address and/or report. The following constitute common reasons.

1. **Overwhelming feelings**. They may be shocked, frightened, and/or angry.
2. **Uncertainty.** They may not know how to approach the problem.
3. **Confusion**. They may wonder, "Am I right?" "Did I really see/hear that?"
4. **Trust.** The abuser may seem trustworthy, so it is difficult to believe that this person they know (love, respect) is capable of child abuse.
5. **Manipulation.** They may have confronted the abuser, and he/she offered an alternative logical explanation.
6. **Dependency.** They may be physically, emotionally, and/or financially dependent on the child's abuser.
7. **Self-doubt**. They may question whether it is the right thing to do or if the abuse is really that bad.
8. **Fear**. They may fear for the child and what they will have to go through once the abuse is reported.
9. **Cost.** They may be concerned about the cost, particularly if the abuser is another family member or a prominent member of the church or community.
10. **Community Grooming**: The abuser skillfully presents a wholesome, godly outward persona and skillfully handles Scripture and theology, causing other adults to believe it is not possible that the person in question could be an abuser.

What if the victim or their family does not want to report?[6]

The following represent several difficulties in reporting:

1. The marriage, close relationship, and/or family will be impacted significantly.
2. The non-abusive spouse may fear for their safety.
3. The non-abusive spouse may have a desire to protect the abusive spouse from harm.
4. The non-abusive spouse may have guilt for "damaging" the abusive spouse.
5. There is a risk to children who remain within the abuser's care or reach.
6. Multiple adult victims of childhood abuse come forward while other survivors prefer not to file.

The process of reporting abuse is traumatic. Help victims and their families understand from a positive perspective, carefully explaining why a report needs to be made. Note: At times law enforcement or CPS will not investigate a report unless the victim is a willing participant. However, a report should nonetheless be made.

- Assure those involved that reporting prevents further abuse of the child and potentially other children.
- Reassure the victim and their family of your help and support, including a concrete plan or action steps through the process.
- Whenever possible, give the victim and their family choices. Abuse robs a victim of their agency. Therefore, provide input that helps them make wise decisions while retaining their agency. The goal is to unite and report quickly, while simultaneously maintaining support of the victims and their families.
- If unity is not possible, a report should still be filed. Notify the victim you will not disclose identifying information unless the authorities deem it necessary to provide adequate protection of them and other potential victims.
    a. Inform law enforcement and CPS that you remain in contact with the victim and are encouraging them to participate in the investigation. While involving the victim in the process is preferred, an anonymous report provides the authorities with crucial information for additional victims already reporting or who may report in the future.
- Assure those involved you understand their choice and are ready to support and assist if they do choose to speak with investigators.
- In a case when survivors above the age of majority do not wish to report, the report should be made on behalf of other potential victims. Notify the authorities that there are additional survivors alleging abuse who are not yet prepared to come forward. Do not provide identifying information for the age of majority survivor; simply make law enforcement aware that other survivors are known. Knowledge that the perpetrator has multiple victims may help the investigation be taken seriously and prioritized.
- Support survivors who do report without compromising the choice of an adult survivor who does not want to participate in the process.
- It may be helpful to accompany the survivor and/or parents, but it is not a substitute for actual participation in the reporting process.

[6] From the PCA's Report on Abuse

Signs of Child Abuse[7]

Children who have been abused may display a range of behavioral cues and physical manifestations. These signs do not mean that abuse has occurred, but they give reason to inquire what is happening with the child. Whether or not it is abuse, these distress signals are important to tend to.

The following are examples from six categories: General Behavioral Clues, General Physical Symptoms, Behavioral Cues of Parent or Caregiver, Specific Symptoms for Physical Abuse, Specific Symptoms for Sexual Abuse, and the Signs of Neglect.

1. **General behavioral clues that might signal abuse:**
    - Infants excessive crying or developmental delay
    - Fear, anxiety, clinging
    - Phobias
    - Nightmares, sleeping problems (regressive)
    - Bedwetting (regressive) or defecating in one's pants
    - Social withdrawal
    - Hyperactivity
    - Poor concentration/distractibility
    - Decreased school performance
    - Speech disorders
    - Regressive behavior for age
    - Fear of parent
    - Exhibits extremes in behavior, such as being overly compliant or demanding, extremely passive, or aggressive
    - Is either inappropriately adult (e.g., parenting other children) or inappropriately infantile (e.g., frequently rocking or head-banging)
    - An inability to develop emotional bonds with others
    - Constant worry about doing something wrong
    - Showing little interest in friends and activities
    - Eating issues
    - Doesn't get medical, dental, or mental health care
    - Missing school often
    - Poor weight gain and growth
    - Depression, passivity
    - Increased verbal abuse or physically aggressive behavior with others
    - Being the target of bullying
    - Destroys or injures objects or pets
    - Substance abuse
    - Self-harm such as cutting
    - Angry outbursts
    - Anxiety

[7] From the PCA's Report on Abuse

- Depression
- Not wanting to be left alone or return to a particular individual(s)
- Fear of going home
- Always on high alert
- Avoiding a certain person for no clear reason
- Symptoms of PTSD
- OCD like behaviors
- Avoidance of undressing
- Withdrawal to touch
- Overly compliant

2. **General physical symptoms that might signal abuse:**
   - Headaches
   - Abdominal pain, chronic
   - Abdominal pain, acute—blunt trauma may not show external marks—look for distention, tenderness, absent bowel sounds
   - Vague somatic complaints, often chronic
   - Worsening medical problems, such as asthma
   - Frequent, unexplained sore throat
   - Abnormal weight gain or loss
   - Reluctance to use an extremity
   - Difficulty walking or sitting
   - Genital discomfort or painful urination or defecation
   - Unexplained symptoms—vomiting, irritability, or abnormal respiration may represent head trauma
3. **Behavioral clues of a parent or caregiver who might be perpetrating abuse:**
   - Offers conflicting, unconvincing, or no explanation for the child's injury or provides an explanation that is not consistent with the injury
   - Shows little concern for the child or appears indifferent towards them
   - Sees the child as entirely bad, burdensome, or worthless
   - Behaves irrationally or in a bizarre manner
   - Abuses alcohol or other drugs*
   - Uses harsh physical discipline with the child
   - Tries to be the child's friend rather than assume an adult role
   - Makes up excuses to be alone with a child who is not their own
   - Talks with the child about the adult's personal problems or relationships
   - Constantly blames, belittles, or berates the child
   - Describes the child negatively
   - Overtly rejects the child
   - Demands a level of physical or academic performance the child cannot achieve
   - Looks primarily to the child for care, attention, and satisfaction of the parent's emotional needs
   - Denies the existence of—or blames the child for— the child's problems in school or at home

- Asks other caregivers to use harsh physical discipline if the child misbehaves

***Substance abuse by parents:** Keep in mind parental substance use is included in the definition of child abuse or neglect in many states.

- Exposing a child to harm prenatally due to the parent's use of legal or illegal drugs or other substances
- Manufacturing methamphetamine in the presence of a child
- Selling, distributing, or giving illegal drugs or serving alcohol illegally to a child
- Using a controlled substance that impairs the caregiver's ability to adequately care for the child

4. **Signs of Physical Abuse**

If symptoms and/or signs of physical injury require immediate medical care, call 911 or take the child to a hospital. Doctors will investigate for signs of abuse and provide necessary care. This is a very important first step. Some states have laws mandating reporting when there is a reasonable suspicion of child abuse. It is important to know your state laws.

Some of the signs of physical abuse are as follows:

- Has unexplained injuries, such as burns, bites, bruises, broken bones, dislocations or black eyes
- Has fading bruises or other noticeable marks after an absence from school or church
    - Bite marks – human bites are more superficial than animal, and show up better 2-3 days later
    - Burn marks – cigarette, rope, immersion, or shape of hot object; stun gun burns in pairs and immersion burns with sharp line of demarcation
    - Marks left from restraints on axilla or extremities
- Defensive injuries on forearms
- Trauma to ear
- Lacerations
- Hair loss
- Facial injuries without reasonable explanation
- Oral/dental injuries, such as torn or bruised frenulum, lips, teeth, palate, tongue or oral mucosa
- Head injury, retinal hemorrhage, hematoma
- Vomiting, irritability or abnormal respiration may represent head trauma215
- Intra-abdominal trauma
- Seems scared, anxious, depressed, withdrawn, or aggressive
- Seems frightened of his or her parents and protests or cries when it is time to go home
- Shrinks at the approach of adults
    - Assumes protective posture (hands/arms up over face and head, turning away, curling up in a ball) with any aggressive approach
    - Shows changes in eating and sleeping habits
- Directly discloses injury by a parent or another adult caregiver
- The child abuses animals or pets
- The child directly reports the abuse

5. **Signs of Sexual Abuse**

- Has difficulty walking or sitting

- Experiences bleeding, bruising, or swelling in their private parts
- Suddenly refuses to go to school, activity or church
- Reports nightmares or bedwetting
- Experiences a sudden change in appetite
- Attaches very quickly to strangers or new adults in their environment
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior
- Pregnancy or STDs, especially for boys and girls under 14 years old
- Runs away
- Reports sexual abuse by a parent or another adult caregiver
- Sexual knowledge, language, and/or behaviors that are inappropriate for the child's age
- Bloody, torn, or stained underwear
- Bruising, tearing, bleeding, discharge from genital or rectal area
- Avoidance of undressing
- Withdrawal to touch
- Overly compliant

6. **Signs of Neglect**
    - Is frequently absent from school
    - Begs or steals food or money
    - Lacks needed medical care (including immunizations), dental care, glasses wound care, or medication
    - Is consistently dirty and has severe body odor
    - Lacks sufficient clothing for the weather
    - Living in an unsuitable home environment, such as having no heat
    - Left alone for extended periods of time
    - Taking on the role of caregiver for other family members
    - Poor language or social skills
    - Regular illness or infections
    - Repeated accidental injuries, often caused by lack of supervision
    - Skin issues, such as sores, rashes, flea bites, scabies or ringworm
    - Thin or swollen tummy
    - Tiredness
    - Abuses alcohol or other drugs
    - Reports there is no one at home to provide care
    - Fails to thrive, poor weight gain, malnutrition

If the child discloses abuse or neglect to an adult, the adult should:

- **Listen to the child**. Let the child explain what happened in his or her own words.
- **Limit questioning** to the following areas:
    - What happened?
    - When did it happen?
    - Where did it happen?
    - Who did it?
    - How do you know them?

- **Take down as many direct quotes** as possible.
- **Be supportive, compassionate, and affirm the child's bravery**.
    - "You did the right thing. I'm glad you told me."
    - "You were very brave to tell me. I'm proud of you."
    - "This was not your fault. You did nothing wrong."
    - "I will help you."
- **Reassure the child by telling them what you are going to do next and what will happen**. The child will be afraid of the consequences of their disclosure, so let them know you will do your best to support and protect him or her. Explain to the child that, for their safety, you will need to report their experience to the elders and include those who will help.
- **After the conversation with the child, the adult should** document the details of the conversation.[8]
    - Don't write things out during the conversation; instead, focus on the child as he or she talks to you.
    - A write-up should include
        - identifying information about the victim and alleged perpetrator;
        - any details from the conversation, including
            - the nature and frequency of the abuse;
            - the date the report was written;
            - bruises or injuries that are visible on the child;
            - and any emotions displayed in the conversation.
    - Don't ever ask the child to undress to show other bruises or markings.
    - Later on, as the adult tries to remember the conversation, if he is at all uncertain about the details, he should not go back and re-interview the child.
- **What not to do regarding disclosure of child abuse:**
    - Refrain from making promises you cannot keep. Do not tell the child you won't tell anyone.
    - Don't stop the child in the middle of their story.
    - Don't examine the child with questions, especially leading questions (any question in which you provide a possible answer). This is tampering with testimony, which will make investigation by authorities more difficult later in the process.
    - Don't ask the child for intimate details. A child might not be comfortable sharing all the details.
    - Don't fear the mess of reporting. God promises to help with messes.

[8] The list is taken from Deepak Reju, *On Guard: Preventing and Responding to Child Abuse at Church* (Greensboro, NC: New Growth Press, 2014), 127.