



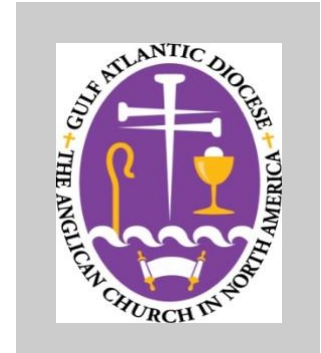
Sexual Misconduct Policy for Prevention and Reporting Training Agenda

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2. CULTURE OF ACCOUNTABILITY
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4. PRACTICAL APPLICATION OF POLICY
 - a. 4 PROCEDURES: AWARENESS, INTERACTION, REPORTING, COMPLIANCE
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THE GULF ATLANTIC DIOCESE
of the Anglican Church in North America

Sexual Misconduct Policy for
Prevention and Reporting

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Overview

To the Clergy, Wardens, Vestry Members, Staff, Volunteers, and People of the Gulf Atlantic Diocese,

The Holy Scriptures speak of the Church as the Body of Christ and call its members to live lives that are rooted in Christ and grow together in love, thanksgiving and service to God and neighbor. To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit. The Church is to be a community of truth, justice and mercy, compassion and reconciliation, mutual service and steadfast faithfulness. The Church's relationships should exemplify this as a sign to the world.

In company with the Bishops and people of the Anglican Church in North America, as well as the entire Anglican Communion, the congregations of the GAD affirm:

- that every human being is created in the image of God and we are called to be stewards of God's creation;
- that sexuality is good, blessed, and purposeful; sexuality is understood to be a gift that is celebrated by sexual union within the bond of love found within the covenant of heterosexual marriage;
- that this understanding of sexuality calls for equal respect for all men, women, and children as persons made in God's image, and for everyone's right to sexual and physical integrity;
- that children, adolescents, the infirmed, and elderly are particularly vulnerable to the tragic consequences of broken covenants and abusive treatment, and special care must be taken to protect their individual rights and personal integrity;
- that all types of abuse (verbal, physical, neglect, and sexual misconduct) will be taken seriously by the Diocese and, when required by law, will be reported to the appropriate local, state, and/or federal agency;
- that the protection of the vulnerable shall be of utmost concern;
- that the Church has always recognized that those chosen for ordained ministry bear a particular responsibility to pattern their lives according to Jesus' teaching. Bishops, priests, deacons, and lay leaders are called to be faithful examples of the Christian life. Any moral offense by clergy or laity entrusted with pastoral and educational ministries is especially hurtful because it betrays the trust committed to each by the Church to nurture and care for every member.

This manual outlines the policies developed to respond to the issue of sexual misconduct and to confront the reality of inappropriate sexual misconduct by members of the clergy, lay employees, and volunteers, as well as to explain the issues related to sexual misconduct with special concern for the prevention of incidents and the protection of potential victims. **It is necessary reading for all church leaders, including, but not limited to, all affiliated clergy, vestry members, all church employees, and all lead volunteers/teachers for children/youth.** The manual is also recommended to the people of the Diocese for comprehensive understanding of the issues involved with sexual misconduct and the ramifications of engagement therein.

“⁵ This is the message we have heard from him and proclaim to you, that God is light and in him there is no darkness at all. ⁶ If we say that we have fellowship with him while we are walking in darkness, we lie and do not do what is true; ⁷ but if we walk in the light as he himself is in the light, we have fellowship with one another, and the blood of Jesus his Son cleanses us from all sin.”
I John 1:5-7

As the Body of Christ, we are called to walk in the light, uncovering that which is done in the darkness, and to protect the vulnerable. We are grateful for your ministry and your commitment to choosing the Light.

In Jesus the Messiah,

+Neil G. Lebhar
Bishop, Gulf Atlantic Diocese
Anglican Church in North America

Policy Summary

The Gulf Atlantic Diocese requires that, at a minimum, each congregation (or parish, mission, or church plant) is expected to have in place these four procedures for preventing abuse of both adults and children:

A. Procedure 1: Awareness

- a. **Background checks:** all clergy, all seeking ordination, all employees, and all leaders of children/youth ministries must be background checked in compliance with their insurance carrier's requirements; Diocese maintains copy of documentation for clergy; churches maintain documentation for all employees/volunteers including copy of documentation for clergy (see pages 12-13; 21).
- b. **Training:** at minimum, the following must be completed (see pages 14, 22):
 - i. All employees, vestry, clergy, and those in leadership of children/youth must complete the **diocesan training** on this policy, as well as their individual church's policy, within six months of accepting a leadership role and renew every two years;
 - ii. All clergy, and those in leadership of children/youth must complete **Ministry Safe Awareness** training in child protection prior to leadership and must re-certify every two years;
 - iii. All clergy must complete **Keeping Our Sacred Trust**,
 - iv. All Camp Directors must complete **Ministry Safe Camp Leadership** prior to leadership and renew every two years;
 - v. All camp leaders must hold a current certificate for either *Awareness* training or *Camp Awareness* training prior to serving at camp and must renew every two years.

B. Procedure 2: Interaction

- a. Verbal interaction: pastoral counseling recommended to be limited to 6 sessions or fewer per person; keep verbal interaction kind, clean, legal, and age-specific (see pages 15, 23).
- b. Physical interaction: hands off, especially with restroom policies, affection, and discipline; remain in public view (see pages 15, 24).
- c. Supervision: two-adult-rule is recommended; kids are never alone; remain in public view; be open to parents being present; follow plans (medical, restroom, transportation, overnight, off-campus, responding, and reporting); provide a safe environment; follow the recommended ratio of leaders to students (see pages 25-30).

C. Procedure 3: Reporting:

- a. Any report of a person in danger, or a report of abuse in the past, should be immediately reported to the proper authorities.
- b. Allegations against the Bishop are to be reported directly to the Diocesan Chancellor.
- c. Allegations against all clergy and diocesan employees are to be reported directly to the Bishop.
- d. Allegations against all lay persons are to be reported directly to senior leadership (Rector, vicar, or priest-in-charge).
- e. All congregations must post the **#ChooseTheLight** poster with hotline #904-300-0512 in a visible location to encourage reporting (see pages 18, 34).

D. Procedure 4: Compliance:

- a. Churches are responsible for all documentation regarding screening, training, and implementation for volunteers and employees (non-clergy), in compliance with this policy and with their insurance carrier's requirements.
- b. Diocese is responsible for all documentation regarding screening, training, and implementation for clergy, in compliance with this policy and with their insurance carrier's requirements.
- c. Documentation is to be completed, submitted, and filed no later than Jan 31st each year (see Appendix A, B, and E).

Definitions & Assumptions

This document includes the Sexual Misconduct Policy for Prevention and Reporting (SMPPR) in the Gulf Atlantic Diocese (GAD) of the Anglican Church in North America (ACNA), as approved by the Bishop. These policies are provided as necessary reading and acknowledgment for all church leadership and ministry groups. It is also expected that all individuals associated with the Diocese in any capacity, clergy or lay, employee or volunteer, of the Diocese its churches, congregations, and ministry groups will read, learn, and apply its content.

The Joint Leadership (JL) of the Diocese is comprised of the Standing Committee and the Diocesan Council. This Joint Leadership will review this manual prior to July 1st of each calendar year and will provide any recommendations for possible revision of the document to the Bishop for approval. This review will be recorded as proof of the policies' amendment and annual approval by the Joint Leadership. All of the members of the Standing Committee and Diocesan Council will be expected to sign the Policy Acknowledgment (see Appendix B) before August 31st and it will be submitted to the Diocesan Administrator for filing and distributed to each Rector. The signed policy will take effect the following year; congregations are expected to complete compliance by the first vestry meeting of the following calendar year. Signed forms for the leadership of the congregation are due to the diocese by January 31st of the following year.

For the purpose of this policy, please note the interpretation of the following terms:

- **Bishop:** this includes the Bishop of the Diocese, but also includes the ecclesiastical entity authorized to act in the absence of the Bishop, the Standing Committee.
- **Rector:** the person in charge of a parish, including instances where such person has a title other than rector (such as vicar, deacon, or lay pastor).
- **Complainant:** the alleged victim, or person making an accusation.
- **Congregation:** all parishes, worshiping communities, and any other entity affiliated or in association with the Diocese.
- **Advocates:** persons appointed by the Bishop to assist the complainants and alleged victims in understanding and participating in the disciplinary processes of the Church, including obtaining assistance to formulate and submit an appropriate charge and in obtaining assistance in spiritual matters. Advocates are not to serve as legal advisors or pastors. Each church should consider a congregational list of advocates.
- **Consultants:** person(s) appointed by the Bishop to consult with and advise the member of the clergy accused of sexual misconduct and his or her legal advisors at reasonable times prior to the issuance of a Presentment. The consultant shall explain the rights of the member of the clergy and the alternatives.
- **Child or Youth:** any unmarried person under the age of 18 years who has not been emancipated by order of the court. In most cases, child refers to infants through elementary school, and youth refers to middle/junior high through high school aged minors.
- **Dating Relationships:** consensual dating between individuals not involved in supervisory relationships are excluded from the definition of Sexual Exploitation. These would include consensual relationships of clergy or employees with a parishioner in which two parties are publicly engaged intending a Christian marriage or when two persons are exploring a consensual relationship that may lead to a Christian marriage. In such situations, the

relationship is to be conducted with the knowledge of the rector (or Bishop in the case of clergy).

- **Pastoral Relationship:** a relationship between a member of the clergy, employee, or volunteer, and any person to whom such member of the clergy, employee, or volunteer, provides formal counseling, pastoral care, spiritual direction, or spiritual guidance, or from whom such member of the clergy, employee, or volunteer has received a confession or confidential or privileged information.
- **Privileged Relationship:** a relationship between a person and a member of the clergy in which communications between the person and the member of the clergy are deemed confidential.
- **Response Team:** team drawn from psychologists, counselors, attorneys, and members of the clergy or other persons appointed by the Bishop of the Gulf Atlantic Diocese to provide pastoral, emotional, and spiritual support to congregations in crisis. Each church should consider a congregational list of advocates and/or a response team.

For the purposes of this policy, please assume:

- Allegations of sexual misconduct and/or child abuse within the church will be taken seriously, and deserve a timely response from the Diocese.
- A person can be wrongly accused of sexual misconduct.
- The Bishop cannot be the only one to actually assess or evaluate the substance of allegations. An approach involving legal, mental health, and pastoral components is desirable as a uniform procedure ensures all cases will be treated with compassion and justice. The protection of the complainant(s) and the complainant's family will be of paramount concern.
- The Bishop holds both pastoral and disciplinary responsibilities. The Bishop's pastoral concern is directed to the alleged offender(s) as well as the alleged victim(s) and congregation(s) involved. It is permissible to use a third party to complete a further investigation.
- The Bishop and any clergy involved should refrain from placing conversations regarding allegations of abuse and or sexual misconduct within a sacramental framework (e.g. confession) and are well-advised to show concern for privacy of all individuals concerned.
- Investigations will be conducted by a third party for further investigation under relevant canonical procedures at the direction of the Bishop.
- With limited exceptions occurring in a privileged relationship (as defined in the relevant state's statutes), anyone subject to this Policy who learns of suspected sexual misconduct (i) by anyone subject to this Policy or (ii) against anyone intended to be protected by this Policy, has a responsibility to report the information to appropriate ecclesiastical authorities promptly. Failure to do so may result in disciplinary or corrective action.
- Leaders who learn of sexual misconduct of colleagues, even if the information is gained in a counseling setting, have an ethical responsibility to follow up on this information by reporting the information to the appropriate ecclesiastical authorities.

Policy Oversight & Applicability

Sexual Misconduct Prohibited: The Bishop of the GAD and the GAD strictly prohibit all types of abuse, (verbal, physical, neglect, paraphiliac, and sexual misconduct), as defined in this document, by any member of the clergy, aspirant, postulant, candidate, or seminarian sponsored by or working in the Diocese, and by any lay employee, staff person, or volunteer working in any capacity for the GAD or any diocesan related institution/congregation in this Diocese.

Protection of Children: The GAD strictly prohibits interaction with children and youth under the age of 18 at any church-sponsored or church-related activity or program, on or off church property, by anyone with a civil or criminal record of child sexual abuse or other sexual crime(s), or who has admitted prior sexual abuse, or by anyone known to have a paraphiliac diagnosis (e.g. pedophilia, hebephilia, ephebophilia, exhibitionism or voyeurism) as defined in this manual.

This policy notes the following oversight:

The Bishop's office is responsible for:

- setting clear diocesan policies and disciplines;
- reporting to relevant law enforcement authorities in conformity with applicable law when necessary.

Clergy are responsible for:

- knowing and abiding by the diocesan policies and disciplines;
- ensuring that timely training, and resulting written acknowledgements, occur for all parties identified within these policies that are under their supervision;
- reporting to the Bishop's office any allegation toward clergy of misconduct;
- reporting to relevant law enforcement authorities in conformity with applicable law when necessary;
- providing proof of compliance of all such policies and disciplines to the Bishop upon request.

Rectors and Wardens are responsible for:

- upholding the policies set forth in this document, which represent an appropriate standard of care, by adopting them as their own (Appendix A);
- reconciling this policy with the conditions of your particular congregation's insurance coverage and the need for a contextualized policy (Appendix E); **ensuring the conditions to your insurance coverage are met;**
- reviewing your insurance policy and calling the Diocesan Office if you have any questions. The Diocese assumes no responsibility for a congregation's non-compliance with its insurance carrier's policy;
- providing proof of compliance of all such policies and disciplines to the Bishop upon request.

Employees and lay persons in leadership are responsible for:

- abiding by the diocesan policies and disciplines;
- reporting to the Rector, vicar, or priest-in-charge any allegation of employee/lay person of misconduct (allegations of clergy are to be reported directly to the Bishop);
- reporting to relevant law enforcement authorities in conformity with applicable law when necessary.

The policies contained in this document are applicable to all members of the domiciled clergy, or clergy who are licensed or serving in the GAD, as well as all lay employees and church volunteers affiliated with any activities and programs of the GAD, or its churches, congregations and fellowships, including any committee, commission, ministry group, or similar body of the GAD.

This document is provided to the churches and congregations in the GAD to use in addition to an individual addendum to this policy designed specifically for the individual church or congregation (see Appendix E). Insurance companies report a disturbing increase in claims alleging sexual misconduct against members of the clergy and secular mental health practitioners. A congregation's adoption of written standards of conduct may be required by insurers as a condition of coverage. Strong warranty language in some policies requires careful compliance on the part of insured entities. Failure to comply with policy standards could result in denial of insurance coverage in the event of a claim. Once a policy's individual church addendum is finalized and signed by the Rector and Senior Warden, **a copy shall be sent to the diocesan administrator.**



Sexual Misconduct: Protection of Adults

The Bishop, in consultation with diocesan staff and Joint Leadership, is responsible for the creation and promulgation of the diocesan Sexual Misconduct Policy for Prevention and Reporting, in accordance with the Canons of the Diocese.

The Joint Leadership will annually update and revise the Policy in light of practical experiences, medical and other scholarly research, legal developments, and other relevant considerations.

The Rector has overall responsibility for the compliance and administration of this Policy within the church he/she leads and for providing all reports requested by the Diocese.

The Gulf Atlantic Diocese requires that, at a minimum, each congregation (or parish, mission, and church plant) is expected to have in place these four procedures for sexual misconduct with regard to adults:

- A.** Procedure 1: Awareness
- B.** Procedure 2: Interaction
- C.** Procedure 3: Reporting
- D.** Procedure 4: Compliance

A. Awareness

Being aware that the issue of sexual misconduct exists is a fraction of what must be understood in order to build an environment that protects adults from abuse.

Adult abuse: actions that involve unwanted physical, sexual, psychological, or other actions that are intentionally taken to disadvantage another.

Sexual misconduct: In particular, adult abuse includes a variety of forms of sexual misconduct. Sexual misconduct includes a range of unwelcome and unwanted sexual conduct, including grooming; verbal, emotional, and/or physical sexual harassment; sexual assault; and all forms of sexual violence. Sexual misconduct is not restricted to intercourse but includes a wide range of inappropriate behaviors including inappropriate emotional intimacy, as well as the following:

- **Sexual Malfeasance** is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship. This can include emotional misconduct where inappropriate emotional intimacy is encouraged, coerced, forced, or implied as necessary.
- **Grooming** is a technique used to break down barriers of protection. Abusers will use grooming techniques to gain trust. Recognize the pattern of continual testing of boundaries in such a way that inappropriate behavior seeps into the relationship without consent or even acknowledgement. Grooming usually includes gaining access through trust, targeting a particular type of person as a victim, slowly eroding boundaries, and methods to keep the victim quiet.
- **Sexual harassment** (unwelcome sexual advances, requests for sexual favors, hostile work environment, quid pro quo behavior, sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature) in a situation where there is an employment, mentoring, or colleague relationship between the persons involved, regardless of gender, including but not limited to, sexually oriented humor or language, questions or comments about sexual behavior or preference unrelated to employment qualifications, undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements. This might include:
 - Unwelcome and intentional touching;
 - Sexually oriented comments about an individual's body;
 - Sending sexually explicit or offensive communications (e.g., text messages, emails, social media messages or posts);
 - Voyeurism, including viewing or displaying objects or pictures that are sexual in nature;
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution;
 - Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such an individual;
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment; or

- An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
- **Sexual coercion** including the use of physical or emotional power to gain sexual gratification.
- **Sexual exploitation** including but is not limited to, the development of or the attempt to develop, a sexual relationship between a member of the clergy, employee, or volunteer affiliated with the GAD and a person with whom he/she has a pastoral relationship, whether or not there is apparent consent from the individual. Sexual exploitation includes activity during the course of a pastoral relationship such as sexual involvement or sexually demeaning comments. The apparent consent of a possible victim to the sexual or romantic relationship seldom determines whether there has been sexual exploitation.
- **Consent:** Consent is when someone agrees, gives permission, or says “yes” to sexual, romantic or emotional activity with another person. Consent is always freely given and all people in a sexual, romantic, or emotional situation must feel that they are able to say “yes” or “no” or stop the sexual, romantic, or emotional activity at any point. Any inappropriately, emotionally intimate, or sexual relationship between two individuals of unequal weight in power (including ecclesial authority) is considered inappropriate. The imbalance of power between a church worker and the person in a pastoral relationship may undermine the validity of consent. Similarly, the imbalance of power between a supervisor and a subordinate employee undermines the validity of the consent. The fact that sexual activity is initiated by someone other than the church worker does not relieve that worker of responsibility, nor does it make sexual activity under those circumstances acceptable.
- **Misuse of technology:** use of technology or communication through technology that results in sexually harassing or abusing another person, regardless of gender, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.
- **Pornography:** printed or visual material containing the explicit description or display of sexual organs or activity, intended to stimulate erotic rather than aesthetic or emotional feelings. All clergy are required to avoid viewing pornography at all times, not just while working or in church facilities. Any clergy struggling in this area should reach out to the Rev. Sam Pascoe (904-553-0017) for an assessment and help with recovery. This is offered without the involvement of the bishop unless clergy fail to follow through with recovery plan.

SCREENING

- The Gulf Atlantic Diocese’s policy requires complete background checks of all members of the clergy seeking canonical residence or license in the Diocese prior to the acceptance of Letters Dimissory or issuance of a License to Officiate. It is the responsibility of the parish to notify the Diocesan Office to begin a background check as soon as the vestry has decided who they would like to call. A call should not be considered final until the results of the background check are received. The parish is responsible for the cost of the background check; however, assistance may be requested in special cases.

- Each member of the clergy domiciled or licensed in the Diocese will be required to update and pay for (currently \$150) their background check on a five-year rotating schedule to be administered by the Diocese. Their congregation may choose to pay this fee.
- **Background checks** will be conducted of all individuals in the Diocese who are considered a Postulant for Holy Orders and may be conducted again prior to ordination to the Diaconate at the discretion of the Bishop; background checks will also be conducted of all members of the clergy seeking domicile or licensing in the Diocese prior to the acceptance of Letter of Transfer, or issuance of a License to Officiate; background checks should also be conducted by all congregations of all employees of a congregation prior to employment. Oxford Document Management Company (ODM; or another approved agency) will conduct a background check that will include:
 - (1) Inquiries of all Bishops having past or present canonical authority over the individual, all schools attended by the individual during the past five years, and all employers of the individual during the past five years. Those coming from the Episcopal Church may substitute a previous senior warden in place of their Bishop. If the individual has had more than one employer for over five years, then inquiries will be made of the two most recent employers. In the case of clergy, “employer” shall be the senior wardens of congregations served during the past five years.
 - (2) Credit Bureau Record Check: This check is required for clergy, treasurers, bookkeepers, check signers, and those having access to church credit cards only.
 - (3) Motor Vehicle Record Check.
 - (4) Sexual Misconduct and Criminal Record Check.
 - (5) NOTE: ODM will not divulge, furnish or make accessible to any person, or use in any other way, any confidential information other than as specifically set forth by written instruction of the Diocese. Completed background checks will be evaluated and stored on behalf of the Bishop by his Canon to the Ordinary or the Diocesan Administrator. ODM retains and stores all records under lock and key for a minimum period of five years, unless instructed otherwise by the Diocese. Congregations may use the services of ODM or other equivalent agencies at congregational expense to conduct background checks.
 - (6) Local criminal history records check through local law enforcement agencies.
 - (7) Statewide criminal history records check through the appropriate state law enforcement agencies.
 - (8) References will be secured from immediate supervisors at the three most recent places of employment and results documented.
 - (9) When available, a thorough social media search will be conducted.
- It is also necessary that congregations and diocesan institutions conduct equivalent **background checks** of all employees in diocesan institutions, programs, and congregations, prior to employment in compliance with their insurance carrier’s requirements.
- It is recommended that when applicants for employment (or lay volunteers working with children and youth) are considered by the congregation, the congregational leaders:
 - (1) Require six-month minimum attendance which includes active participation in Sunday morning worship and congregational programs;
 - (2) conduct a face-to-face interview;
 - (3) check the applicant’s references;
 - (4) have the applicant fill out a complete application (see sample online) which includes:
 - (a) whether or not they have been convicted of, pled nolo contender, had adjudication withheld, or have an active arrest for any crime involving abuse or

- neglect;
- (b) whether or not they have been diagnosed with any paraphiliac psychological condition;
- (5) cross-reference the National Sexual Offender Registry with the applicant information.
- *Ministry Safe* offers a training on skilled screening for employees. It is recommended that churches familiarize themselves with effective screening practices and recognizing high-risk applicants.

TRAINING

- **Misconduct and Sexual Abuse Training:** please see the Protection of Children section in this document to view required training for the protection against sexual misconduct with children.
 - **Clergy:** All members of the clergy domiciled, licensed, or serving in the Diocese, and all employees of the Diocese, need to have a minimum of six hours of diocesan approved training on issues of sexual harassment, mentoring and colleague relationships, and sexual exploitation in pastoral relationship within 6 months of employment (or volunteering) in the Diocese. This training is currently completed through *Keeping Our Sacred Trust* and will be completed online (<https://www.keepingoursacredtrust.org>). Clergy are responsible to submit to the diocesan office the evidence of completion.
 - **Employees/Vestry/Leaders of Children/Youth:** All employees of diocesan congregations, all vestry members, and all leaders of children and youth need to complete diocesan approved training, and training for their individual church's policy, on issues of sexual misconduct. The first portion of training is currently completed through *Ministry Safe* and will be completed online; *Ministry Safe Awareness* must be completed prior to service/employment. The second portion will be offered in person by a trained diocesan representative; this training must be completed within six months of service/employment. Churches are responsible to submit to the diocesan office the evidence of completion (Appendix A and B) and should be proactive in sending their employees and vestry members to training within their deanery or parish, as well as recertification every two years.
- Clergy are responsible to submit to the diocesan office the evidence of completed *Ministry Safe Awareness* training every two years as well as completion of diocesan training.
- Each church is responsible to track and document the training/retraining of its vestry, staff, and volunteers (see Appendix B).
- Churches are asked to utilize this policy as well as an addendum with any additional, contextual considerations (see Appendix E). Churches are asked to create their own supervisory plans for events (see Appendix C and the GAD website section on resources for sample policies).

B. Interaction

PASTORAL COUNSELING

One of the expectations of all clergy and other pastoral caregivers serving in the Gulf Atlantic Diocese is that they offer pastoral counseling to members of the congregation if/when necessary and appropriate. Pastoral counseling occurs when church personnel offer spiritual direction or advice concerning moral or spiritual matters. This counseling is recommended to be offered for a maximum of six (6) sessions per person. Fees or donations for pastoral counseling are prohibited. If there is a need for ongoing counseling, church personnel must refer to a professional if the church personnel are not certified or licensed.

Any person charging fees for counseling outside the scope of church employment must possess appropriate professional credentials and proof of separate professional liability insurance including coverage for sexual misconduct, in force at all times. Persons offering spiritual direction or professional counseling to members of the congregation or outside the congregation that includes additional compensation shall submit that ministry for approval by the Bishop.

During these pastoral counseling sessions, clergy and pastoral caregivers are expected to maintain an environment that minimizes any existence, or appearance, of potentially inappropriate behavior or exploitation.

Exploitation occurs when church personnel take advantage of the pastoral counseling relationship for the benefit of the pastoral counselor. Sexual exploitation is sexual contact between church personnel and the recipient of the pastoral counseling services, regardless of who initiates the contact. A conflict of interest occurs when church personnel take advantage of pastoral counseling relationships in order to further their own interest.

Staff members, clergy, and volunteers should strive to keep verbal interactions encouraging, constructive, and mindful of their mission, avoiding sexually-oriented communication. If available, same gender counseling is recommended to minimize these risks.

All clergy, employees, and volunteers are encouraged to maintain healthy boundaries and to strive for emotionally healthy relationships. Each congregation's leadership is asked to consistently bring awareness to this issue by normalizing the following principles:

- **Choose the Light:** whether it is porn addiction, gossip, an affair, bullying, sexual jokes or comments, flirting, etc., bringing the issue into the light is always the path toward healing, accountability, sanctification, and emotional health.
- **Transparency:** it is a difficult thing to clearly state what you think/feel/see happening, but it is a sign of emotional health. No one can improve or eradicate the inappropriate behavior without understanding the issue. Avoid triangulation and protection for individuals who are acting inappropriately.
- **See something, say something:** if something is a concern to you bring it to the appropriate leadership detailed within this document (for clergy that is the Bishop; for laity, that is the clergy at one's church; for the Bishop, that is the Diocesan Chancellor); including multiple leaders in the discussion will ensure accountability, transparency, and appropriate resolution.

If physical contact is warranted for professional, clinical reasons, it should always be respectful and consistent with the intent to provide a safe and comfortable pastoral counseling environment. Pastoral counseling should be conducted in appropriate settings at appropriate times and should not be held at places or times that would cause confusion about the nature of the relationship for the person being counseled.

Additionally, all clergy and staff should maintain a physical environment that minimizes any appearance of potentially inappropriate behavior at all times including traveling or events held at the church after business hours. It is wise to remain in public view when possible. It is recommended for this reason that the doors to rooms used for pastoral care contain windows. It is generally not recommended that employees share a hotel room when traveling. No pastoral counseling should be conducted in private living quarters.

SPIRITUAL DIRECTION

As Christians, we are encouraged to seek discipleship opportunities. This frequently manifests in 1:1, 1:2, or 1:3 relationships where participants meet regularly for a long-term partnership. This is not the same situation as pastoral counseling, which is intended for a singular focus and therefore is limited in scope. Pastoral counseling typically covers singular issues or questions, conflict management, confession, crisis counseling, pre-marital counseling and marriage counseling. If those crises seem to linger beyond six sessions, refer congregant(s) to a professional, as described above.

If a partnership of spiritual direction is entered into long-term, consider these safeguards:

- Ensure this relationship is brought into the light among the leadership team of the church by informing multiple people of this partnership;
- If there are multiple people offering long-term spiritual direction in your church, consider meeting every quarter to discuss the process and its benefits to the church, as well as accountability;
- If one clergy person is offering long-term spiritual direction to another clergy person, bring the arrangement into the light by informing the office of the bishop of the relationship;
- Meet in a public place, not in one another's private living quarters;
- It is recommended that it be conducted by same gender participants;
- Follow guidelines regarding interaction and physical contact;
- Define the parameters of the relationship at the first meeting, articulating how one might discontinue the relationship without further explanation at any time;
- Communicate to whom the participant should report if they have any concerns (including the names and numbers of senior leadership, the bishop, or the #ChooseTheLight reporting hotline);
- Include prayer and the study of Scripture in your regular time together.

In order to protect the emotionally healthy spirituality of all clergy, it is recommended that clergy also seek regular spiritual direction to ensure accountability and a strong support system.

C. Reporting

Anyone who knows of, or has reasonable cause to suspect, an adult who has been abused, neglected, or exploited in violation of the law should immediately contact the appropriate state abuse hotline (see diocesan website resources and Appendix D). All reports are confidential and access to these reports is limited by specific criteria described in the appropriate state's statute(s).

In the case of clergy misconduct complaints, the Bishop should be contacted immediately to describe the situation. If it is a reportable incident, the state would then be informed by that person, not by the Bishop. This allows the Bishop the opportunity to put into motion the internal procedures described below at the same time as the legal requirements are being initiated.

Allegations involving lay persons:

1. Complaints of sexual misconduct by a **lay employee or volunteer of a church**, congregation, or fellowship will be reported immediately to the rector, vicar, or priest-in-charge of the congregation. The head of any diocesan agency or institution or the rector of a parish or clergy in charge of a congregation who receives a complaint about a lay employee or volunteer will notify the Bishop, Wardens, and/or lay leadership boards immediately.
2. The complainant will be assured that the church is concerned and that the complaint will be investigated promptly and thoroughly. The initial, verbal response should not convey doubt.
3. Complaints of sexual misconduct by a **lay employee or volunteer of the Diocese** will also be reported immediately to the Bishop by the rector, vicar, or priest-in-charge.

Allegations involving clergy or diocesan employees:

1. All clergy domiciled or licensed in the Gulf Atlantic Diocese are under the authority of the Bishop. Therefore, any complaints of sexual misconduct by any member of the clergy shall be reported immediately to the Bishop. Upon receiving a complaint of sexual misconduct, the Bishop will personally assure the complainant that the church is concerned and that the complaint will be investigated promptly and thoroughly. The initial, verbal response should not be that the complainant is not believed.
 - A. If the complaint is against a member of the clergy, the Bishop will appoint an impartial investigator to look into the complaint and report back to the Bishop. Upon completion of the investigation, the investigator will report his/her findings and conclusions to the Bishop so that the Bishop can take whatever action he and the chancellor deem appropriate.
 - B. Suspension of employment or volunteer activities:
 - i. If the alleged offender is a non-clergy employee/volunteer of **the Diocese or a congregation**, the alleged offender's employment or volunteer activity may be suspended by the Bishop, the rector of the parish, clergy in charge, or other person in charge of a congregation until such time as the allegations of sexual misconduct or abuse are resolved. This leave of absence is without prejudice (i.e. does not imply guilt or innocence of the person under investigation) and payment of benefits to the employee may continue at the discretion of the Bishop, the rector of the parish, clergy in charge, or other person in charge of a congregation.
 - ii. If the alleged offender is a non-clergy employee/volunteer of a **ministry group related to the Diocese or congregation**, the alleged offender's employment or volunteer activity may be suspended by the employer or person responsible until

such time as the allegations of sexual misconduct or abuse are resolved. This leave is without prejudice and does not imply guilt or innocence of the person(s) under investigation; and payment of benefits to the employee(s) may continue at the discretion of the employer or person responsible. The employer or person responsible will notify the Bishop of the suspension immediately.

2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the Bishop to begin a third-party investigation.
3. Any person believing that the Bishop has engaged in any sexual misconduct should immediately contact the Chancellor, via the hotline (see below).
4. The Bishop, or anyone who may subsequently be involved in the process, will not, at any time following the first receipt of the complaint, hear the sacramental confession of any person(s) involved.
5. The Bishop will comply with the reporting and notification requirements as contained in the diocesan, parish or other liability policies for insurance claims. A sample form for reporting suspected child abuse can be found on the diocesan website and in this document as Appendix D.
6. The Diocese provides a hotline for confidential reporting (904-300-0512). The phone number is published on the website and is included on the #ChooseTheLight poster, available in every church administration space, per diocesan policy. The poster is available for download from the GAD website, as well.

Throughout any investigation: reach out to, and care for, any potential victims; treat the accused with dignity and support; and maintain confidentiality utilizing maximum discretion.

D. Compliance

The Bishop's office will notify all members of the clergy domiciled, licensed and serving in the Diocese, employees of the Diocese, Postulants for Holy Orders, volunteers for the Diocese who regularly supervise youth activities, lay members of Diocesan Council, and other diocesan leadership groups, including boards of any diocesan ministry or institution, of the contents of and requirements for this policy. The policy document will be reviewed annually by Joint Leadership and, if changes are made, a revised copy will be provided to each of the listed parties with a signed receipt required (Appendix B).

This copy will be distributed to each congregation in the fall of the calendar year with the understanding that the congregation has the rest of the calendar year to come into compliance with any changes. It will be the responsibility of the rector of each parish or clergy in charge of a congregation to ensure all clergy, vestry, employees (full or part-time), and leaders who regularly supervise children/youth activities, are made aware of the parish or congregation's policies and that those who are required to complete approved training do so. Appendix B may be used as an example of acknowledgment of receipt of parish policies and procedures.

Churches are responsible for obtaining and keeping documentation of adherence to this policy in perpetuity. Please view the congregational checklist in Appendix A to ensure compliance. The Diocese assumes no responsibility for a parish or congregation's non-compliance with their insurance carrier's policy on acknowledgment of receipt of parish or congregation's policies and procedures or insurance carrier training requirements.

This documentation (Appendix A, B, and E) must be completed, submitted, and filed prior to Jan 31st of every year. The policy will be in effect through that calendar year. The expected timeline is:

- July 1: Joint Leadership will review the policy and make recommended changes.
- August 31: All changes have been accepted, Joint Leadership submits signed acknowledgement and approval (Appendix B); new policy is sent to Rectors.
- Fall semester: Any changes to be implemented the following year are introduced, training is updated accordingly, staff/employees/volunteers/vestry sign acknowledgement forms (Appendix B).
- January: New vestry members are trained and sign acknowledgement form (Appendix B).
- January 31st: all forms are submitted to the Diocesan Administrator for filing (Appendix A, B, and E).



Sexual Misconduct: Protection of Children

The Bishop, in consultation with diocesan staff and Joint Leadership, is responsible for the creation and promulgation of the diocesan Sexual Misconduct Policy for Prevention and Reporting, in accordance with the Canons of the Diocese.

The Joint Leadership will annually update and revise the Policy in light of practical experiences, medical and other scholarly research, legal developments, and other relevant considerations.

The Rector has overall responsibility for the administration of this Policy within the church he/she leads and for providing all reports requested by the Diocese.

The Gulf Atlantic Diocese requires that, at a minimum, each congregation (or parish, mission, and church plant) is expected to have in place these four procedures for sexual misconduct with regard to the protection of children:

- A. Procedure 1: Awareness
- B. Procedure 2: Interaction
- C. Procedure 3: Reporting
- D. Procedure 4: Compliance

This minimum standard applies even if there are no children currently in attendance at church events. All churches must comply to be prepared for children/youth to join their congregation.

A. Awareness

Being aware that the issue of sexual misconduct exists is a fraction of what must be understood in order to build an environment that protects children from abuse.

Child Abuse: any willful act or threatened act resulting in any physical, mental, or sexual injury or harm that causes, or is likely to cause, the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts and/or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child. Each church within the Gulf Atlantic Diocese should review and be familiar with the relevant laws within its jurisdiction. This information is easily obtained through the Department of Children and Families, or like entities, within each state.

Sexual Misconduct: Sexual abuse or sexual molestation of any person, including but not limited to, any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent. Misconduct also includes:

- **Grooming:** a technique used to break down barriers of protection. Abusers will use grooming techniques to gain trust. Recognize the pattern of continual testing of boundaries in such a way that inappropriate behavior seeps into the relationship without consent or even acknowledgement. Grooming usually includes gaining access through trust, targeting a particular type of person as a victim, slowly eroding boundaries, and methods to keep the victim quiet.
- **Sexual harassment:** unwelcome sexual advances, requests for sexual favors, quid pro quo behavior, sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature; including but not limited to, sexually oriented humor or language, questions or comments about sexual behavior or preference, undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements.
- **Sexual coercion:** the use of physical or emotional power to gain sexual gratification.
- **Sexual exploitation:** including, but not limited to, obscene or pornographic photographing, filming or depiction of children for commercial purposes or exploitation, the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct for the purpose of producing any visual depiction of any sexually explicit conduct, or the rape, molestation, incest, prostitution, or other form of sexual exploitation of children.

SCREENING

- Please see this policy's section on the Protection of Adults for details regarding background checks of clergy, ordinands, transfer clergy, and full/part time employees for churches and the Diocese itself.
- It is also necessary for congregations and diocesan institutions to conduct equivalent **background checks** of all volunteers who regularly supervise youth activities (this does not apply to non-lead teachers/volunteers) in diocesan institutions, programs, and congregations, prior to serving, in compliance with their insurance carrier's requirements.
- It is recommended that when applicants for employment (or lay volunteers working with children and youth) are considered by the congregation, the congregational leaders:
 - (1) Complete a six-month minimum attendance which includes active participation in Sunday morning worship and congregational programs;
 - (2) conduct a face-to-face interview;
 - (3) check the applicant's references;
 - (4) have the applicant fill out a complete application (see sample online) which includes:
 - (a) whether or not they have been convicted of, pled nolo contendere, had adjudication withheld, or have an active arrest for any crime involving abuse or neglect;
 - (b) whether or not they have been diagnosed with any paraphiliac psychological condition;
 - (5) cross-reference the National Sexual Offender Registry with the applicant information;
 - (6) references will be secured from immediate supervisors at the three most recent places of employment and results documented;
 - (7) when available, a thorough social media search will be conducted;
- *Ministry Safe* offers a training on skilled screening for employees. It is recommended that churches familiarize themselves with effective screening practices and recognizing high-risk applicants.

TRAINING

- **Sexual Misconduct: Protection of Children Training:** The first portion of sexual misconduct and the protection of children training is currently completed through *Ministry Safe* and will be completed online. The second portion will be offered in person by a trained diocesan representative. This training covers details of sexual misconduct and must be renewed every two years.
 - **Clergy training:** In addition to *Keeping Our Sacred Trust* (see Protection of Adults section), all members of the clergy domiciled, licensed, or serving in the Diocese, and all employees of the Diocese, should complete sexual abuse training on issues of child abuse in a church setting or online through *Ministry Safe Awareness*. This training shall include a review of all types of child abuse (as outlined in this document), and youth protection safeguards. Clergy are responsible to submit to the diocesan office the evidence of completed *Ministry Safe Awareness* training every two years as well as completion of diocesan training. These trainings should be completed prior to employment.
 - **Leaders of Children/Youth training:** All leaders of children and youth within a congregation or through a diocesan program should complete diocesan approved training on issues of sexual harassment within 6 months of employment (or volunteering) in the Diocese and to be renewed every two years. Churches are responsible to submit to the diocesan office the evidence of completion and should be proactive in sending their employees to training within their deanery. Leader is defined as the primary person responsible for youth or children's ministry, including if the person is the lead teacher in a Sunday school class or a discipleship group. Non-lead teachers/volunteers or anyone who works with children during church or school hours in public places where at least one other adult is present at all times are not required to have this training, but it is recommended that they be encouraged to complete it also. If an individual has attended these classes in another Diocese, he/she may submit certification that the training has been completed in lieu of attending a second class or program. In addition to the diocesan training offered through the deanery, leaders of children/youth must also complete *Ministry Safe Awareness* prior to employment/volunteering and re-certify every two years (<https://ministrysafe.com>).
 - **Directors of diocesan sponsored camps** must complete *Ministry Safe Camp Leadership Training* prior to serving as Director (found under the awareness tab). Each diocesan sponsored camp is responsible for ensuring all leaders have taken *Ministry Safe Awareness*. Leaders may submit copies of their certificate to satisfy this requirement. If directors or leaders arrive to camp without certification, the camp should immediately have the leader complete it prior to serving or the leader should not attend.
 - **All employees of diocesan institutions** and congregations must attend the diocesan sponsored training (or equivalent training) in compliance with their insurance carrier's requirements every two years and within six months of employment. This includes those in the **ordination** process, those clergy applying for **transfer** into GAD, and employees not currently supervising children or youth.
- Each church is responsible to track and document the training/retraining of its vestry, staff, and volunteers.
- Churches are asked to utilize this policy as well as an addendum with any additional, contextual considerations (see Appendix E). Churches are asked to create their own supervisory plans for events (see Appendix C and the GAD website section on resources for sample policies).

B. Interaction

COMMUNICATION

Verbal interactions between clergy, staff members, or volunteers and children should be encouraging, constructive, and mindful of their mission of aiding parents in the spiritual growth and development of children.

To this end, clergy, staff members, and volunteers should avoid talking to children or parents in a way that is, or could be, construed by any reasonable observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. In addition, clergy, staff members, and volunteers are expected to refrain from using vulgar language in the presence of children. Concerns about children should be directed to parents, legal guardians, the appropriate ministry leader, or the clergy.

Clergy, staff members, and volunteers should avoid engaging in any sexually-oriented communications with children, and should refrain from discussing any inappropriate or explicit information about their own personal relationships, dating, or sexual activities with any child in the program. Clergy, staff members, and volunteers should report any sexually-oriented communications involving a child to the appropriate ministry leader or clergy.

Sexually-Oriented Materials: Staff members and volunteers may employ (subject to limitations imposed by the Rector) age-appropriate materials when leading discussions dealing with human sexuality/sexual abuse prevention/sexual purity. Any prospective material should be made available for review for the parents of participants. Prior to introducing these materials, notice should be provided to parents in order to allow an opt-out should there be concerns or objections.

Addictive substances: While in church facilities, while traveling with or in the presence of children or their parents, during church-sponsored activities, or while working with or supervising children, clergy, staff members, volunteers, and participants in youth and children's ministries should not use tobacco products, possess or use any illegal drugs, be under the influence of alcohol, share or view pornographic material.

Social Media: Social media avenues are important ways for youth ministry staff and volunteer leaders to connect with students. Their world is often constructed around social media, for better or worse. Having personal interactions in this venue allows adults to model appropriate behavior in social media, and it forms valuable connections with students.

The Diocese strongly recommends that each church have a proactive policy for social media and other forms of electronic communication in the context of children's and youth ministry. Clergy, staff members, and volunteers shall refrain from connecting with students on social media when students are younger than the minimum age as established by each social media outlet (usually 13).

Sending sexually explicit or offensive communications (e.g., text messages, emails, social media messages or posts) is included in the definition of sexual harassment and will not be tolerated.

Virtual spaces are to be treated the same as in-person spaces. This means two adults must be online with one youth (known as the two-adult rule), participants must be appropriately clothed, and

conversation must be within 'public' view. For online conference calls, this means calls are not completed in the bedroom, and the parents are aware that the student is in conversation with the leaders. Use group apps rather than private messages. If a situation arises where only one adult is present, a minimum of two students must also be present.

For those students under 13 (this is the usual minimum age for social media platforms by the platforms themselves), get parent permission for any communication and welcome the parents into that environment.

Background checks and *Ministry Safe* training should still be completed and up-to-date for all online volunteers.

Use personal interactions on social media avenues to model appropriate behavior and language, both on and off social media. Church leaders should be aware that their behavior reflects Christ and the Church.

Photography: Photos of children will not be used contrary to parental wishes and must not contain any personally identifying information about children either online or in print publications without prior parental permission. This is easily handled by including a consent statement on programming registrations that are signed by the parent/guardian.

PHYSICAL INTERACTION

Physical contact should be for the benefit of the child, and never be based upon the emotional needs of a staff member or volunteer. It is the diocesan policy that congregational staff members and volunteers are prohibited from using physical discipline in any manner for behavioral management of children. No form of physical discipline is acceptable.

This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by children. Children are to be disciplined using time-outs and other non-physical methods of behavior management. In some circumstances physical restraint may be used to prevent self-injury by the child and/or harm to others or to property. Uncontrollable or unusual behavior should be reported immediately to parents, the Children's Ministry Director, Youth Pastor, and/or clergy.

Those who serve, whether as clergy or lay workers, paid or volunteer, maintain a powerful relationship of authority and trust with the people to whom they minister. Betrayal of that trust through violation of sexual boundaries causes great emotional and spiritual harm. Such misconduct is a denial of our calling as Christians and may be a violation of the law. We must take every step to prevent it, and to respond with swift justice should misconduct occur.

Appropriate physical affection between staff members or volunteers and children is important for children's development and is generally suitable in the church setting.

Appropriate physical affection includes:

- high-fives
- handshakes
- fist bumps
- thumbs up
- head pat
- side hug
- smiling
- pats on the back

Inappropriate physical affection includes:

- wrestling
- tickling
- sitting in laps (except for nursery-aged children)
- kissing in any form
- full frontal hugs
- commenting on children's bodies
- forcing unwanted affection

Inappropriate touching and inappropriate displays of affection are forbidden. Any inappropriate behavior or suspected abuse by a church staff member or volunteer must be reported immediately to 1) an immediate supervisor, **and** 2) the Rector and/or clergy in charge. If neither are available, report to the Senior Warden.

Physical contact and affection should be given only in observable places. It is much less likely that touch will be inappropriate or misinterpreted when physical contact is open to observation. Physical contact in any form should not give even the appearance of wrongdoing. The personal behavior of staff members or volunteers in Youth and Children's Ministries must foster trust at all times. Personal conduct must be above reproach.

Do not force physical contact, touch, or affection on a reluctant child. A child's preference not to be touched must be respected at all times.

SPIRITUAL DIRECTION WITH YOUTH

As Christians, we are encouraged to seek discipleship opportunities. This frequently manifests in 1:1, 1:2, or 1:3 relationships where participants meet regularly for a long-term partnership. This is not the same situation as pastoral counseling, which is intended for a singular focus and therefore is limited in scope. Pastoral counseling typically covers singular issues or questions, conflict management, confession, crisis counseling, pre-marital counseling and marriage counseling. If those crises seem to linger beyond six sessions, refer congregant(s) to a professional, as described previously.

If spiritual direction with a youth is entered into long-term, consider these safeguards:

- Ensure this relationship is brought into the light among the leadership team of the church by informing multiple people of this partnership; this includes obtaining parental consent and knowledge of discipleship meetings;
- If there are multiple people offering long-term spiritual direction to youth in your church, consider meeting every quarter to discuss the process and its benefits to the church, as well as accountability;
- Meet in a public place, not in one another's private living quarters;
- It is recommended that it be conducted by same gender participants;
- Follow guidelines regarding interaction and physical contact;
- Define the parameters of the relationship at the first meeting, articulating how one might discontinue the relationship without further explanation at any time;
- Communicate to whom the participant should report if they have any concerns (including the names and numbers of senior leadership, the bishop, or the #ChooseTheLight reporting hotline);
- Guidelines outlined in this policy for interaction with youth (regarding awareness, screening, interaction, and reporting) must still be followed;
- Include prayer and the study of Scripture in your regular time together.

In order to protect the emotionally healthy spirituality of all, it is recommended that youth directors and children's ministry directors also seek regular spiritual direction to ensure accountability and a strong support system.

SUPERVISORY PROCEDURES

Monitoring Procedures

Monitoring helps detect problems before they turn into an incident of abuse and helps adults avoid wrongful allegations of abuse where none has occurred. Research confirms that off-site activities increase the risk of abuse. Vestry, clergy, staff, and volunteers must be diligent in monitoring and supervising children's and youth activities in all settings at all times.

Monitoring procedures should include, but are not limited to:

- All children and youth activities shall be designed to be supervised by two or more screened and trained individuals, preferably not related to each other. No child will ever be left unattended in the building or on the property during or following a church activity;
- Clergy, staff members, and/or volunteers should not conduct unobserved meetings or interactions with children. In a discipleship or mentoring relationship, the interactions should take place in a public place or where other persons are present;
- Watching for policy violations;
- An open invitation for parents to visit at any time unannounced;
- A careful review of new programs and/or significant changes to a program structure;
- Keeping interaction with children in full view of others at all times. Keeping unused rooms locked whenever possible;
- Keeping children and youth in supervised areas within the church building;
- An onsite or offsite written Supervisory Plan (see below) shall be in place for all educational, pastoral, recreational, or other programming that involves youth or children.

Restroom Use

Because preschool, nursery, and special needs children may require complete assistance with their bathroom activities, all staff members and volunteers will observe the following policies:

Diapering

- Only screened and trained nursery workers or the child's parent or legal guardian will undertake the diapering of children of either sex. (Churches are encouraged to be sensitive to the fact that nationally one out of every four women has been the victim of some form of child sexual abuse, typically by a male offender. To build trust and to minimize exposure based on statistical research, churches may determine that diapering, toilet training, and restroom monitoring will only be done by screened and trained female staff/volunteers or the child's parent/guardian.)
- Changing of diapers should be done in plain sight of other nursery workers; children should not be left unattended while being changed.
- Children should be re-diapered and re-clothed immediately upon the completion of changing their soiled diaper.

Toilet Training

- No child will be forced to toilet train.
- Only screened and trained nursery workers or the child's parent or legal guardian will participate in toilet training efforts with children.
- When children are assisted in bathrooms the stall door will be left partially open.
- Preschool-aged children will never be left unattended in bathrooms.
- Children should be assisted in straightening their clothing before returning to the room with other children.
- Accidents should be handled by reassuring the child and completing the changing of diapers or underwear and clothing.

Elementary Aged Children

- Elementary-age children may be accompanied to the restroom for supervision and assistance when needed. (However, children should receive the minimum amount of assistance needed based upon their individual capabilities.) A same-aged/gender-peer buddy system may also be used.
- Staff members and volunteers should take steps to avoid being alone with one child in the restroom. If a staff member or volunteer must go into the restroom to check on an individual child, he or she should seek out another worker to accompany him/her. If another worker is not available to accompany, he/she should go to the exterior bathroom door, knock, and ask if the child needs assistance. If the child requires assistance, the worker should leave the exterior bathroom door open when entering the bathroom area and try verbally to assist the child in completing his/her activities, while the child remains behind the door of the bathroom stall.

First Aid and Medication

If possible, medication should be administered by the child's parent. Medication may be given to a child by a staff member or volunteer as authorized by the parent. The medication must be in the original packaging, including over-the-counter medication.

When medically necessary, medication or first aid may be given to a child by a staff member or volunteer consistent with the Supervisory Plan (see Appendix C). Parents should be notified whenever medication or first aid has been administered.

The Release of Children

Any time that a child has been entrusted to church staff members or volunteers, the church incurs responsibility for the safety and well-being of the child. Staff members and volunteers must act to ensure the appropriate supervision and safety of children in their charge.

Children's Ministries staff members or volunteers are responsible for releasing children in their care at the close of services or activities only to parents, legal guardians, or other persons designated by parents or legal guardians. It is presumed that a person who drops off a child or student has authority to pick up the child.

In the event that staff members or volunteers are uncertain of the propriety of releasing a child, they should immediately contact their immediate supervisor before releasing the child.

Transportation

Staff members and volunteers may from time to time be in a position to provide transportation for children. The following guidelines should be observed when workers are involved in the transportation of children whenever possible:

- Adult volunteer drivers must provide to the church copies of valid driver's licenses, vehicle registration, and proof of insurance.
- It is understood that the adult driving the child must have undergone an insurance approved background check including a DMV record check. Use of child safety seats that meet federal standards is required. Drivers and passengers must also follow airbag age/weight regulations per specific vehicle guidelines. Churches are advised to consult with their insurance provider regarding the minimum age for adult drivers. Under no circumstances should anyone under the age of 18 be allowed to drive children/youth as part of an event.
- At no time shall there be one adult and one child traveling in a vehicle (except in a parent/child or other familial situation). Automobiles will contain either one driver and two or more participants or two adults and any number of children (within the seat belt limitations of the vehicle; seatbelts are ALWAYS required). If there is an extenuating circumstance causing only one adult and one child to travel together in an automobile, permission must be obtained by a parent or legal guardian of the child. This permission should be written and signed by the parent/guardian or documented by the volunteer if only verbal consent is obtainable. The child or youth should be transported in the back seat of the vehicle in such circumstances.
- No cell phones, including hands-free devices, may be utilized by the driver while driving church-owned vehicles, unless in an emergency, with the exception of GPS navigation.
- Children should be transported directly to their destination. Unauthorized stops to a non-public place should be avoided. Stops for meals, refueling, and restroom breaks should be done as a group. Staff members and volunteers should avoid transportation circumstances that leave only one child in transport.
- Staff members and volunteers should avoid physical contact with children while in vehicles.
- No one under age 25 may drive vehicles rented by a church unless explicitly allowed by the rental agreement.
- No drivers under age 25 may drive church-owned vehicles unless explicitly covered by the church's auto insurance policy.
- In special circumstances these may be altered for emergencies. In these cases, the children/youth director (or supervisor) should be notified immediately.
- If a family situation necessitates a special circumstance, the family may sign a waiver stating the deviance from the diocesan or church policy; this policy should note the family's acceptance of responsibility.

Home Group Procedures

The Diocese and its churches do not exercise control or responsibility over home groups (defined as a small group meeting in a home for discipleship such as Bible study, worship, fellowship, etc.). The care and protection of children in such settings is always the responsibility of the parents/guardians of each child. Leaders of home groups organized by churches should be encouraged to read this policy, take the child abuse training provided, and consider supervisory plans for their events, including:

- Supervision by two screened and trained individuals;
- Safety of the environment;
- Restroom procedures specific to the environment and needs of children.

Overnight Events (including lock-ins, mission trips, and camps)

The leader from any church offering overnight events, trips, and camps, as well as diocesan sponsored Camp Directors, should complete *Ministry Safe **Camp Leadership** Training* every two years.

All camp volunteers and counselors must complete *Ministry Safe **Awareness*** every two years. If a volunteer has completed the required training through their church and their certificate is current, they may submit that to the diocesan Camp Director to waive additional training.

These additional procedures must be followed:

- The two-adult rule should be followed; a single student should not be alone with a staff member or volunteer. If a situation arises where only one adult is present, a minimum of two students must also be present.
- All adult leaders must have previously completed the Church's screening and training process.
- Overnight sleeping arrangements must be submitted in writing to and approved by the Student Minister prior to the activity.
- As long as any students are awake, one trip leader must be awake and monitoring students to ensure safe behavior.
- Leaders should check with parents and use good judgment regarding PG or PG-13 movies. R-rated movies require Rector and parental approval.
- Appropriately modest sleeping attire must be worn; both tops and bottoms.
- In the event of a sleepover on campus that involves both boys and girls, boys and girls must sleep in separate rooms, properly supervised by student leaders of the same gender.
- Staff members and volunteers will monitor sleeping students by periodically conducting visual bed checks to ensure that sleeping students remain in designated sleeping places. During bed checks, staff members and volunteers should never physically touch a student.
- Whenever possible, staff members or volunteers will sleep in the same room, or in an adjoining room with the door between the rooms kept open.
- In the event that overnight arrangements do not include standard beds, each staff member, volunteer, and student will use single sleeping bags or blankets. In these instances, a "one-person-to-one bag or blanket" rule will be observed.

Off-campus, non-sponsored youth activities and events

Due to the nature of contact work within youth groups, situations may arise where a youth volunteer/employee organizes a social event off campus. These events usually are not sponsored by the church and may only be open to certain youth due to the nature of contact work. It is recommended that these events remain in compliance with the diocesan policy and with the individual church's policy, specifically with regard to the 'minimum of two adults' rule. It is consistent with best practices and research, protects the church, the volunteer/employee, and the children involved.

On-campus, non-sponsored activities and events

Due to the nature of the facilities and shared ministry, the situation might arise where the church facilities are used by non-sponsored groups for activities and events (such as Young Life, or the Boy Scouts, or parties, etc.). These events may choose to offer childcare on their own, utilizing the facilities available. All churches should consult their insurance policy regarding these types of activities and to be compliant with the restrictions and recommendations in that insurance policy. It is also recommended that all churches use a Facilities Agreement (see sample on diocesan website) that clearly articulates the outside organization's responsibility and liability for their program and volunteers/employees for every instance of an outside group using the church's facilities.

Nudity

Staff members and volunteers should never be nude in the presence of children in their care. In the event there is a situation that may call for or contemplate the possibility of nudity (i.e. changing clothes during a pool party, a weekend or overnight retreat, etc.), the Children's Ministry Director or Youth Pastor will detail procedures for showering or changing clothes in the supervisory plan for the scheduled event.

Minimum Standard Compliance

It is necessary that this diocesan policy is followed at minimum by each congregation. If an individual church's addendum to this policy includes additional, reasonable safety measures, the volunteers/employees should be held accountable to that addendum and this policy and any refusal to do so allows the individual church the ability to remove the volunteer/employee from youth leadership with Rector's knowledge and approval.

SUPERVISORY PLANS

The purpose of the supervisory plan for any given activity is to give direction to staff, both volunteer and paid, to insure appropriate measures are in place to meet the diocesan standard for supervision. All staff for the activity needs to be informed of the contents of the supervisory plan. It is recommended that a copy of the plan be provided for staff persons, and that the plan be posted in a visible location. Please refer to Appendix C for resources for sample Supervisory Plans.

On-site Supervisory Plans should include the following:

- A description of the nature of the activity
- The details of the registration process and registration form
- The personnel responsible for running the activity
- The following is the recommended ratio of adults to children, (recommendation based on Florida standards and *Ministry Safe* standards; each congregation should consult their individual state's recommended ratios):
 - **Infants:** 2 adults for up to 8
 - **Young toddlers:** 2 adults for up to 12
 - **2 and 3 years:** 2 adults for up to 22 (two years) – 30 (three years)
 - **4 years:** 2 adults for up to 20
 - **School age:** 2 adults for up to 40
 - **Mixed age group:** ratio for the youngest child in the group
- The physical environment
- Bathroom procedures, including showering procedures if applicable
- First aid and medication procedures
- The reporting of discipline concerns
- The release of children

Off-site Supervisory Plans should include all of the items listed above in the on-site supervisory plan, plus the following:

- Offsite transportation plan
- Dining arrangements
- Sleeping arrangements
- Showering procedures

C. Reporting

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 (see diocesan website resources and Appendix D). All reports are confidential and access to these reports is limited by specific criteria described in the appropriate state's statute(s).

In the case of clergy misconduct complaints, the Bishop should be contacted immediately to describe the situation. Then, if the Bishop concurs that it is a reportable incident, the state would then be informed by that person, not by the Bishop. This allows the Bishop the opportunity to put into motion the internal procedures described below at the same time as the legal requirements are being initiated.

Allegations involving lay persons:

1. Complaints of sexual misconduct by a **lay employee or volunteer of a church**, congregation, or fellowship will be reported immediately to the Rector, vicar, or priest-in-charge of the congregation. The head of any diocesan agency or institution or the rector of a parish or clergy in charge of a congregation who receives a complaint about a lay employee or volunteer will notify the Bishop, Wardens, and/or lay leadership boards immediately.
2. The complainant will be assured that the church is concerned and that the complaint will be investigated promptly and thoroughly. The initial, verbal response should **not** convey doubt.
3. Complaints of sexual misconduct by a **lay employee or volunteer of the Diocese** will also be reported immediately to the Bishop by the Rector, vicar, or priest-in-charge.
4. When responding to a child complainant, consider responding in a private environment with at least one other adult present; keep calm, listen, and avoid expressing shock, disbelief, or outrage; let the child know they are believed and it is not their fault; avoid providing additional details or planting ideas that could taint the child's recollection; write down what the child disclosed (see diocesan resources online); discussion with others should be limited to appropriate church and legal authorities.
5. If required by law, the complaint alleging abuse of a minor or incapacitated adult will be reported to the appropriate law enforcement officials immediately. Refer to the reference guide (found online in the diocesan resources) or other readily available resources for the officials within your jurisdiction. A sample form for reporting suspected child abuse can be found on the diocesan website and within this document as Appendix D.

Allegations involving clergy or diocesan employees:

1. All clergy domiciled or licensed in the Gulf Atlantic Diocese are under the authority of the Bishop. Therefore, any complaints of sexual misconduct by any member of the clergy shall be reported immediately to the Bishop. Any complaints of sexual misconduct by the Bishop shall be reported immediately to the Chancellor. Upon receiving a complaint of sexual misconduct, the Bishop will personally assure the complainant that the church is concerned and that the complaint will be investigated promptly and thoroughly. The initial, verbal response should **not** be that the complainant is not believed.
 - A. If the complaint is against a member of the clergy, the Bishop will appoint an impartial third-party investigator. Upon completion of the investigation, the investigator will report his/her findings and conclusions to the Bishop so that the Bishop can take whatever action he and the chancellor deem appropriate.

- B. Suspension of employment or volunteer activities:
 - i. If the alleged offender is a non-clergy employee/volunteer of **the Diocese or a congregation**, the alleged offender's employment or volunteer activity may be suspended by the Bishop, the rector of the parish, clergy in charge, or other person in charge of a congregation until such time as the allegations of sexual misconduct or child abuse are resolved. This leave of absence is without prejudice (i.e. does not imply guilt or innocence of the person under investigation) and payment of benefits to the employee may continue at the discretion of the Bishop, the rector of the parish, clergy in charge, or other person in charge of a congregation.
 - ii. If the alleged offender is a non-clergy employee/volunteer of a **ministry group related to the Diocese or congregation**, the alleged offender's employment or volunteer activity may be suspended by the employer or person responsible until such time as the allegations of sexual misconduct or child abuse are resolved. This leave is without prejudice and does not imply guilt or innocence of the person(s) under investigation; and payment of benefits to the employee(s) may continue at the discretion of the employer or person responsible. The employer or person responsible will notify the Bishop of the suspension immediately.
- 2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the Bishop to begin a third-party investigation.
- 3. Any person believing that the Bishop has engaged in any sexual misconduct should immediately contact the Chancellor, via the hotline (see below).
- 4. The Bishop, or anyone who may subsequently be involved in the process, will not, at any time following the first receipt of the complaint, hear the sacramental confession of any person(s) involved.
- 5. The Bishop will comply with the reporting and notification requirements as contained in the diocesan, parish or other liability policies for insurance claims. A sample form for reporting suspected child abuse can be found on the diocesan website and in this document as Appendix D.
- 6. The Diocese provides a hotline for confidential reporting (904-300-0512). The phone number is published on the website and is included on the #ChooseTheLight poster, available in every church administration space, per diocesan policy. The poster is available for download from the GAD website, as well.

Throughout any investigation: reach out to, and care for, any potential victims; treat the accused with dignity and support; and maintain appropriate confidentiality.

D. Compliance

The Bishop's office will notify all members of the clergy domiciled, licensed and serving in the Diocese, employees of the Diocese, Postulants for Holy Orders, volunteers for the Diocese who regularly supervise youth activities, lay members of Diocesan Council, and other diocesan leadership groups, including boards of any diocesan ministry or institution, of the contents of and requirements for this policy. The policy document will be reviewed annually by Joint Leadership and, if changes are made, a revised copy will be provided to each of the listed parties with a signed receipt required (Appendix B).

This copy will be distributed to each congregation in the fall of the calendar year with the understanding that the congregation has the rest of the calendar year to come into compliance with any changes. It will be the responsibility of the rector of each parish or clergy in charge of a congregation to ensure all clergy, vestry, employees (full or part-time), and leaders who regularly supervise children/youth activities, are made aware of the parish or congregation's policies and that those who are required to complete approved training do so. Appendix B may be used as an example of acknowledgment of receipt of parish policies and procedures.

Churches are responsible for obtaining and keeping documentation of adherence to this policy in perpetuity. Please view the congregational checklist in Appendix A to ensure compliance. The Diocese assumes no responsibility for a parish or congregation's non-compliance with their insurance carrier's policy on acknowledgment of receipt of parish or congregation's policies and procedures or insurance carrier training requirements.

This documentation (Appendix A, B, and E) must be completed, submitted, and filed prior to Jan 31st of every year. The policy will be in effect through that calendar year. The expected timeline is:

- July 1: Joint Leadership will review the policy and make recommended changes.
- August 31: All changes have been accepted, Joint Leadership submits signed acknowledgement and approval (Appendix B); new policy is sent to Rectors.
- Fall semester: Any changes to be implemented the following year are introduced, training is updated accordingly, staff/employees/volunteers/vestry sign acknowledgement forms (Appendix B).
- January: New vestry members are trained and sign acknowledgement form (Appendix B).
- January 31st: all forms are submitted to the Diocesan Administrator for filing (Appendix A, B, and E).

As a helpful resource, recognizing such laws can change over time, please visit the following website to view links to the child abuse reporting laws in each jurisdiction:

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/?hasBeenRedirected=1>

4

Resources

The following appendices are offered to assist churches, lay workers, and clergy in their protection of individual members of each congregation. Some forms included here are necessary for the Diocese and are marked by an asterisk; others are offered as templates for each congregation to adjust to their individual needs (recognizing the minimum standard set forth by the Diocese within this policy document); and some are simply provided as helpful resources. Included in the appendices are:

Appendix A: Certificate of Compliance and Checklist for Congregations and Ministry Programs

Appendix B: Individual Acknowledgment of Receipt of Policies*

Appendix C: Sample Church Policy & Sample Supervisory Plan

Appendix D: Sample Reporting Checklist

Appendix E: Individual Church Addendum to Diocesan Policy

Please note: all churches shall establish and keep current an account with *Ministry Safe*. GAD offers a discounted rate that churches can apply by calling 817-737-7233 and asking for the ACNA2018 rate (\$100) which includes their free templates for a variety of documents and policies which include (all samples):

- Sample screening statement
- Sample form for report of suspected abuse
- Disclosure forms (both volunteer and employee)
- Driving history requests and release forms
- Children's Ministry and/or Youth Ministry policies
- Child Services policies (sample) Camp policies and School policies
- School and/or Youth athletic policies and plans
- Child services/Daycare policies
- Employment applications
- Applicant statements/Code of Conduct Agreements
- Safety applications (volunteer and employee)
- Reference forms
- Interview forms
- School forms

Appendix A:

Congregational Certificate of Compliance

We, the Rector, Wardens, and Vestry of _____ hereby certify that the Congregation has adopted the POLICY FOR SEXUAL MISCONDUCT by CLERGY, EMPLOYEES, AND VOLUNTEERS in the GULF ATLANTIC DIOCESE OF THE ANGLICAN CHURCH IN NORTH AMERICA.

And we further certify that the congregation has obtained and will maintain at all times, sexual misconduct insurance coverage.

We further certify that all clergy, employees (full or part-time), and leaders of children/youth will complete *Ministry Safe Awareness* prior to service/employment. We certify that all clergy, employees (full or part-time), leaders of children/youth, and vestry will complete the diocesan approved training, and individual church training, within six months of service.

We further certify that we will strive to exceed the minimum standard of compliance set forth in this policy document at all times.

We further certify that the vestry has developed and will maintain its own addendum to this policy for Sexual Misconduct specific to this church congregation.

Finally, we certify the following have been completed:

Awareness:

- ☐ Have you utilized a screening statement for applicants for employment? Have you maintained documentation of these statements and all applications for those hired?
- ☐ Have you completed background checks on all employees and leadership involved with children/youth? Did you contact personal and professional references for all employees prior to hiring?
- ☐ Have you reviewed this policy with all employees and leadership in preparation for this coming year?
- ☐ Are all of your volunteers/employees/clergy up to date on diocesan-approved training for sexual misconduct and the protection of children?
- ☐ Are you maintaining documentation of training, and is this training renewed every two years? Is everyone current?

Interaction:

- ☐ Do you have a personalized church addendum to this policy? Have you submitted a copy to the Diocesan Administrator?
- ☐ Do your volunteers/employees routinely uphold your personalized addendum to this policy? Do you have a plan if they do not?

- ☐ Do you have a *Supervisory Plan* for every type of planned event that includes children and youth for this coming year?

Reporting:

- ☐ Have you posted the #ChooseTheLight poster in a location visible to staff and volunteers?
- ☐ Do you have a point person who is responsible for understanding reporting procedures and compliance outlined in this policy?

Compliance:

- ☐ Did you submit your congregation's *Certificate of Compliance* by Jan 31st?
- ☐ Have you maintained copies of the *Individual Acknowledgment of Receipt of Policies* for every volunteer/employee/clergy?
- ☐ Do you have a copy of your sexual misconduct insurance policy available, and have you ensured your safety policy addendum is compliant with your insurance policy?

If you are unable to confirm anything on this checklist, please explain why you are unable and what the timeline is to correct the issue:

Rector/Priest-in-Charge

Date

Senior Warden

Date

Return this signed form to the Gulf Atlantic Diocesan Office not later than January 31st of every year.

**Gulf Atlantic Diocese
4815 Executive Park Court
Building 200, Suite 201
Jacksonville, FL 32216**

Appendix B:

Individual Acknowledgment of Receipt of Policies

All Clergy, Lay Employees, Volunteers, Vestry, and Postulants for Holy Orders *

I hereby acknowledge that I have received a copy of the POLICY FOR SEXUAL MISCONDUCT and the individual church addendum to this policy, and I recognize that this document is intended for CLERGY, EMPLOYEES, AND VOLUNTEERS in the GULF ATLANTIC DIOCESE OF THE ANGLICAN CHURCH IN NORTH AMERICA, and that it was adopted by the Bishop and Joint Leadership, May 9th, 2013, revised and updated July, 2020. I understand and commit myself to its content.

I certify that I have completed the necessary diocesan approved training outlined in this policy.

Please check **one** of the following: ☐ Clergy ☐ Lay

Signature

Date

Print Name

Position

Parish/Church/Congregation

City

*** This receipt must be signed by all clergy domiciled, licensed or serving in this Diocese; by all employees of the Diocese and its churches; by all Vestry Members and other congregational leadership groups, by all Postulants for Holy Orders; all volunteers for the Diocese who regularly supervise children/youth activities; and all lay members of diocesan leadership groups.**

The diocesan office will maintain file(s) for this document completed, signed and dated for its all clergy domiciled or licensed in the Diocese, and postulants of the Diocese. These files will be reviewed as part of the annual review as described in Canon XV Section F.

All churches, congregations, and fellowships will maintain file(s) for this document completed, signed and dated for all employees and lead volunteers of the church, congregation, or fellowship. These files will be reviewed as part of the annual review as described in Canon XV Section F.

All authorized ministry groups of the Diocese will maintain file(s) for this document completed, signed and dated for all employees and directors of the ministry group. These files will be reviewed as part of the annual review as described in Canon XV Section F.

This document serves as acknowledgement of Receipt of Policies for the duration of employment or service.

Appendix C:

Sample Supervisory Plan

The Gulf Atlantic Diocese has provided editable templates for a Supervisory Plan for an on-site nursery at a local church. Each church should devise specific supervisory plans for all onsite and offsite programming that involves youth and children of any age. The sample plan offered is for information only. It is a sample of what a supervisory plan may look like. Each congregation will need to personalize such a plan to its own specific policies and procedures and do so with the consultation of its legal counsel before implementation. An editable template of this document may be found on the diocesan website:

<http://gulfatlanticDiocese.org/forms-and-policies/>

Please view additional resources on this same webpage for helpful documents. For example, the Brotherhood Mutual source found on the GAD website includes the following sample documents for churches:

- Worker selection
- Morals clause
- Youth Ministry communication policy
- Volunteer applications
- Reference response information
- Activity participation agreement
- Sample facilities use agreement
- Health information form
- Notice of injury form
- Suspected abuse or neglect report form
- Letter to congregation
- Background screening checklist
- Children's ministry procedures checklist
- Creating your program, policies, and procedures checklist
- Eliminate secluded areas checklist

Appendix D:

Sample Reporting Checklist

Use the following steps, considering the situation. Please see the next page for the report.

SITUATION A: Abuse is suspected (in cases wherein there be no alleged victim coming forward, or enough concrete evidence or first-hand experience, yet reason for suspicion).

1. Document the Complaint.
2. Does this suspicion involve a minor? If YES, immediately notify 1-800-96-ABUSE.
3. Notify bishop (if allegation concerns clergy/employees) or Rector/Sr. Warden (if allegation concerns lay person/volunteer) immediately.

SITUATION B: A complaint is received from an individual alleging abuse by a clergy person or church employee.

1. Document the Complaint.
2. Is the complainant a minor? If YES, immediately notify 1-800-96-ABUSE
3. Notify the bishop immediately.
4. Notify Sr. Warden of the Vestry and Rector/Other Clergy (other than the accused).

SITUATION C: A complaint is received from an individual alleging abuse by a lay person or volunteer.

1. Document the Complaint.
2. Is the complainant a minor? If YES, immediately notify 1-800-96-ABUSE
3. Notify Rector immediately.

IN ALL CASES

- Assure complainant of pastoral concern, and that the matter is taken seriously. Explain the policy notifications and procedures that are being initiated.
- Keep strict confidence and do not discuss the matter with anyone who is not required to be informed.
- Note to clergy: after receiving notification of an incident, do not hear sacramental confessions from or agree to privileged communication with the accused.

YOUR INFORMATION	Name: _____ Title/Position: _____ Supervisor: _____ Address: _____ Phone: _____ email: _____
INJURED PERSON/ COMPLAINANT	Name: _____ Age: _____ Address: _____ Parents/Guardians (if a minor): _____ Phone: _____ email: _____
INFORMATION ABOUT THE ACCUSED	___ Unknown Description: _____ ___ Known Name: _____ Age: _____ Relationship to suspected victim: _____ Address or location of suspected abuse: _____
REASON FOR REPORT/ DETAILS OF INCIDENT (What happened? When? Etc.)	_____ _____ _____ _____ _____ _____ _____ _____ _____
<i>Ask: "Is there anything else you would like to tell me today?"</i>	_____ _____ _____ _____
WITNESSES (IF ANY)	Name: _____ Phone: _____ Address: _____ email: _____ Name: _____ Phone: _____ Address: _____ email: _____
TO WHICH SENIOR AUTHORITY IS THIS REPORT SUBMITTED?	Title: _____ Name: _____ Phone: _____ Address: _____ email: _____ <i>[Additional copies of this report shall be filed, in envelopes, with both the Administrator & the Sr. Warden]</i>
Is the Accused an employee? ___ Yes ___ No <i>[If YES, the Bishop/Rector/Sr. Warden shall immediately suspend the employee without prejudice until further investigation clarifies the appropriate next steps.]</i>	
Did you notify state/local authorities? ___ Yes ___ No	
If NOT, whom did you call? Agency/Contact Name & Phone: _____ Date/Time: _____	
Reporter's Signature: _____ Printed Name: _____	
Date of Report: _____ Time of Report: _____	

Appendix E:

Individual Church Addendum to Diocesan Policy

CHURCH: _____

In addition to the Gulf Atlantic Diocese's Sexual Misconduct Policy for Prevention and Reporting, the following additional safety measures/considerations are employed. It is expected that all clergy, vestry, staff, and volunteers will adhere to the diocesan policy as well as this addendum. A copy of this addendum should be forwarded to the diocesan administrator each year along with the compliance forms (Appendix A and B of the diocesan policy).

Additional considerations:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Sexual Misconduct Policy for Prevention and Reporting Training Others

1. Needs

- a. Need Rector full support and communication to parish (see Brotherhood)
- b. Each church needs a Risk Management point person and a Trainer (these can be the same person but don't have to be)
- c. Need trainings for 4 people groups
 - i. Clergy
 - ii. Staff
 - iii. Vestry
 - iv. Volunteers (lead)
- d. Need to document everything
 - i. See ledger provided
 - ii. See checklist at back of diocesan policy
- e. Need to understand the policy
 - i. Both children and adults
 - ii. Need to understand church's insurance policy
- f. Need a plan
 - i. What is your plan to respond to a sexual abuse allegation?
 - ii. How will you manage it?
 - iii. Who is on your response team?
 - iv. Do you have a shared drive on which to share these documents with those in ministry at your church?

2. Training others

- a. Split trainings
- b. Have them read material first; ask them to bring a list of places where your church is not compliant
- c. Go over each of the 4 sections (8 total, 4 for children and 4 for adults) with each group; summarize the portions that do not apply to that group, but still go over it. It is helpful for vestry to understand nursery rules even if they aren't in there every week.

3. Things to cover (make sure to cover everything in the summary well enough that they could restate it without looking)

- a. Awareness
- b. Interaction
- c. Reporting
- d. Compliance
- e. Culture of accountability
- f. Culture of communication

4. Repeat training every 2 years for compliance, and also offer training to anyone new in these 4 areas within 6 months of beginning ministry. Recommended each church holds 3 training sessions per year to ensure compliance for all groups (who attend as needed).

[illegible]



Sexual Misconduct Policy for Prevention and Reporting Resources

Web Sites:

- GRACE – Godly Response to Abuse in the Christian Environment
<https://www.netgrace.org>
- ChurchCares
<https://churchcares.com>
- Watchkeep
Twitter - Amy Smith (@watchkeep)
- Defend the Sheep
<https://spiritualsoundingboard.com>
Twitter – Julie Ann (@DefendTheSheep)
- Darkness to Light
<https://www.d2l.org>
- Mandatory reporters
<https://www.childwelfare.gov/pubpdfs/manda.pdf>
- Clergy as mandatory reporters
<https://www.childwelfare.gov/pubpdfs/clergymandated.pdf>

Books:

- *The Spiritual Impact of Sexual Abuse* by Diane Langberg
- *Caring for Survivors of Sexual Abuse* by Basyle Tchividkian & Justin Holcomb
- *God Made All Of Me: A Book To Help Children Protect Their Bodies* by Justin & Lindsey Holcomb
- *Suffering and the heart of God: How Trauma Destroys and Christ Restores* by Diane Langberg
- *Counseling Survivors of Sexual Abuse* by Diane Langberg
- *The Long Journey Home: Understanding and Ministering to the Sexually Abused* by Andrew J. Schmutzer
- *On the Threshold of Hope* by Diane Langberg
- *Is It My Fault? Hope and Healing for those Suffering Domestic Violence* by Justin Holcomb & Lindsey Holcomb, with Elyse M. Fitzpatrick



PASTORAL COUNSELING GUIDELINES

GULF ATLANTIC DIOCESE

Clergy and pastoral caregivers in the Gulf Atlantic Diocese regularly provide pastoral counseling services in situations where it is necessary and appropriate. Within the context of the church, pastoral counselors offer direction or advice concerning moral or spiritual matters. With God's grace and in the power of the Holy Spirit, pastoral counseling can often provide opportunities for healing, accountability, repentance or restoration. In order to ensure healthy and transparent boundaries in a pastoral counseling setting, the Gulf Atlantic Diocese recommends the following guidelines be adhered to by all church leaders providing pastoral counseling services:

1. Fees or donations in exchange for pastoral counseling services are prohibited.
2. Pastoral counseling is recommended to be offered for a maximum of six (6) sessions per person. If there is a need for ongoing counseling, church personnel must refer to a licensed and qualified professional counselor for long term counseling services.
3. Pastoral counselors will maintain strict confidentiality of all information revealed during a pastoral counseling session *except where disclosure is required or permitted by law*, including if the pastoral counselor is made aware of any form of abuse.
4. In an effort to seek and give wise counsel, pastoral counselors may sometimes speak with other clergy or their bishop about confidential matters which are revealed in pastoral counseling sessions. Unless express permission is given by a participant to share their identity, such conversations between clergy or their bishop must always be conducted in such a manner as to preserve the anonymity of the individual or individuals involved in the pastoral counseling session.
5. Pastoral counseling sessions should maintain a physical and spiritual environment that minimizes any appearance of potentially inappropriate behavior. Anyone providing or receiving pastoral counseling has the right to terminate a pastoral counseling session at any time or for any reason.

We mutually agree to these terms and intend to abide by these guidelines.

(Pastoral Counselor)

(Pastoral Counseling Participant)

Date



Sexual Misconduct Policy for Prevention and Reporting Case Studies

Case Study #1:

- A 24 yr old woman goes to her pastor (you) for counseling. During the session, she mentions that when she was in the youth group, at age 17, one of the youth volunteers touched her repeatedly without her consent. She was too young to know what to do, she says, and has battled it internally for years. She now feels comfortable enough to come tell you since the youth volunteer no longer attends your church.
- How do you respond?

Case Study #2:

- A youth (age 14) comes to one of your volunteers and tells them that their father used to abuse them when he drank, but thankfully he stopped drinking, “most of the time now.” The volunteer reports this to you the day after youth group.
- How do you respond?

Case Study #3:

- A student is exploring their faith and begins meeting regularly with a volunteer in youth ministry named “Bob.” One day the student mentions to you (the youth director) that they really appreciate how much time and energy the volunteer is devoting to them. The student says, “I know you guys are super busy so I am really grateful. Bob told me that he can’t meet with all the students like this, and that I’m supposed to keep it quiet that I’m getting special treatment, but I just have so many questions and no one has ever been willing to pay attention to me like this before, so I’m just so grateful, so thank you for Bob and all that he does to help us.”
- How do you respond?

Case Study #4:

- At a church retreat, a youth is not where he is supposed to be. It is discovered the youth was with a volunteer, who, when asked, gives this response: “This kid’s having a hard time. He’s completely closed down. He’s not participating in cabin time. He’s not interacting with the other kids. He’s not interacting well with me or [the other cabin counselor], so I was just trying to spend some time with him alone to see if he would let us know what’s going on. It was clear that wasn’t gonna happen in a group context. And good news: he finally broke down, he told me a little bit about what’s happening back home that’s very upsetting. And I think we’re going to be able to kind of help him out with that ‘cause he’s willing to talk now.”
- How do you respond?

Case Study #5:

- A married woman is a volunteer at the church. Every week she interacts with another volunteer in a different ministry. He begins making comments to her that are inappropriate. She writes them down when they become frequent. Her response to him is usually to redirect and not respond. When she tells her husband, he shrugs and says she's imagining things. So she brings the complaint to you, the pastor.
- How do you respond?

Case Study #6:

- A concerned parent comes to you and tells you that one of the volunteers has various pictures of herself on her social media with drinks in her hand. The parent is concerned since the volunteer helps with the youth group and some of the youth follow her on Instagram.
- How do you respond?

Case Study #7:

- A person applies to volunteer with the children's ministry. The person fills out a volunteer application (which, of course, you have all volunteers fill out). When interviewing them, you directly ask them if they have ever abused a child. They respond, "Oh my gosh! Who could ever do such a thing?"
- How do you respond?

Case Study #8:

- While reviewing an application for employment in children's ministry, you note that the applicant seems to work with only one age group consistently. When pressed, the person responds, "Oh, it is my favorite age group: old enough to be taught using interesting lessons, but young enough to still have curiosity and excitement over new things!"
- How do you respond?

Case Study #9:

- A person applies for a job and discloses a previous record of indecency. When asked, they respond, "Oh, that was a misunderstanding between me and an ex-girlfriend. That was way before I met Jesus and my life is totally different now, thank goodness."
- How do you respond?



Sexual Misconduct Policy for Prevention and Reporting Statistics (Pre-Covid19)

1. What is the definition of abuse- what are some key words? [power, coercion, non-contact such as exhibitionism, pornography, voyeurism, sexting]
2. Out of 10, how many children will be sexually abused before they turn 18? [1]
3. What percentage of women have been sexually abused? [20%]
4. Men? [11-17%]
5. What percentage of sexual assaults on all ages, occur to children under 18? [70%]
6. What percentage of children who are abused know their abuser? [90%]
7. Who is more likely to abuse: homosexuals or heterosexuals? [Neither; homosexuals are no more likely to abuse.]
8. What percentage of child sexual assault is committed by a peer/juvenile? [40%]
9. What age is the most common for a juvenile to sexually assault another child? [12-14 years old for the offender; the abused is younger]
10. What percentage of juvenile offenders are male? [93%] What does this tell us? [Watch that age group; statistics show it is most likely exploration; they do not go on to become repeat offenders.]
11. What percentage of perpetrators view the church as an easy target for sexual misconduct? [93%]
12. What percentage of a given congregation has witnessed clergy sexual misconduct? [8%]
13. What percentage of clergy, across all denominations, have engaged in sexual misconduct of some form? [recent studies argue as many as 38%]
14. What percentage of child sexual abuse occurs outside a residence? [only 20-30%; this means 70-80% occurs in the home of the abused/abuser]
15. What percentage of those under 17 receive sexual requests while on the Internet? [10%]
16. What is the national average age for exposure to pornography? [8 yrs old]
17. What percentage of teens report being sent nude photos? [15%]
18. What percentage of teens report participation in sexting? [26%]
19. What percentage of children disclose sexual abuse? [38%]
20. What is the percentage range of fabricated reports of child sexual abuse? [4-8%]
21. Who should be screened? [Everyone. Period.]
22. What level of background check is necessary? [Criminal and County]
23. Who gets a copy of your policy? [All volunteers, employees, vestry]
24. Who should be on your safety committee? [3-10 people; PR, legal, DCF, insurance, counselor, security team]
25. What role do parents play in the church's prevention and protection against sexual misconduct? [the primary role; must include them; must have open communication]

26. Who should complete Ministry Safe; when, and how often? [all staff, volunteers with youth/children; every 2 years; prior to ministry]
27. What is the definition of grooming- what are some key words? [attention, outtings, gifts, isolating the child, use of secrecy, filling roles/needs for child, winning over gatekeepers]
28. What are the characteristics perpetrators look for in specific types of children? [passive, quiet, troubled, lonely, broken homes, those in need of a trusting relationship] What does this tell us about who we hire?
29. How many adults are needed at any event? [2; not related]
30. What if you can't have two due to unforeseen circumstances? [3 person minimum]
31. Who is allowed to change diapers? [Females who have been thoroughly trained and screened]
32. What is the recommended age gap limit for groups on playground? [no more than 3 yrs]
33. What are high risk environments for sexual misconduct? [bathrooms, sleeping areas, enclosed spaces, bathing suit activities]
34. How should you handle 1:1 discipleship like Engage? [public relationships, meet in public places, give student opt out directions, parental knowledge]
35. Are we mandatory reporters? [Yes.]
36. Where does your poster go? [Somewhere public to volunteers and employees.]
37. What should you teach youth leaders/volunteers to say? [That our role is to keep "you" safe, therefore I must report if you are not safe.]
38. What question should you ask if receiving a report of sexual misconduct? [Is there anything else you'd like to tell me?]
39. How long is too long to wait before filing a report? [24 hours]
40. Who do you call first after receiving a report of child abuse? [police/DCF]
41. What percentage of the population has been sexually harassed at some point? [81% women, 43% men]
42. What is the most important risk factor for children and sexual abuse? [family structure: both parents are lowest risk; children without either parent are 10x more likely; children with a single parent and live in partner are 20x more likely]
43. What should volunteers/employees do with the policy? [sign they received it; you keep a ledger indicating receipt and training dates]
44. How often should the 3 groups (vestry, employees, volunteers) be trained on this topic? [every 2 years revisit with the Risk Management person]
45. What do you need to consider regarding insurance? [coverage for sexual misconduct; multiple victim; reporting time limit]
46. Who is the most important person at your church to help ensure the safety of parishioners and staff? [Senior Rector]

Changes to the Gulf Atlantic Diocesan Sexual Misconduct Policy for Prevention and Reporting

Pg	TOPIC	CHANGES	OLD WORDING	NEW WORDING
5	Training	Clarified individual church's policy training	All employees, vestry, clergy, and those in leadership of children/youth must complete the diocesan training on this policy within six months of leadership and renew every two years; . . . Documentation is to be completed, submitted, and filed no later than Aug 31 st each year (see Appendix A).	All employees, vestry, clergy, and those in leadership of children/youth must complete the diocesan training on this policy, as well as their individual church's policy , within six months of accepting a leadership role and renew every two years. . . . Documentation is to be completed, submitted, and filed no later than Jan 31st each year (see Appendix A).
6	Approval of SMPPR	Adjusted timeline	The Joint Leadership (JL) of the Diocese is comprised of the Standing Committee and the Diocesan Council. This Joint Leadership will review this manual during the first meeting of each calendar year and will provide any recommendations for possible revision of the document to the Bishop for approval. This review will be recorded in the minutes of the meeting as proof of the policies' amendment and annual approval by the Joint Leadership. All of the members of the Standing Committee and Diocesan Council will be expected to sign the Policy Acknowledgment (see Appendix B) during the February meeting and it will be submitted to the Diocesan Administrator for filing along with the minutes of that meeting.	The Joint Leadership (JL) of the Diocese is comprised of the Standing Committee and the Diocesan Council. This Joint Leadership will review this manual prior to July 1st of each calendar year and will provide any recommendations for possible revision of the document to the Bishop for approval. This review will be recorded as proof of the policies' amendment and annual approval by the Joint Leadership. All of the members of the Standing Committee and Diocesan Council will be expected to sign the Policy Acknowledgment (see Appendix B) before August 31st and it will be submitted to the Diocesan Administrator for filing and distributed to each Rector. The signed policy will take effect the following year; congregations are expected to complete compliance by the first vestry meeting of the following calendar year. Signed forms for the leadership of the congregation are due to the diocese by January 31st of the following year.
7	Investigations	Addition of third-party investigators	The Bishop may refer cases for further investigation under relevant canonical procedures when deemed appropriate. It is permissible, and sometimes advisable to use a third party to complete a further investigation.	Investigations will be conducted by a third party for further investigation under relevant canonical procedures at the direction of the Bishop.
12	Pornography	Addition	n/a	Pornography: all clergy are required to avoid viewing pornography at all times, not just while working or in church facilities. Any clergy struggling in this area should reach out to the Rev. Sam Pascoe (904-553-0017) for an assessment and help with recovery. This is offered without the involvement of the bishop.

14	Training	Clarified individual church's policy training	Employees/Vestry/Leaders of Children/Youth: All employees of diocesan congregations, all vestry members, and all leaders of children and youth need to complete diocesan approved training on issues of sexual misconduct.	Employees/Vestry/Leaders of Children/Youth: All employees of diocesan congregations, all vestry members, and all leaders of children and youth need to complete diocesan approved training, and training for their individual church's policy , on issues of sexual misconduct.
18	Investigations	Addition of third-party investigators	2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the Bishop to begin an investigation. The Bishop will determine if such an investigation is warranted. It is permissible, and sometimes advisable to use a third party to complete a further investigation.	2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the Bishop to begin a third-party investigation.
19 and 36	Compliance	Timeline for compliance	It will be the responsibility of the rector of each parish or clergy in charge of a congregation to ensure all clergy, vestry, employees (full or part-time), and leaders who regularly supervise children/youth activities, are made aware of the parish or congregation's policies and that those who are required to complete approved training do so. Appendix B may be used as an example of acknowledgment of receipt of parish policies and procedures. . . This documentation (Appendix A, B, and E) must be completed, submitted, and filed prior to Aug 31 st of every year.	This copy will be distributed to each congregation in the fall of the calendar year with the understanding that the congregation has the rest of the calendar year to come into compliance with any changes. It will be the responsibility of the rector of each parish or clergy in charge of a congregation to ensure all clergy, vestry, employees (full or part-time), and leaders who regularly supervise children/youth activities, are made aware of the parish or congregation's policies and that those who are required to complete approved training do so. Appendix B may be used as an example of acknowledgment of receipt of parish policies and procedures. . . This documentation (Appendix A, B, and E) must be completed, submitted, and filed prior to Jan 31st of every year. The policy will be in effect through that calendar year. The expected timeline is: * July 1: Joint Leadership will review the policy and make recommended changes. * August 31: All changes have been accepted, Joint Leadership submits signed acknowledgement and approval (App B); new policy is sent to Rectors. * Fall semester: Any changes to be implemented the following year are introduced, training is updated accordingly, staff/employees/volunteers/vestry sign acknowledgement forms (App B). * January: New vestry members are trained and sign acknowledgement form. January 31st: all forms (App A, B, E) are submitted to the Diocesan Administrator for filing.

24	Addictive Substances	Additions and clarifications	Clergy, staff members, volunteers, and participants in youth and children's ministries should refrain from the use, possession, or being under the influence of tobacco products, alcohol, or any illegal drugs while in church facilities, while traveling with or in the presence of children or their parents, during church-sponsored activities, or while working with or supervising children.	While in church facilities, while traveling with or in the presence of children or their parents, during church-sponsored activities, or while working with or supervising children: clergy, staff members, volunteers, and participants in youth and children's ministries should not use tobacco products, possess or use any illegal drugs, be under the influence of alcohol, and/or share or view pornographic material.
24	Social Media Policy	Moderate additions	<p>Social media avenues are important ways for youth ministry staff and volunteer leaders to connect with students. Their world is often constructed around social media, for better or worse. Having personal interactions in this venue allows adults to model appropriate behavior in social media, and it forms valuable connections with students.</p> <p>The Diocese strongly recommends that each church have a proactive policy for social media and other forms of electronic communication in the context of children's and youth ministry. Clergy, staff members, and volunteers shall refrain from connecting with students on social media when students are younger than the minimum age as established by each social media outlet.</p>	<p>Social media avenues are important ways for youth ministry staff and volunteer leaders to connect with students. Their world is often constructed around social media, for better or worse. Having personal interactions in this venue allows adults to model appropriate behavior in social media, and it forms valuable connections with students.</p> <p>The Diocese strongly recommends that each church have a proactive policy for social media and other forms of electronic communication in the context of children's and youth ministry. Clergy, staff members, and volunteers shall refrain from connecting with students on social media when students are younger than the minimum age as established by each social media outlet (usually 13).</p> <p>Sending sexually explicit or offensive communications (e.g., text messages, emails, social media messages or posts) is included in the definition of sexual harassment and will not be tolerated.</p> <p>Virtual spaces are to be treated the same as in-person spaces. This means two adults must be online with one youth (known as the two-adult rule), participants must be appropriately clothed, and conversation must be within 'public' view. For online conference calls, this means calls are not completed in the bedroom, and the parents are aware that the student is in conversation with the leaders. Use group apps rather than private messages. If a situation arises where only one adult is present, a minimum of two students must also be present.</p> <p>For those students under 13 (this is the usual minimum age for social media platforms by the platforms themselves), get parent permission for any communication and welcome the parents into that environment.</p> <p>Background checks and Ministry Safe</p>

				<p>training should still be completed and up-to-date for all online volunteers.</p> <p>Use personal interactions on social media avenues to model appropriate behavior and language, both on and off social media. Church leaders should be aware that their behavior reflects Christ and the Church.</p>
34	Investigations	Addition of third-party investigators	A. If the complaint is against a member of the clergy, the Bishop will appoint an impartial investigator to look into the complaint and report back to the Bishop. Upon completion of the investigation, the investigator will report his/her findings and conclusions to the Bishop so that the Bishop can take whatever action he and the chancellor deem appropriate.	A. If the complaint is against a member of the clergy, the Bishop will appoint an impartial third-party investigator. Upon completion of the investigation, the investigator will report his/her findings and conclusions to the Bishop so that the Bishop can take whatever action he and the chancellor deem appropriate.
35	Investigations	Addition of third-party investigators	2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the Bishop to begin an investigation. The Bishop will determine if such an investigation is warranted. It is permissible, and sometimes advisable to use a third party to complete a further investigation.	2. Any member of the clergy who believes himself or herself to be under imputation of sexual misconduct may request the Bishop to begin a third-party investigation.
37	Training	Clarified individual church's policy training	We further certify that all clergy; employees (full or part-time); leaders of children/youth; and vestry members will complete Ministry Safe prior to service/employment and the diocesan approved training within six months of service.	We further certify that all clergy, employees (full or part-time), and leaders of children/youth will complete Ministry Safe Awareness prior to service/employment. We certify that all clergy, employees (full or part-time), leaders of children/youth, and vestry will complete the diocesan approved training, and individual church training, within six months of service.
39	Appendix A	Deadline change	Return this signed form to the Gulf Atlantic Diocesan Office not later than August 31 st of every year.	Return this signed form to the Gulf Atlantic Diocesan Office not later than January 31st of every year.
40	Appendix B	Date of recent revision	and that it was adopted by the Bishop and Joint Leadership, May 9 th , 2013, revised and updated September, 2018.	. . . and that it was adopted by the Bishop and Joint Leadership, May 9 th , 2013, revised and updated July, 2020.
42-43	Reporting	Updated	Kept previous reporting information	Added prompts for reporting

Note: there were grammatical changes throughout; no change to content unless specifically listed above. Formatting changes were also made, including consistency with capitalization, lists, and Oxford commas.



Mandatory Reporters of Child Abuse and Neglect

The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires each State to have provisions or procedures for requiring certain individuals to report known or suspected instances of child abuse and neglect.¹ For this publication, information regarding mandatory reporting laws was collected for all States. The results indicate that all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands identify in statute the professionals and other persons who are required to report instances of suspected child maltreatment. These statutes also address reporting by other persons, the responsibilities of institutions in making reports, standards for making a report, and confidentiality of the reporter's identity.

¹ 42 U.S.C. § 5106a(b)(2)(B)(i)

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To find statute information for a particular State, go to

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

Professionals Required to Report

Approximately 47 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands designate professions whose members are mandated by law to report child maltreatment.² Individuals designated as mandatory reporters typically have frequent contact with children. The professionals most commonly mandated to report across the States include the following:

- Social workers
- Teachers, principals, and other school personnel
- Physicians, nurses, and other health-care workers
- Counselors, therapists, and other mental health professionals
- Child care providers
- Medical examiners or coroners
- Law enforcement officers

Additional professionals who are mandated to report suspected or known maltreatment by some States include the following:

- Commercial film or photograph processors (12 States, Guam, and Puerto Rico)³
- Computer technicians (in 6 States)⁴
- Substance abuse counselors (14 States)⁵
- Probation or parole officers (17 States)⁶
- Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, day camps, youth centers, and recreation centers (13 States)⁷

² The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through April 2019. As of this date, Indiana, New Jersey, and Wyoming are the only States that do not enumerate specific professional groups as mandated reporters but require all persons to report.

³ Alaska, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maine, Missouri, Oklahoma, South Carolina, and West Virginia.

⁴ Alaska, California, Illinois, Missouri, Oklahoma, and South Carolina.

⁵ Alaska, California, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Nevada, New York, North Dakota, Oregon, South Carolina, South Dakota, and Wisconsin.

⁶ Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nevada, North Dakota, South Dakota, Texas, Vermont, Virginia, and Washington.

⁷ California, Hawaii, Illinois, Louisiana, Maine, Nevada, New York, Ohio, Oregon, Pennsylvania, Vermont, Virginia, and West Virginia.

- Domestic violence workers (6 States and the District of Columbia)⁸
- Animal control or humane officers (7 States and the District of Columbia)⁹
- Court-appointed special advocates (11 States)¹⁰
- Members of the clergy (28 States and Guam)¹¹
- Faculty, administrators, athletics staff, or other employees and volunteers at institutions of higher learning, including public and private colleges and universities and vocational and technical schools (11 States)¹²

Reporting by Other Persons

In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report. Of these 18 States, 15 States and Puerto Rico specify certain professionals who must report but also require all persons to report suspected abuse or neglect, regardless of profession.¹³ The other three States—Indiana, New Jersey, and Wyoming—require all persons to report without specifying any professions. In all other States, territories, and the District of Columbia, any person is permitted to report. These voluntary reporters of maltreatment are often referred to as "permissive reporters."

⁸ Alaska, Arizona, Arkansas, Connecticut, Maine, and South Dakota.

⁹ California, Colorado, Maine, Massachusetts, Ohio, Virginia, and West Virginia.

¹⁰ Arkansas, California, Louisiana, Maine, Montana, Ohio, Oregon, South Carolina, Virginia, Washington, and Wisconsin.

¹¹ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin have this requirement. For more information, see Child Welfare Information Gateway's *Clergy as Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/clergymandated/>.

¹² Alabama, Arkansas, California, Georgia, Illinois, Iowa (includes only instructors at community colleges), Louisiana, Oregon, Pennsylvania, Virginia, and Washington.

¹³ Delaware, Florida, Idaho, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, and Utah.

Institutional Responsibility to Report

The term “institutional reporting” refers to those situations in which the mandated reporter is working (or volunteering) as a staff member of an institution, such as a school or hospital, at the time he or she gains the knowledge that leads him or her to suspect that abuse or neglect has occurred. Many institutions have internal policies and procedures for handling reports of maltreatment, and these usually require the person who suspects maltreatment to notify the head of the institution that abuse or neglect has been discovered or is suspected and needs to be reported to child protective services or other appropriate authorities.

Statutes in 32 States, the District of Columbia, and the Virgin Islands provide procedures that must be followed in those cases.¹⁴ In 18 States, the District of Columbia, and the Virgin Islands, any staff member who suspects maltreatment must notify the head of the institution when the staff member feels that maltreatment or possible maltreatment should be reported to an appropriate authority.¹⁵ In nine States, the District of Columbia, and the Virgin Islands, the staff member who suspects maltreatment notifies the head of the institution first, and then the head or his or her designee is required to make the report.¹⁶ In nine States, the individual reporter must make the report to the appropriate child protection authority first and then notify the institution that a report has been made.¹⁷

Laws in 17 States, the District of Columbia, and the Virgin Islands make clear that, regardless of any policies within the organization, the mandatory reporter is not relieved

¹⁴ Alaska, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

¹⁵ California, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana (applies staff of a licensed hospital), Maine, Maryland, Massachusetts, Michigan, New York, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming.

¹⁶ Georgia, Idaho, Indiana (applies staff of a licensed hospital), Kentucky, Maine, Massachusetts, South Dakota, Virginia, and Wyoming.

¹⁷ California, Connecticut (the commissioner of Children and Families makes the notification to the institution upon receiving a report), Hawaii, Illinois, Indiana (applies to staff of a school or other institution), Michigan, New York, Pennsylvania, Tennessee, and West Virginia.

of his or her responsibility to report.¹⁸ In 12 States, an employer is expressly prohibited from taking any action to prevent or discourage an employee from making a report.¹⁹ In 17 States, an employer is expressly prohibited from retaliating against an employee who has made a report.²⁰ Retaliation is any adverse employment action, including, but not limited to, demotion, a reduction in pay or benefits, a negative performance evaluation, suspension, or termination of employment.

Standards for Making a Report

The circumstances under which a mandatory reporter must make a report vary from State to State. Typically, a report must be made when the reporter, in his or her official capacity, *suspects or has reason to believe* that a child has been abused or neglected. Another frequently used standard is the requirement to report in situations in which the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. In Maine, a mandatory reporter must report when he or she has reasonable cause to suspect that a child is not living with the child’s family.

Mandatory reporters are required to report the facts and circumstances that led them to suspect that a child has been abused or neglected. They do not have the burden of providing proof that abuse or neglect has occurred. Permissive reporters follow the same standards when electing to make a report.

Privileged Communications

Mandatory reporting statutes also may specify when a communication is privileged. “Privileged communications” is the statutory recognition of the right to maintain confidential communications between professionals and their clients, patients, or congregants. To enable States to provide protection to maltreated

¹⁸ Alaska, California, Florida, Indiana, Iowa, Kentucky, Maine, Michigan, Missouri, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, West Virginia, and Wyoming.

¹⁹ Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Iowa, Maine, Missouri, New York, Oklahoma, and Tennessee.

²⁰ Alabama, California, Connecticut, Iowa, Kansas, Massachusetts, Michigan, Missouri, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Wisconsin, and Wyoming.

children, the reporting laws in most States and territories restrict this privilege for mandated reporters. All but three States and Puerto Rico currently address the issue of privileged communications within their reporting laws, either affirming the privilege or denying it (i.e., not allowing privilege to be grounds for failing to report).²¹ The physician-patient and husband-wife privileges are the most common to be denied by States, and the attorney-client privilege is most commonly affirmed. The clergy-penitent privilege is also widely affirmed, although that privilege usually is limited to confessional communications and, in some States, denied altogether.²² In Louisiana, a mental health or social services practitioner is not required to report if the practitioner is engaged by an attorney to assist in the provision of legal services to a child.

Inclusion of the Reporter's Name in the Report

Most States maintain toll-free telephone numbers for receiving reports of abuse or neglect.²³ Reports may be made anonymously to most of these reporting numbers, but States find it helpful to their investigations to know the identity of reporters. Approximately 19 States, the District of Columbia, American Samoa, Guam, and the Virgin Islands currently require mandatory reporters to provide their names and contact information, either at the time of the initial oral report or as part of a written report.²⁴ The laws in Connecticut, Delaware, and Washington allow child protection workers to request the name of the reporter. In Wyoming, the reporter does not have to provide his or her identity as part of the written

report, but if the person takes and submits photographs or x-rays of the child, his or her name must be provided.

Disclosure of the Reporter's Identity

All jurisdictions have provisions in statute to maintain the confidentiality of abuse and neglect records. The identity of the reporter is specifically protected from disclosure to the alleged perpetrator in 44 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico.²⁵ This protection is maintained even when other information from the report may be disclosed.

Release of the reporter's identity is allowed in some jurisdictions under specific circumstances or to specific departments or officials, for example, when information is needed for conducting an investigation or family assessment or upon a finding that the reporter knowingly made a false report.²⁶ In six States,²⁷ the District of Columbia, and Guam, the reporter can waive confidentiality and give consent to the release of his or her name.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

²¹ Connecticut, Mississippi, and New Jersey do not currently address the issue of privileged communications within their reporting laws. The issue of privilege may be addressed elsewhere in the statutes of these States, such as rules of evidence.

²² New Hampshire, North Carolina, Oklahoma, Rhode Island, Texas, West Virginia, and Guam disallow the use of the clergy-penitent privilege as grounds for failing to report suspected child abuse or neglect. For a more complete discussion of the requirement for clergy to report child abuse and neglect, see Information Gateway's *Clergy as Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/clergymandated/>.

²³ For State-specific information about these hotlines, see Information Gateway's State *Child Abuse Reporting Numbers* at https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=5.

²⁴ Arizona, California, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Pennsylvania, and Vermont.

Suggested Citation: Child Welfare Information Gateway. (2019). *Mandatory reporters of child abuse and neglect*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

²⁵ The statutes in Alaska, Delaware, Idaho, Massachusetts, Rhode Island, Wyoming, and the Virgin Islands do not specifically protect reporter identity but do provide for confidentiality of records in general. For more information about this issue, see the Information Gateway publication *Disclosure of Confidential Child Abuse and Neglect Records* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/confide/>.

²⁶ In Alabama, Arkansas, Connecticut, Kentucky, Louisiana, Minnesota, Nevada, South Dakota, Vermont, and Virginia, the name of the reporter may be disclosed if it is determined that the reporter knowingly made a false report.

²⁷ California, Florida, Minnesota, Tennessee, Texas, and Vermont.

Alabama

Current Through April 2019

Professionals Required to Report

Citation: Ala. Code § 26-14-3

Reports are required from all of the following:

- Hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, pharmacists, physical therapists, and nurses
- Public and private K–12 employees, teachers, and school officials
- Peace officers and law enforcement officials
- Social workers
- Daycare workers or employees
- Mental health professionals
- Employees of public and private institutions of postsecondary and higher education
- Members of the clergy
- Any other person called upon to render aid or medical assistance to a child

Reporting by Other Persons

Citation: Ala. Code § 26-14-4

Any other person who has reasonable cause to suspect that a child is being abused or neglected may report.

Institutional Responsibility to Report

Citation: Ala. Code § 26-14-3

A public or private employer who discharges, suspends, disciplines, or penalizes an employee solely for reporting suspected child abuse or neglect pursuant to this section shall be guilty of a class C misdemeanor.

Standards for Making a Report

Citation: Ala. Code § 26-14-3

A report must be made when the child is known or suspected of being a victim of abuse or neglect.

Privileged Communications

Citation: Ala. Code §§ 26-14-3; 26-14-10

Only clergy-penitent and attorney-client privileges are permitted.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Ala. Code § 26-14-8

The department will not release the identity of the reporter except under court order when the court has determined that the reporter knowingly made a false report.

Alaska

Current Through April 2019

Professionals Required to Report

Citation: Alaska Stat. §§ 47.17.020; 47.17.023

The following persons are required to report:

- Health practitioners or administrative officers of institutions
- Teachers and school administrators, including athletic coaches, of public and private schools
- Child care providers

- Paid employees of domestic violence and sexual assault programs, crisis intervention and prevention programs, or organizations that provide counseling or treatment to individuals seeking to control their use of drugs or alcohol
- Peace officers or officers of the Department of Corrections
- Persons who process or produce visual or printed matter, either privately or commercially
- Members of a child fatality review team or the multidisciplinary child protection team
- Volunteers who interact with children in a public or private school for more than 4 hours a week

Reporting by Other Persons

Citation: Alaska Stat. § 47.17.020

Mandated reporters may report cases that come to their attention in their nonoccupational capacities. Any other person who has reasonable cause to suspect that a child has been harmed may report.

Institutional Responsibility to Report

Citation: Alaska Stat. § 47.17.020(g)

A person required to report child abuse or neglect who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make the report to the department as required by law.

Standards for Making a Report

Citation: Alaska Stat. §§ 47.17.020; 47.17.023

A report must be made when, in the performance of his or her occupational or appointed duties, a reporter has reasonable cause to suspect that a child has suffered harm as a result of abuse or neglect.

A person providing—either privately or commercially—film, photo, visual, printed-matter processing, production, or finishing services; or computer installation, repair, or other services; or internet or cellular telephone services; who in the process of providing those services observes a film, photo, picture, computer file, image, or other matter and has reasonable cause to suspect that the film, photo, picture, computer file, image, or other matter visually depicts a child engaged in conduct described in § 11.41.455(a) (sexual exploitation of a minor or child pornography) shall immediately report the observation to the nearest law enforcement agency.

Privileged Communications

Citation: Alaska Stat. § 47.17.060

Neither the physician-patient nor the husband-wife privilege is recognized.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.

American Samoa

Current Through April 2019

Professionals Required to Report

Citation: Ann. Code § 45.2002

The following persons are required to report:

- Physicians or surgeons, including physicians in training, osteopaths, optometrists, chiropractors, podiatrists, child health associates, medical examiners or coroners, dentists, nurses, or hospital personnel
- Christian Science practitioners
- School officials or employees
- Social workers or workers in family care homes or child care centers
- Mental health professionals

Reporting by Other Persons**Citation: Ann. Code § 45.2002**

All other persons are urged and authorized to report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Code § 45.2002**

A report is required under the following circumstances:

- A reporter has reasonable cause to know or suspect that a child has been subjected to abuse or neglect.
- A reporter has observed the child being subjected to circumstances or conditions that would result in abuse or neglect.

Privileged Communications**Citation: Ann. Code § 45.2016**

The physician-patient privilege and the husband-wife privilege are not recognized as grounds for excluding evidence.

Inclusion of Reporter's Name in Report**Citation: Ann. Code § 45.2010**

The name, address, and occupation of the person making the report must be included in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 45.2027**

The identity of the reporter is not released to the subject of the report if that release would be detrimental to the safety or interests of the reporter.

Arizona*Current Through April 2019***Professionals Required to Report****Citation: Rev. Stat. § 13-3620**

The following persons are required to report:

- Physicians, physician's assistants, optometrists, dentists, behavioral health professionals, nurses, psychologists, counselors, or social workers
- Peace officers, child welfare investigators, or child protective services workers
- Members of the clergy, priests, or Christian Science practitioners
- Parents, stepparents, or guardians
- School personnel, domestic violence victim advocates, or sexual assault victim advocates
- Any other person who has responsibility for the care or treatment of minors

Reporting by Other Persons**Citation: Rev. Stat. § 13-3620**

Any other person who reasonably believes that a minor is a victim of abuse or neglect may report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Rev. Stat. § 13-3620**

A report is required when a person reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense, or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature.

A 'reportable offense' means any of the following:

- Any offense listed in chapters 14 and 35.1 of this title or § 13-3506.01
- Surreptitious photographing, videotaping, filming, or digitally recording or viewing a minor pursuant to § 13-3019
- Child sex trafficking pursuant to § 13-3212
- Incest pursuant to § 13-3608
- Unlawful mutilation pursuant to § 13-1214

Privileged Communications**Citation: Rev. Stat. § 13-3620**

Only the attorney-client and the clergy-penitent privileges are recognized.

Inclusion of Reporter's Name in Report**Citation: Rev. Stat. § 8-455**

A report made to the child abuse hotline that is maintained by the Department of Child Safety must include the name and address or contact information for the person making the report.

Disclosure of Reporter Identity**Citation: Rev. Stat. § 8-807**

Before it releases records pertaining to child maltreatment investigations, the department shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of a person who reports child abuse or neglect.

Arkansas

Current Through April 2019

Professionals Required to Report**Citation: Ann. Code § 12-18-402**

The following individuals are mandated reporters:

- Child care, daycare, or foster care workers
- Coroners
- Dentists and dental hygienists
- Domestic abuse advocates and domestic violence shelter employees or volunteers
- Employees of the Department of Human Services
- Employees working under contract for the Division of Youth Services of the Department of Human Services
- Foster parents
- Judges, law enforcement officials, peace officers, and prosecuting attorneys
- Licensed nurses, physicians, mental health professionals or paraprofessionals, surgeons, resident interns, osteopaths, and medical personnel who may be engaged in the admission, examination, care, or treatment of persons
- Public or private school counselors; school officials, including, without limitation, institutions of higher education; and teachers
- Social workers and juvenile intake or probation officers
- Court-appointed special advocate program staff members or volunteers
- Attorneys ad litem
- Clergy members, which includes ministers, priests, rabbis, accredited Christian Science practitioners, or other similar functionaries of a religious organization
- Employees of a child advocacy center or a child safety center
- Sexual abuse advocates or volunteers who work with victims of sexual abuse

- Child abuse advocates or volunteers who work with child victims of abuse or maltreatment as employees of a community-based victim service or a mental health agency
- Victim/witness coordinators
- Victim assistance professionals or volunteers
- Employees of the Crimes Against Children Division of the Department of Arkansas State Police
- Employees or volunteers at reproductive health-care facilities
- An individual not otherwise identified in this subsection who is engaged in performing his or her employment duties with a nonprofit charitable organization other than a nonprofit hospital

Reporting by Other Persons**Citation: Ann. Code § 12-18-401**

Any person who has reasonable cause to suspect child maltreatment may report.

Institutional Responsibility to Report**Citation: Ann. Code §§ 12-18-402(c); 12-18-204**

An employer or supervisor of an employee identified as a mandated reporter shall not prohibit an employee or a volunteer from directly reporting child maltreatment to the child abuse hotline.

An employer or supervisor of an employee identified as a mandated reporter shall not require an employee or a volunteer to obtain permission or notify any person, including an employee or a supervisor, before reporting child maltreatment to the child abuse hotline.

Nothing in the reporting laws shall prohibit any person or institution from requiring an employee or volunteer who is a mandatory reporter to inform a representative of that person or institution that the reporter has made a report to the child abuse hotline.

Standards for Making a Report**Citation: Ann. Code § 12-18-402**

An individual listed as a mandatory reporter shall immediately notify the child abuse hotline in the following circumstances:

- He or she has reasonable cause to suspect that a child has been subjected to maltreatment, has died as a result of maltreatment, or died suddenly and unexpectedly.
- He or she observes a child being subjected to conditions or circumstances that would reasonably result in maltreatment.

Privileged Communications**Citation: Ann. Code §§ 12-18-402(c); 12-18-803**

A privilege or contract shall not prevent a person from reporting child maltreatment when he or she is a mandated reporter and required to report under this section.

No privilege, except that between a lawyer and a client and between a minister, including a Christian Science practitioner, and a person confessing to or being counseled by a minister, shall prevent anyone from testifying concerning child maltreatment.

When a physician, psychologist, psychiatrist, counselor, or therapist conducts interviews with or provides therapy to a subject of a report of suspected child maltreatment for purposes related to child maltreatment, the physician, psychologist, psychiatrist, licensed counselor, or therapist is deemed to be performing services on behalf of the child.

An adult subject of a report of suspected child maltreatment cannot invoke privilege on the child's behalf.

Inclusion of Reporter's Name in Report**Citation: Ann. Code § 12-18-302**

A mandated reporter may report child maltreatment or suspected child maltreatment by telephone call, facsimile transmission, or online reporting.

Facsimile transmission and online reporting may be used in nonemergency situations by an identified mandated reporter who provides the following contact information:

- Name and phone number
- In the case of online reporting, his or her email address

A mandated reporter who wishes to remain anonymous shall make a report through the toll-free child abuse hotline telephone system.

Disclosure of Reporter Identity**Citation: Ann. Code § 12-18-909**

The identity of the reporter shall not be disclosed unless a court determines that the reporter knowingly made a false report.

California*Current Through April 2019***Professionals Required to Report****Citation: Penal Code § 11165.7**

Mandated reporters include the following:

- Teachers, teacher's aides, administrators, and employees of public or private schools
- Administrators or employees of day camps, youth centers, or youth recreation programs
- Administrators or employees of licensed community care or child daycare facilities
- Head Start program teachers
- Public assistance workers
- Foster parents, group home personnel, and personnel of residential care facilities
- Social workers, probation officers, and parole officers
- Employees of school district police or security departments
- District attorney investigators, inspectors, or local child support agency caseworkers
- Peace officers and firefighters, except for volunteer firefighters
- Physicians, surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, marriage and family therapists, or social workers
- State or county public health employees who treat minors for venereal diseases or other conditions
- Coroners and medical examiners
- Commercial film and photographic print or image processors
- Computer technicians
- Child visitation monitors
- Animal control or humane society officers
- Clergy members and custodians of records of clergy members
- Employees of police departments, county sheriff's departments, county probation departments, or county welfare departments
- Employees or volunteers of a court-appointed special advocate program
- Alcohol and drug counselors
- Employees or administrators of public or private postsecondary institutions
- Athletic coaches, athletic administrators, or athletic directors employed by any public or private schools
- Athletic coaches, including, but not limited to, assistant coaches or graduate assistants involved in coaching at public or private postsecondary institutions

Reporting by Other Persons**Citation: Penal Code §§ 11165.7; 11166**

Volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect.

Any other person who reasonably suspects that a child is a victim of abuse or neglect may report.

For the purposes of this section, 'any other person' includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

Institutional Responsibility to Report**Citation: Penal Code § 11166(h)-(i)**

When two or more persons who are required to report have joint knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member who was originally designated to report has failed to do so shall thereafter make the report.

The reporting duties under this section are individual. No supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow his or her supervisor to file or process a mandated report under any circumstances.

The internal procedures shall not require any employee required to make reports to disclose his or her identity to the employer.

Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in § 11165.9.

Standards for Making a Report**Citation: Penal Code §§ 11166; 11165.7**

A report is required when the following circumstances apply:

- A mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the reporter knows or reasonably suspects is the victim of abuse or neglect.
- Commercial film and photographic print processors have knowledge of or observe any film, photograph, videotape, negative, or slide depicting a child under age 16 engaged in an act of sexual conduct.
- Commercial computer technicians have knowledge of or observe, within the scope of their professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, software, file, floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under age 16 engaged in an act of sexual conduct.

For the purposes of this article, 'reasonable suspicion' means that it is objectively reasonable for a person to entertain a suspicion based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. 'Reasonable suspicion' does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any 'reasonable suspicion' is sufficient. For the purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

Privileged Communications**Citation: Penal Code § 11166**

The clergy-penitent privilege is permitted for penitential communications. This does not modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

Inclusion of Reporter's Name in Report**Citation: Penal Code § 11167**

Reports of mandated reporters shall include the following:

- The name, business address, and telephone number of the mandated reporter
- The capacity that makes the person a mandated reporter

Reports of other persons do not require the reporter's name.

Disclosure of Reporter Identity**Citation: Penal Code § 11167**

The identity of the reporter shall be confidential and disclosed only as follows:

- Among agencies receiving or investigating mandated reports
- To the prosecutor in a criminal prosecution or in an action initiated under § 602 of the Welfare and Institutions Code arising from alleged child abuse
- To counsel appointed pursuant to § 317(c) of the Welfare and Institutions Code
- To the county counsel or prosecutor in a proceeding under part 4 (commencing with section 7800) of division 12 of the Family Code or § 300 of the Welfare and Institutions Code
- To a licensing agency when abuse or neglect in out-of-home care is reasonably suspected
- When the reporter waives confidentiality
- By court order

Colorado

Current Through April 2019

Professionals Required to Report**Citation: Rev. Stat. § 19-3-304**

Persons required to report include the following:

- Physicians, surgeons, physicians in training, child health associates, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, hospital personnel, dental hygienists, physical therapists, pharmacists, or registered dietitians
- Public or private school officials or employees
- Social workers, Christian Science practitioners, mental health professionals, psychologists, professional counselors, and marriage and family therapists
- Veterinarians, peace officers, firefighters, or victim's advocates
- Commercial film and photographic print processors
- Counselors, marriage and family therapists, or psychotherapists
- Clergy members, including priests; rabbis; duly ordained, commissioned, or licensed ministers of a church; members of religious orders; or recognized leaders of any religious bodies
- Workers in the State Department of Human Services
- Juvenile parole and probation officers
- Child and family investigators
- Officers and agents of the State Bureau of Animal Protection and animal control officers
- The child protection ombudsman
- Educators providing services through a Federal special supplemental nutrition program for women, infants, and children, as provided for in 42 U.S.C. § 1786
- Directors, coaches, assistant coaches, or athletic program personnel employed by private sports organizations or programs
- Persons registered as psychologist candidates, marriage and family therapist candidates, or licensed professional counselor candidates
- Emergency medical service providers
- Officials or employees of county departments of health, human services, or social services
- Registered naturopathic doctors

Reporting by Other Persons**Citation: Rev. Stat. § 19-3-304**

Any other person may report known or suspected child abuse or neglect.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Rev. Stat. § 19-3-304**

A report is required when any of the following apply:

- A mandated reporter has reasonable cause to know or suspect child abuse or neglect.
- A reporter has observed a child being subjected to circumstances or conditions that would reasonably result in abuse or neglect.
- Commercial film and photographic print processors have knowledge of or observe any film, photograph, videotape, negative, or slide depicting a child engaged in an act of sexual conduct.

Privileged Communications**Citation: Rev. Stat. §§ 19-3-304; 19-3-311**

The clergy-penitent privilege is permitted. The physician-patient, psychologist-client, and husband-wife privileges are not allowed as grounds for failing to report.

Inclusion of Reporter's Name in Report**Citation: Rev. Stat. § 19-3-307**

The report shall include the name, address, and occupation of the person making the report.

Disclosure of Reporter Identity**Citation: Rev. Stat. § 19-1-307**

The identity of the reporter shall be protected.

Connecticut*Current Through April 2019***Professionals Required to Report****Citation: Gen. Stat. §§ 17a-101; 53a-65**

The following persons are required to report:

- Physicians, surgeons, residents, interns, nurses, medical examiners, dentists, dental hygienists, optometrists, chiropractors, podiatrists, physician assistants, pharmacists, or physical therapists
- Psychologists or other mental health professionals
- School employees, as defined by § 53a-65
- Social workers
- Police officers, juvenile or adult probation officers, or parole officers
- Members of the clergy
- Alcohol and drug counselors, marital and family therapists, professional counselors, sexual assault counselors, or domestic violence counselors
- Licensed foster parents
- Licensed behavior analysts
- Emergency medical services providers
- Any person paid to care for a child in any public or private facility, child daycare center, group daycare home, or family daycare home that is licensed by the State
- Employees of the Department of Children and Families (DCF), the Department of Public Health, and the Office of Early Childhood who are responsible for the licensing of child daycare centers, group daycare homes, family daycare homes, or youth camps
- The Child Advocate and any employee of the Office of Child Advocate
- Family relations counselor trainees or family services supervisors employed by the Judicial Department

The term 'school employee' includes teachers, substitute teachers, school administrators, school superintendents, guidance counselors, psychologists, social workers, nurses, physicians, school paraprofessionals, or coaches employed by a local or regional board of education or a private elementary, middle, or high school or any other person who, in the performance of his or her duties, has regular contact with students.

Reporting by Other Persons**Citation: Gen. Stat. § 17a-103**

Any mandated reporter acting outside his or her professional capacity, or any other person having reasonable cause to suspect that a child is being abused or neglected, may report.

Institutional Responsibility to Report**Citation: Gen. Stat. §§ 17a-101b(d); 17a-101e(a)**

Whenever a mandated reporter has reasonable cause to suspect or believe that any child has been abused or neglected by a member of the staff of a public or private institution or facility that provides care for such child or a public or private school, the mandated reporter shall report as required by law. The DCF commissioner or the commissioner's designee shall notify the principal, headmaster, executive director, or other person in charge of the institution, facility, or school, or that person's designee, unless that person is the alleged perpetrator of the abuse or neglect of the child. In the case of a public school, the commissioner also shall notify the person's employing superintendent. The person in charge or the person's designee then shall immediately notify the child's parent or other person responsible for the child's care that a report has been made.

No employer shall do any of the following:

- Discharge or in any manner discriminate or retaliate against any employee who in good faith makes a report of child abuse or neglect, testifies, or is about to testify in any proceeding involving child abuse or neglect
- Hinder, prevent, or attempt to hinder or prevent any employee from making a report as required or testifying in any proceeding involving child abuse or neglect

Standards for Making a Report**Citation: Gen. Stat. § 17a-101a**

A report is required when, in the ordinary course of his or her employment or profession, a reporter has reasonable cause to suspect or believe the following of any child under age 18:

- Has been abused or neglected
- Has had a nonaccidental physical injury or an injury that is at variance with the history given of the injury
- Is placed at imminent risk of serious harm

Any school employee shall report when, in the ordinary course of his or her employment or profession, he or she has reasonable cause to suspect or believe that any person who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of abuse and the perpetrator is a school employee.

A mandated reporter's suspicion or belief may be based on factors, including, but not limited to, observations, allegations, facts, or statements by a child, victim, or a third party. Such suspicion or belief does not require certainty or probable cause.

Privileged Communications

This issue is not addressed in the statutes reviewed.

Inclusion of Reporter's Name in Report**Citation: Gen. Stat. §§ 17a-101d; 17a-103**

The reporter is not specifically required by statute to include his or her name in the report. The DCF commissioner shall use his or her best efforts to obtain the name and address of the reporter.

Disclosure of Reporter Identity**Citation: Gen. Stat. § 17a-28(f)**

The name of an individual reporting suspected child abuse or neglect or cooperating with an investigation of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual. The following are exceptions for which the name of the reporter may be disclosed:

- An employee of the department for reasons reasonably related to the business of the department
- A law enforcement officer for purposes of investigating the following:
 - » Abuse or neglect of a child or youth
 - » An allegation that the individual falsely reported the suspected abuse or neglect of a child or youth

- A State's attorney for purposes of investigating or prosecuting the following:
 - » Abuse or neglect of a child or youth
 - » An allegation that the individual falsely reported the suspected abuse or neglect of a child or youth
- An assistant attorney general or other legal counsel representing the department
- A judge of the Superior Court and all necessary parties in a court proceeding pursuant to § 17a-112 or 46b-129, or a criminal prosecution involving child abuse or neglect
- A State child care licensing agency
- The executive director of any institution, school, or facility or superintendent of schools pursuant to § 17a-101i

Delaware

Current Through April 2019

Professionals Required to Report

Citation: Ann. Code Tit. 16, § 903

Any person, agency, organization, or entity that knows or in good faith suspects child abuse or neglect shall make a report. For purposes of this section, 'person' shall include, but not be limited to, the following:

- Physicians, interns, residents, nurses, or medical examiners
- Other persons in the healing arts, including persons licensed to render services in medicine, osteopathy, or dentistry
- School employees, social workers, or psychologists
- Hospitals or health-care institutions
- The Medical Society of Delaware
- Law enforcement agencies

Reporting by Other Persons

Citation: Ann. Code Tit. 16, § 903

Any person who knows or in good faith suspects child abuse or neglect shall make a report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report

Citation: Ann. Code Tit. 16, § 903

A report is required when the reporter knows or in good faith suspects child abuse or neglect.

Privileged Communications

Citation: Ann. Code Tit. 16, § 909

Only attorney-client and clergy-penitent privileges are recognized.

Inclusion of Reporter's Name in Report

Citation: Ann. Code Tit. 16, § 905

Although reports may be made anonymously, the Division of Family Services shall request the name and address of any person making a report.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.

District of Columbia

Current Through April 2019

Professionals Required to Report

Citation: Ann. Code § 4-1321.02

Persons required to report include the following:

- Child and Family Services Agency employees, agents, and contractors
- Physicians, psychologists, medical examiners, dentists, chiropractors, registered nurses, licensed practical nurses, or persons involved in the care and treatment of patients
- Law enforcement officers or humane officers of any agency charged with the enforcement of animal cruelty laws
- School officials, teachers, or athletic coaches
- Department of Parks and Recreation employees, public housing resident managers, social service workers, or daycare workers
- Human trafficking counselors
- Domestic violence counselors or mental health professionals

Reporting by Other Persons

Citation: Ann. Code § 4-1321.02

Any other person who knows or has reason to suspect that a child is being abused or neglected may report.

Institutional Responsibility to Report

Citation: Ann. Code § 4-1321.02

Whenever a person is required to report in his or her capacity as a member of the staff of a hospital, school, social agency, or similar institution, he or she shall immediately notify the person in charge of the institution, or his or her designated agent, who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty to report.

Standards for Making a Report

Citation: Ann. Code § 4-1321.02

A report is required when any of the following apply:

- A mandated reporter knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child.
- A health professional, law enforcement officer, or humane officer, except an undercover officer whose identity or investigation might be jeopardized, has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity.
- A mandated reporter knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been, or is in immediate danger of being, the victim of sexual abuse or attempted sexual abuse; the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute; the child has an injury caused by a bullet; or the child has an injury caused by a knife or other sharp object that was caused by other than accidental means.
- A licensed health professional who in his or her own professional or official capacity knows that a child under 12 months of age is diagnosed as having a fetal alcohol spectrum disorder.

Privileged Communications

Citation: Ann. Code §§ 4-1321.02(b); 4-1321.05

A mandated reporter is not required to report when employed by a lawyer who is providing representation in a criminal, civil (including family law), or delinquency matter and the basis for the suspicion arises solely in the course of that representation.

Neither the husband-wife nor the physician-patient privilege is permitted.

Inclusion of Reporter's Name in Report

Citation: Ann. Code § 4-1321.03

Mandated reporters are required to provide their names, occupations, and contact information.

Disclosure of Reporter Identity**Citation: Ann. Code § 4-1302.03**

The child protection register staff shall not release any information that identifies the source of a report or the witnesses to the incident referred to in a report to the alleged perpetrator of the abuse, the child's parent or guardian, or a child-placing agency investigating a foster or adoptive placement, unless said staff first obtains permission from the source of the report or from the witnesses named in the report.

Florida*Current Through April 2019***Professionals Required to Report****Citation: Ann. Stat. § 39.201**

The following persons are mandated reporters:

- Physicians, osteopaths, medical examiners, chiropractors, nurses, or hospital personnel
- Other health or mental health professionals
- Practitioners who rely solely on spiritual means for healing
- Teachers or other school officials or personnel
- Social workers, daycare center workers, or other professional child care, foster care, residential, or institutional workers
- Law enforcement officers or judges

Reporting by Other Persons**Citation: Ann. Stat. § 39.201**

Any person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department.

Any person who knows or who has reasonable cause to suspect that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the department.

Any person who knows or has reasonable cause to suspect that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender shall report such knowledge or suspicion to the department.

Institutional Responsibility to Report**Citation: Ann. Stat. § 39.201**

Nothing in this chapter or in the contracting with community-based care providers for foster care and related services as specified in § 409.1671 shall be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a suspected or actual case of child abuse, abandonment, or neglect or the sexual abuse of a child to the central abuse hotline.

Standards for Making a Report**Citation: Ann. Stat. § 39.201**

A report is required when either of the following apply:

- A person knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected.
- A person knows that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

Privileged Communications**Citation: Ann. Stat. § 39.204**

Only attorney-client and clergy-penitent privileges are permitted.

Inclusion of Reporter's Name in Report**Citation: Ann. Stat. § 39.201**

Professionals who are mandated reporters are required to provide their names to hotline staff.

Disclosure of Reporter Identity**Citation: Ann. Stat. §§ 39.201; 39.202**

The names of reporters shall be entered into the record of the report but shall be held confidential. The name of the reporter may not be released to any person other than employees of the Department of Children and Family Services responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate State attorney, without the written consent of the person reporting.

This does not prohibit the serving of a subpoena to a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the State attorney, or the department, provided the fact that such person made the report is not disclosed.

Georgia*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code §§ 19-7-5; 16-12-100**

The following persons are required to report:

- Physicians, physician assistants, residents, interns, hospital and medical personnel, podiatrists, dentists, or nurses
- Teachers, school administrators, school counselors, visiting teachers, school social workers, or school psychologists
- Psychologists, counselors, social workers, or marriage and family therapists
- Child welfare agency personnel (as that agency is defined by § 49-5-12) or child-counseling personnel
- Child service organization personnel (includes any organization—whether public, private, for-profit, not-for-profit, or voluntary—that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children)
- Law enforcement personnel
- Reproductive health-care facility or pregnancy resource center personnel and volunteers
- Persons who process or produce visual or printed matter

The term 'school' means any public or private prekindergarten, elementary school, secondary school, technical school, vocational school, college, university, or institution of postsecondary education.

Reporting by Other Persons**Citation: Ann. Code § 19-7-5**

Any other person who has reasonable cause to believe that a child has been abused may report.

Institutional Responsibility to Report**Citation: Ann. Code § 19-7-5**

If a person is required to report child abuse because that person attends to a child as part of the person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this section. An employee or volunteer who makes a report to the person designated shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility—or the designated delegate thereof—to whom such notification has been made exercise any control, restraint, or modification—or make other changes to—the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

Standards for Making a Report**Citation: Ann. Code §§ 19-7-5; 16-12-100**

A report is required when either of the following apply:

- A reporter has reasonable cause to believe that child abuse has occurred.
- A person who processes or produces visual or printed matter has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct.

Privileged Communications**Citation: Ann. Code § 19-7-5(g)**

A mandated reporter must report regardless of whether the reasonable cause to believe that abuse has occurred or is occurring is based in whole or in part upon any communication to that person that is otherwise made privileged or confidential by law. However, a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 49-5-41**

Any release of records shall protect the identity of any person reporting child abuse.

Guam*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code Tit. 19, § 13201**

Persons required to report suspected child abuse include, but are not limited to, the following:

- Physicians, medical examiners, dentists, osteopaths, optometrists, chiropractors, podiatrists, interns, nurses, hospital personnel, or Christian Science practitioners
- Clergy members
- School administrators, teachers, nurses, or counselors
- Social services workers, daycare center workers, or any other child care or foster care workers
- Mental health professionals, peace officers, or law enforcement officials
- Commercial film and photographic print processors

Reporting by Other Persons**Citation: Ann. Code Tit. 19, § 13202**

Any person may make a report if that person has reasonable cause to suspect that a child is an abused or neglected child.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Code Tit. 19, § 13201**

A report is required when either of the following apply:

- A reporter, who in the course of his or her employment, occupation, or professional practice comes into contact with children, has reason to suspect on the basis of his or her medical, professional, or other training and experience that a child is an abused or neglected child.
- Any commercial film and photographic print processor has knowledge of or observes any film, photograph, videotape, negative, or slide depicting a child under age 18 engaged in an act of sexual conduct.

Privileged Communications**Citation: Ann. Code Tit. 19, § 13201**

No person may claim privileged communications as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide child protective services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

Inclusion of Reporter's Name in Report**Citation: Ann. Code Tit. 19, § 13203**

Every report should include the name of the person making the report. Persons who are required by law to report shall be required to reveal their names.

Disclosure of Reporter Identity**Citation: Ann. Code Tit. 19, § 13203**

The identity of the reporter shall be confidential and may be disclosed only as follows:

- Among child protective agencies
- To counsel representing a child protective agency
- To the attorney general's office in a criminal prosecution or family court action
- To a licensing agency when abuse in licensed out-of-home care is reasonably suspected
- When the reporter waives confidentiality
- By court order

Hawaii*Current Through April 2019***Professionals Required to Report****Citation: Rev. Stat. § 350-1.1**

The following persons are required to report:

- Physicians, physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals
- Medical examiners or coroners
- Employees or officers of any public or private school
- Child care employees or employees or officers of any licensed or registered child care facility, foster home, or similar institution
- Employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or mental health services, including financial assistance
- Employees or officers of any law enforcement agency, including, but not limited to, the courts, police departments, departments of public safety, correctional institutions, and parole or probation offices
- Employees of any public or private agency providing recreational or sports activities

Reporting by Other Persons**Citation: Rev. Stat. § 350-1.3**

Any other person who becomes aware of facts or circumstances that cause the person to believe that child abuse or neglect has occurred may report.

Institutional Responsibility to Report**Citation: Rev. Stat. § 350-1.1**

Whenever a person designated as a mandatory reporter is a member of the staff of any public or private school, agency, or institution, that staff member shall immediately report the known or suspected child abuse or neglect directly to the department or to the police department and also shall immediately notify the person in charge or a designated delegate of the report made in accordance with this chapter.

Standards for Making a Report**Citation: Rev. Stat. § 350-1.1**

A report is required when, in his or her professional or official capacity, a reporter has reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future.

Privileged Communications**Citation: Rev. Stat. § 350-5**

The physician-patient, psychologist-client, husband-wife, and victim-counselor privileges are not grounds for failing to report.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Rev. Stat. § 350-1.4**

Every reasonable good-faith effort shall be made by the department to maintain the confidentiality of the name of a reporter who requests that his or her name be confidential.

Idaho

Current Through April 2019

Professionals Required to Report**Citation: Ann. Code § 16-1605**

The following persons are required to report:

- Physicians, residents on hospital staffs, interns, nurses, or coroners
- Teachers or daycare personnel
- Social workers or law enforcement personnel
- Other persons

Reporting by Other Persons**Citation: Ann. Code § 16-1605**

Any person who has reason to believe that a child has been abused, abandoned, or neglected is required to report.

Institutional Responsibility to Report**Citation: Ann. Code § 16-1605**

When the attendance of a physician, resident, intern, nurse, daycare worker, or social worker is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he or she shall notify the person in charge of the institution, or his or her designated delegate, who shall make the necessary reports.

Standards for Making a Report**Citation: Ann. Code § 16-1605**

A report is required when either of the following apply:

- A person has reason to believe that a child has been abused, abandoned, or neglected.
- A person observes a child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment, or neglect.

Privileged Communications**Citation: Ann. Code §§ 16-1605; 16-1606**

Any privilege between a husband and wife and any professional and client, except for the clergy-penitent or attorney-client privilege, shall not be grounds for failure to report.

Any privilege between husband and wife, or between any professional person—except the lawyer-client privilege and including, but not limited to, physicians, counselors, hospitals, clinics, daycare centers, and schools—and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse, abandonment, or neglect of the child or the cause thereof.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.

Illinois

Current Through April 2019

Professionals Required to Report

Citation: Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2

The following persons are required to report:

- Physicians, residents, interns, hospital administrators and personnel, surgeons, dentists, dental hygienists, osteopaths, chiropractors, podiatric physicians, physician assistants, or substance abuse treatment personnel
- Funeral home directors or employees, coroners, or medical examiners
- Emergency medical technicians, acupuncturists, or crisis line or hotline personnel
- School personnel, including administrators and employees, educational advocates, or truant officers
- Personnel of institutions of higher education
- Members of a school board or the Chicago Board of Education
- Members of the governing body of a private school
- Social workers, social services administrators, or domestic violence program personnel
- Nurses, genetic counselors, respiratory care practitioners, advanced practice nurses, or home health aides
- Directors or staff assistants of nursery schools or child care centers
- Recreational or athletic program or facility personnel
- Early intervention providers, as defined in the Early Intervention Services System Act
- Law enforcement officers or probation officers
- Licensed professional counselors, psychologists, psychiatrists, or their assistants
- Field personnel of the Departments of Healthcare and Family Services, Juvenile Justice, Public Health, Human Services, Corrections, Human Rights, or Children and Family Services
- Supervisors and administrators of general assistance under the Illinois Public Aid Code
- Animal control officers or Department of Agriculture Bureau of Animal Health and Welfare field investigators
- Foster parents, homemakers, or child care workers
- Members of the clergy
- Commercial film and photographic print processors or computer technicians

Reporting by Other Persons

Citation: Comp. Stat. Ch. 325, § 5/4

Any other person who has reasonable cause to believe that a child is abused or neglected may report.

Institutional Responsibility to Report

Citation: Comp. Stat. Ch. 325, § 5/4

Whenever such person is required to report in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, or as a member of the clergy, he or she shall make a report immediately to the Department of Children and Family Services and also may notify the person in charge of such institution, school, facility, or agency; or church, synagogue, temple, mosque, or other religious institution; or his or her designated agent that a report has been made. Under no circumstances shall any person in charge of such institution, school, facility, or agency; or church, synagogue, temple, mosque, or other religious institution; or his or her designated agent to whom such notification has been made exercise any control, restraint, modification, or other change in the report or the forwarding of the report to the department.

Standards for Making a Report**Citation: Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2**

A report is required when any of the following apply:

- A reporter has reasonable cause to believe that a child known to him or her in his or her professional capacity may be abused or neglected.
- A physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives has reasonable cause to believe a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.
- Commercial film and photographic print processors or computer technicians have knowledge of or observe any film, photograph, videotape, negative, slide, computer hard drive, or any other magnetic or optical media that depicts a child engaged in any actual or simulated sexual conduct.

Privileged Communications**Citation: Comp. Stat. Ch. 325, § 5/4; Ch. 735, § 5/8-803**

The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report.

A member of the clergy shall not be compelled to disclose a confession or admission made to him or her as part of the discipline of the religion.

The reporting requirements shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

Inclusion of Reporter's Name in Report**Citation: Comp. Stat. Ch. 325, § 5/7.9**

The report shall include the name, occupation, and contact information of the person making the report.

Disclosure of Reporter Identity**Citation: Comp. Stat. Ch. 325, § 5/11.1a**

Any disclosure of information shall not identify the person making the report.

Indiana*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code § 31-33-5-1**

Any person who has reason to believe that a child is a victim of abuse or neglect must report.

Reporting by Other Persons**Citation: Ann. Code § 31-33-5-1**

Any person who has reason to believe that a child is a victim of abuse or neglect must report.

Institutional Responsibility to Report**Citation: Ann. Code §§ 31-33-5-2; 31-33-5-2.5; 31-33-5-3; 31-33-5-5**

Section 31-33-5-2 does not apply to an individual required to make a report under this article in the individual's capacity as a member of the staff of a licensed hospital. An individual required to make a report under this article in the individual's capacity as a member of the staff is subject to § 31-33-5-2.5.

If an individual is required to make a report in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately make a report to either the Department of Child Services or the local law enforcement agency. After making the report, the individual shall notify the individual in charge of the institution, school, facility, or agency that the report was made.

Section 31-33-5-2.5 applies only to an individual required to make a report under this article in the individual's capacity as a member of the staff of a licensed hospital. If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a licensed hospital, the individual shall immediately notify the individual in charge of the hospital. The individual in charge of the hospital who received the notification shall immediately report or cause a report to be made to the department or the local law enforcement agency.

This chapter does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

A medical institution or other public or private institution, public or nonpublic school, corporation, facility, or agency may not establish any policy that restricts or delays the duty of an employee or individual to report under this chapter.

Standards for Making a Report

Citation: Ann. Code § 31-33-5-1

In addition to any other duty to report arising under this article, an 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.

Privileged Communications

Citation: Ann. Code § 31-32-11-1

Privileged communications between any of the following shall not be grounds for failing to report:

- A husband and wife
- A health-care provider and the provider's patient
- A licensed social worker, clinical social worker, marriage and family therapist, mental health counselor, addiction counselor, or clinical addiction counselor and a client of any of these professionals
- A school counselor or psychologist and a student

Inclusion of Reporter's Name in Report

Citation: Ann. Code § 31-33-7-4

The written report must include the name and contact information for the person making the report.

Disclosure of Reporter Identity

Citation: Ann. Code § 31-33-18-2

The report shall be made available to the person about whom a report has been made, with protection for the identity of the following:

- Any person reporting known or suspected child abuse or neglect
- Any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person

The report also may be made available to each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report and an attorney of any of these individuals, with protection for the identity of reporters and other appropriate individuals.

Iowa

Current Through April 2019

Professionals Required to Report

Citation: Ann. Stat. §§ 232.69; 728.14

The following persons are required to report:

- Health practitioners
- Social workers or psychologists
- School employees, certified paraeducators, coaches, or instructors employed by community colleges
- Employees or operators of health-care facilities, child care centers, Head Start programs, family development and self-sufficiency grant programs, substance abuse programs or facilities, juvenile detention or juvenile shelter care facilities, foster care facilities, or mental health centers
- Employees of Department of Human Services institutions
- Peace officers, counselors, or mental health professionals
- Employees, operators, owners, or other persons who perform duties for certified children's residential facilities
- Commercial film and photographic print processors

Reporting by Other Persons

Citation: Ann. Stat. § 232.69

Any other person who believes that a child has been abused may report.

Institutional Responsibility to Report

Citation: Ann. Stat. §§ 232.70; 232.73A

The employer or supervisor of a person who is a mandatory or permissive reporter shall not apply a policy, work rule, or other requirement that interferes with the person making a report of child abuse.

An employer shall not take retaliatory action against an employee as a reprisal for the employee's participation in good faith in making a report, photograph, or x-ray; in the performance of a medically relevant test pursuant to this chapter; or in aiding and assisting in an assessment of a child abuse report. This section does not apply to a disclosure of information that is prohibited by statute.

For purposes of this section, 'retaliatory action' includes, but is not limited to, an employer's action to discharge an employee or to take or fail to take action regarding an employee's appointment or proposed appointment to a position in employment, to take or fail to take action regarding an employee's promotion or proposed promotion to a position in employment, or to fail to provide an advantage in a position in employment.

This section may be enforced through a civil action, as follows:

- A person who violates this section is liable to an aggrieved employee for affirmative relief, including reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.
- When a person commits, is committing, or proposes to commit an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or the county attorney.

Standards for Making a Report

Citation: Ann. Stat. §§ 232.69; 728.14

A report is required when either of the following apply:

- A reporter, in the scope of his or her professional practice or employment responsibilities, reasonably believes that a child has been abused.
- A commercial film and photographic print processor has knowledge of or observes a visual depiction of a minor engaged in a prohibited sexual act or in the simulation of a prohibited sexual act.

Privileged Communications

Citation: Ann. Stat. § 232.74

The husband-wife or health practitioner-patient privilege does not apply to evidence regarding abuse to a child.

Inclusion of Reporter's Name in Report**Citation: Ann. Stat. § 232.70**

The report shall contain the name and address of the person making the report.

Disclosure of Reporter Identity**Citation: Ann. Stat. § 232.71B**

A person named in a report shall be informed of the complaint or allegation made regarding the person. The person shall be informed in a manner that protects the confidentiality rights of the individual who reported the child abuse or provided information as part of the assessment process.

Kansas*Current Through April 2019***Professionals Required to Report****Citation: Ann. Stat. § 38-2223**

The following persons are required to report:

- Persons providing medical care or treatment, including persons licensed to practice the healing arts, dentistry, and optometry; persons engaged in postgraduate training programs approved by the State Board of Healing Arts; licensed professional or practical nurses; and chief administrative officers of medical care facilities
- Persons licensed by the State to provide mental health services, including psychologists, clinical psychotherapists, social workers, marriage and family therapists, behavioral analysts, professional counselors, and registered alcohol and drug abuse counselors
- Teachers, school administrators, or other employees of an educational institution that the child is attending
- Licensed child care providers or their employees at the place where the child care services are being provided to the child
- Firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers, and mediators
- Employees or volunteers for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services, and pregnancy education and maintenance

Reporting by Other Persons**Citation: Ann. Stat. § 38-2223**

Any person who has reason to suspect that a child may be a child in need of care may report.

Institutional Responsibility to Report**Citation: Ann. Stat. § 38-2224**

No employer shall terminate the employment of, prevent or impair the practice or occupation of, or impose any other sanction on any employee because the employee made an oral or written report to or cooperated with an investigation by a law enforcement agency or the department relating to harm inflicted upon a child that the employee suspected was the result of the physical, mental, or emotional abuse or neglect or sexual abuse of the child.

Violation of this section is a class B misdemeanor.

Standards for Making a Report**Citation: Ann. Stat. § 38-2223**

A report is required when a reporter has reason to suspect that a child has been harmed as a result of physical, mental, or emotional abuse or neglect or sexual abuse.

Privileged Communications**Citation: Ann. Stat. § 38-2249**

In all proceedings under this code, the rules of evidence of the code of civil procedure shall apply, except that no evidence relating to the condition of a child shall be excluded solely on the ground that the matter is or may be the subject of a physician-patient privilege, psychologist-client privilege, or social worker-client privilege.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Ann. Stat. § 38-2212

Information from agency records that is authorized to be disclosed by this section shall not contain information that identifies a reporter of a child alleged or adjudicated to be a child in need of care.

Kentucky

Current Through April 2019

Professionals Required to Report

Citation: Rev. Stat. § 620.030

All persons are required to report, including, but not limited to, the following:

- Physicians, osteopathic physicians, nurses, coroners, medical examiners, residents, interns, chiropractors, dentists, optometrists, emergency medical technicians, paramedics, or health professionals
- Teachers, school personnel, or child care personnel
- Social workers or mental health professionals
- Peace officers

Reporting by Other Persons

Citation: Rev. Stat. § 620.030

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately report.

Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking, as defined in § 529.010, immediately shall cause an oral or written report to be made to a local law enforcement agency or the State police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision.

Institutional Responsibility to Report

Citation: Rev. Stat. § 620.030(1)

Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation. Nothing in this section shall relieve individuals of their obligations to report.

Standards for Making a Report

Citation: Rev. Stat. § 620.030

A report is required when a person knows or has reasonable cause to believe that a child is dependent, neglected, or abused.

Privileged Communications

Citation: Rev. Stat. § 620.030(4)

Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Rev. Stat. § 620.050(11)

Identifying information concerning the individual initiating the report shall not be disclosed, except as follows:

- To law enforcement officials who have a legitimate interest in the case
- To the agency designated by the cabinet to investigate or assess the report

- To members of multidisciplinary teams
- Under a court order, after the court has conducted an in camera review of the record of the State related to the report and has found reasonable cause to believe that the reporter knowingly made a false report
- To the external child fatality and near-fatality review panel

Louisiana

Current Through April 2019

Professionals Required to Report

Citation: Children's Code Art. 603(17)

Mandatory reporters include any of the following individuals:

- Health practitioners, including physicians, surgeons, physical therapists, dentists, residents, interns, hospital staff, podiatrists, chiropractors, nurses, nursing aides, dental hygienists, emergency medical technicians, paramedics, optometrists, medical examiners, or coroners
- Mental health/social service practitioners, including psychiatrists, psychologists, marriage or family counselors, social workers, members of the clergy, or aides
- Members of the clergy, including priests, rabbis, duly ordained clerical deacons or ministers, Christian Science practitioners, or other similarly situated functionaries of a religious organization
- Teaching or child care providers, including public or private teachers, teacher's aides, instructional aides, school principals, school staff members, bus drivers, coaches, professors, technical or vocational instructors, technical or vocational school staff members, college or university administrators, college or university staff members, social workers, probation officers, foster home parents, group home or other child care institutional staff members, personnel of residential home facilities, daycare providers, or any individual who provides such services to a child in a voluntary or professional capacity
- Police officers or law enforcement officials
- Commercial film and photographic print processors
- Mediators
- Parenting coordinators
- Court-appointed special advocates
- Organizational or youth activity providers, including administrators, employees, or volunteers of any day camp, summer camp, youth center, or youth recreation programs or any other organization that provides organized activities for children
- School coaches, including, but not limited to, public technical or vocational school, community college, college, or university coaches and coaches of intramural or interscholastic athletics

Reporting by Other Persons

Citation: Children's Code Art. 609

Any other person who has cause to believe that a child's health is endangered as a result of abuse or neglect may report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report

Citation: Children's Code Art. 609; 610

A report is required when any of the following apply:

- A reporter has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.
- A commercial film or photographic print processor has knowledge of or observes any film, photograph, videotape, negative, or slide depicting a child, whom he or she knows or should know is under age 17, that constitutes child pornography.
- A physician has cause to believe that a newborn was exposed in utero to an unlawfully used controlled dangerous substance, as determined by a toxicology test upon the newborn that may be administered without the consent of the newborn's parents or guardian. Positive test results shall not be admissible in a criminal prosecution.

- A physician observes symptoms of withdrawal in a newborn or other observable and harmful effects in his or her physical appearance or functioning that the physician has cause to believe are due to the chronic or severe use of alcohol by the mother during pregnancy.

Privileged Communications

Citation: Children's Code Art. 603(17); 609

A clergy member is not required to report a confidential communication from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications and, under the discipline or tenets of the church, denomination, or organization, has a duty to keep such communications confidential.

Notwithstanding any other provision of law to the contrary, when representing a child in a case arising out of this code, a mental health or social service practitioner shall not be considered a mandatory reporter under the following limited circumstances:

- When the practitioner is engaged by an attorney to assist in the rendition of professional legal services to that child
- When the information that would serve as the basis for reporting arises in furtherance of facilitating the rendition of those professional legal services to that child
- When the information that would serve as the basis for reporting is documented by the mental health/social service practitioner

The documentation shall be retained by the mental health/social service practitioner until 1 year after the child has reached the age of majority.

Notwithstanding any claim of privileged communication, any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect, or that abuse or neglect was a contributing factor in a child's death, shall report.

Inclusion of Reporter's Name in Report

Citation: Children's Code Art. 610

The report must include the name and address of the reporter.

Disclosure of Reporter Identity

Citation: Rev. Stat. § 46:56(F)(8)(b)

The Department of Children and Family Services shall not disclose identifying information concerning an individual who initiated a report or complaint of alleged child abuse or neglect, except that the department shall disclose such information pursuant to a court order after the court has reviewed, in camera, the department's case record and finds reason to believe that the reporter knowingly made a false report.

Maine

Current Through April 2019

Professionals Required to Report

Citation: Rev. Stat. Tit. 22, § 4011-A

Mandatory reporters include the following:

- The following persons, when acting in a professional capacity:
 - » Allopathic or osteopathic physicians, residents, interns, emergency medical services persons, medical examiners, physician's assistants, dentists, dental hygienists, dental assistants, chiropractors, podiatrists, or registered or licensed practical nurses
 - » Teachers, guidance counselors, school officials, youth camp administrators or counselors, or social workers
 - » Court-appointed special advocates or guardians ad litem
 - » Homemakers, home health aides, medical or social service workers, psychologists, child care personnel, or mental health professionals
 - » Law enforcement officials, State or municipal fire inspectors, or municipal code enforcement officials
 - » Commercial film and photographic print processors

- » Clergy members
- » Chairs of professional licensing boards that have jurisdiction over mandated reporters
- » Humane agents employed by the Department of Agriculture, Conservation and Forestry
- » Sexual assault counselors or family or domestic violence victim advocates
- » School bus drivers or attendants
- Any person who has assumed full, intermittent, or occasional responsibility for the care or custody of the child, regardless of whether the person receives compensation
- Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation

Reporting by Other Persons**Citation: Rev. Stat. Tit. 22, § 4011-A**

Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that there has been a suspicious child death.

An animal control officer may report to the State Department of Health and Human Services when that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.

Institutional Responsibility to Report**Citation: Rev. Stat. Tit. 22, § 4011-A**

Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency, or facility, that person immediately shall notify either the person in charge of the institution, agency, or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the department.

If a person required to report notifies either the person in charge of the institution, agency, or facility, or the designated agent, the notifying person shall acknowledge in writing that the institution, agency, or facility has provided confirmation to the notifying person that another individual from the institution, agency, or facility has made a report to the department. The confirmation must include, at a minimum, the name of the individual making the report to the department, the date and time of the report, and a summary of the information conveyed. If the notifying person does not receive the confirmation from the institution, agency, or facility within 24 hours of the notification, the notifying person immediately shall make a report directly to the department.

An employer may not take any action to prevent or discourage an employee from making a report.

Standards for Making a Report**Citation: Rev. Stat. Tit. 22, §§ 4011-A; 4011-B**

A report is required when any of the following apply:

- The person knows or has reasonable cause to suspect that a child is or is likely to be abused or neglected or that a suspicious death has occurred.
- A child who is under 6 months of age or otherwise nonambulatory exhibits evidence of the following:
 - » Fracture of a bone
 - » Substantial bruising or multiple bruises
 - » Subdural hematoma
 - » Burns
 - » Poisoning
 - » Injury resulting in substantial bleeding, soft tissue swelling, or impairment of an organ
- A health-care provider involved in the delivery or care of an infant knows or has reasonable cause to suspect that the infant has been born affected by illegal substance use or is demonstrating withdrawal symptoms that have resulted from or have likely resulted from prenatal drug exposure that require medical monitoring or care beyond standard newborn care, whether the prenatal exposure was to legal or illegal drugs, or has fetal alcohol spectrum disorders.

A mandatory reporter shall report to the department if the person knows or has reasonable cause to suspect that a child is not living with the child's family. Although a report may be made at any time, a report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 6 months or if there is reason to suspect that a child has been living with someone other than the child's family for more than 12 months pursuant to a power of attorney or other nonjudicial authorization.

Privileged Communications**Citation: Rev. Stat. Tit. 22, §§ 4011-A; 4015**

A member of the clergy may claim privilege when information is received during a confidential communication.

The husband-wife and physician- and psychotherapist-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under State and applicable Federal law are abrogated in relation to required reporting, cooperating with the department or a guardian ad litem in an investigation or other child protective activity, or giving evidence in a child protection proceeding.

Inclusion of Reporter's Name in Report**Citation: Rev. Stat. Tit. 22, § 4012**

The report shall include the name, occupation, and contact information for the person making the report.

Disclosure of Reporter Identity**Citation: Rev. Stat. Tit. 22, § 4008**

The department will protect the identity of reporters and other persons as appropriate when disclosing information in the records to a child named in a report, the child's parent, custodian, or caregiver, or a party to a child protection proceeding.

Maryland*Current Through April 2019***Professionals Required to Report****Citation: Fam. Law § 5-704**

Persons required to report include the following:

- Health practitioners
- Educators or human service workers
- Police officers

Reporting by Other Persons**Citation: Fam. Law §§ 5-705; 5-704.1**

Any other person who has reason to believe that a child has been subjected to abuse or neglect must report.

An individual may notify the local department or the appropriate law enforcement agency if the individual has reason to believe that a parent, guardian, or caregiver of a child allows the child to reside with or be in the regular presence of an individual, other than the child's parent or guardian, who is registered as a child sex offender and, based on additional information, poses a substantial risk of sexual abuse to the child.

Institutional Responsibility to Report**Citation: Fam. Law § 5-704**

A mandated reporter who is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution immediately shall notify and give all information required by this section to the head of the institution or the designee of the head.

Standards for Making a Report**Citation: Fam. Law §§ 5-704; 5-705**

A mandatory reporter is required to report when, acting in a professional capacity, the person has reason to believe that a child has been subjected to abuse or neglect. Other persons shall report when they have reason to believe that a child has been subjected to abuse or neglect.

Privileged Communications**Citation: Fam. Law §§ 5-704; 5-705**

Mandatory reporters are required to report regardless of any other provision of law, including any law on privileged communications.

Only attorney-client and clergy-penitent privileges are permitted.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Hum. Serv. Code § 1-202(c)**

Any disclosure of a report or record concerning child abuse or neglect must make provisions to protect the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information.

Massachusetts*Current Through April 2019***Professionals Required to Report****Citation: Gen. Laws Ch. 119, § 21**

Mandatory reporters include the following:

- Physicians, medical interns, hospital personnel, medical examiners, psychologists, emergency medical technicians, dentists, nurses, chiropractors, podiatrists, optometrists, osteopaths, allied mental health and human services professionals, drug and alcoholism counselors, psychiatrists, or clinical social workers
- Public or private schoolteachers, educational administrators, guidance or family counselors, or child care workers
- Persons paid to care for or work with children in any public or private facility, home, or program that provides child care or residential services to children
- Persons who provide the services of child care resource and referral agencies, voucher management agencies, family child care systems, or child care food programs
- Licensors of the Department of Early Education and Care or school attendance officers
- Probation officers, clerk-magistrates of a district court, parole officers, social workers, foster parents, firefighters, police officers, or animal control officers
- Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, or accredited Christian Science practitioners
- Persons performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner
- Persons employed by a church or religious body to supervise, educate, coach, train, or counsel a child on a regular basis
- Persons in charge of a medical or other public or private institution, school, or facility or that person's designated agent
- The child advocate

Reporting by Other Persons**Citation: Gen. Laws Ch. 119, § 51A**

Any other person who has reasonable cause to believe that a child is suffering from or has died as a result of abuse or neglect may file a report.

Institutional Responsibility to Report**Citation: Gen. Laws Ch. 119, § 51A(a), (h)**

If a mandated reporter is a member of the staff of a medical or other public or private institution, school, or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school, or facility, who shall become responsible for notifying the department in the manner required by this section.

No employer shall discharge, discriminate, or retaliate against a mandated reporter who, in good faith, files a report, testifies, or is about to testify in any proceeding involving child abuse or neglect. Any employer who discharges, discriminates, or retaliates against that mandated reporter shall be liable to the mandated reporter for treble damages, costs, and attorney's fees.

Standards for Making a Report**Citation: Gen. Laws Ch. 119, § 51A**

A mandated reporter must report when, in his or her professional capacity, he or she has reasonable cause to believe that a child is suffering physical or emotional injury resulting from any of the following:

- Abuse inflicted upon the child that causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse
- Neglect, including malnutrition
- Physical dependence upon an addictive drug at birth
- Being a sexually exploited child
- Being a human trafficking victim, as defined by chapter 233, § 20M

Privileged Communications**Citation: Gen. Laws Ch. 119, § 51A**

Any privilege relating to confidential communications established by §§ 135 to 135B, inclusive, of chapter 112 (regarding social worker-client privilege) or by §§ 20A (clergy-penitent privilege) and 20B (psychotherapist-patient privilege) of chapter 233 shall not prohibit the filing of a report under this section or a care and protection petition under § 24, except that a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner to report suspected child abuse or neglect under this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him or her a mandated reporter.

Inclusion of Reporter's Name in Report**Citation: Gen. Laws Ch. 119, § 51A**

A report shall include the name of the person making the report.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.

Michigan*Current Through April 2019***Professionals Required to Report****Citation: Comp. Laws § 722.623**

Mandatory reporters include the following:

- Physicians, physician assistants, dentists, dental hygienists, medical examiners, nurses, persons licensed to provide emergency medical care, or audiologists
- School administrators, counselors, or teachers
- Regulated child care providers
- Psychologists, marriage and family therapists, licensed professional counselors, social workers, or social work technicians

- Persons employed in a professional capacity in any office of the friend of the court
- Law enforcement officers
- Members of the clergy
- Department of Human Services employees, including eligibility specialists, family independence managers, family independence specialists, social services specialists, social work specialists, social work specialist managers, or welfare services specialists
- Any employee of an organization or entity that, as a result of Federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of a State mandate or court order

Reporting by Other Persons**Citation: Comp. Laws § 722.624**

Any other person, including a child, who has reasonable cause to suspect child abuse or neglect may report.

Institutional Responsibility to Report**Citation: Comp. Laws § 722.623**

If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made and shall make a copy of the written report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school is adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

Standards for Making a Report**Citation: Comp. Laws § 722.623**

A report is required when a reporter has reasonable cause to suspect child abuse or neglect.

Privileged Communications**Citation: Comp. Laws § 722.631**

Only the attorney-client or clergy-penitent privilege can be grounds for not reporting.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Comp. Laws §§ 722.625; 722.627**

The identity of a reporting person is confidential and subject to disclosure only with the consent of that person or by judicial process.

The identity of the reporter is protected in any release of information to the subject of the report.

Minnesota*Current Through April 2019***Professionals Required to Report****Citation: Ann. Stat. § 626.556, Subd. 3**

Mandatory reporters include the following:

- A professional or professional's delegate who is engaged in the practice of the healing arts, hospital administration, psychological or psychiatric treatment, child care, education, social services, correctional supervision, probation or correctional services, or law enforcement
- A member of the clergy who received the information while engaged in ministerial duties

Reporting by Other Persons**Citation: Ann. Stat. § 626.556, Subd. 3**

Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, Tribal social services agency, or Tribal police department if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse.

Institutional Responsibility to Report**Citation: Ann. Stat. § 626.556, Subd. 3(c)**

A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility or a nonlicensed personal care provider organization. A health or corrections agency receiving a report may request the local child welfare agency to provide assistance. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education.

Standards for Making a Report**Citation: Ann. Stat. § 626.556, Subd. 3**

A report is required when a reporter knows or has reason to believe that a child is being neglected or sexually or physically abused or has been neglected or physically or sexually abused within the preceding 3 years.

Privileged Communications**Citation: Ann. Stat. § 626.556, Subd. 3 & 8**

A member of the clergy is not required by this subdivision to report information that is otherwise privileged under § 595.02, subdivision 1, paragraph (c).

No evidence relating to the neglect or abuse of a child, or to any prior incidents of neglect or abuse involving any of the same persons accused of neglect or abuse, shall be excluded in any proceeding on the grounds of privilege set forth in § 595.02, subdivision 1, paragraph (a) (husband-wife), (d) (medical practitioner-patient), or (g) (mental health professional-client).

Inclusion of Reporter's Name in Report**Citation: Ann. Stat. § 626.556, Subd. 7**

The written report from a mandatory reporter must include the name and address of the reporter.

Disclosure of Reporter Identity**Citation: Ann. Stat. § 626.556, Subd. 11**

Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith.

Mississippi*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code § 43-21-353**

The following professionals are required to report:

- Physicians, dentists, interns, residents, or nurses
- Public or private school employees or child care givers
- Psychologists, social workers, family protection workers, or family protection specialists
- Attorneys, ministers, or law enforcement officers

Reporting by Other Persons**Citation: Ann. Code § 43-21-353**

All other persons who have reasonable cause to suspect that a child is abused or neglected must report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Code § 43-21-353**

A report is required when a person has reasonable cause to suspect that a child is abused or neglected.

Privileged Communications

This issue is not addressed in the statutes reviewed.

Inclusion of Reporter's Name in Report**Citation: Ann. Code § 43-21-353**

The report shall include the name and address of all witnesses, including the reporter if he or she is a material witness to the abuse.

Disclosure of Reporter Identity**Citation: Ann. Code § 43-21-353**

The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. The identity of the reporter shall not be disclosed to an individual under investigation.

Missouri*Current Through April 2019***Professionals Required to Report****Citation: Rev. Stat. §§ 210.115; 352.400; 573.215**

Professionals required to report include the following:

- Physicians, medical examiners, coroners, dentists, chiropractors, optometrists, podiatrists, residents, interns, nurses, hospital and clinic personnel, or other health practitioners
- Daycare center workers or other child care workers, teachers, principals, or other school officials
- Psychologists, mental health professionals, or social workers
- Ministers, including clergypersons, priests, rabbis, Christian Science practitioners, or other persons serving in a similar capacity for any religious organization
- Juvenile officers, probation or parole officers, peace officers, law enforcement officials, or jail or detention center personnel
- Volunteers or personnel of community service programs that offer support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney
- Other persons with responsibility for the care of children
- Film and photographic print processors; computer providers, installers, or repair persons; or internet service providers

Reporting by Other Persons**Citation: Rev. Stat. § 210.115**

Any other person who has reasonable cause to suspect that a child has been subjected to abuse or neglect may report.

Institutional Responsibility to Report**Citation: Rev. Stat. § 210.115**

If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report has immediate and unrestricted access to the communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required by this section.

Standards for Making a Report

Citation: Rev. Stat. §§ 210.115; 573.215

A report is required under the following circumstances:

- A reporter has reasonable cause to suspect that a child has been subjected to abuse or neglect.
- A reporter observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.
- A film and photographic print processor has knowledge of or observes any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a child younger than age 18 engaged in an act of sexual conduct.

Privileged Communications

Citation: Rev. Stat. § 210.140

Only the attorney-client or clergy-penitent privilege may be grounds for failure to report.

Inclusion of Reporter's Name in Report

Citation: Rev. Stat. § 210.130

The report must include the name, address, occupation, and contact information for the person making the report.

Disclosure of Reporter Identity

Citation: Rev. Stat. § 210.150

The names or other identifying information of reporters shall not be furnished to any child, parent, guardian, or alleged perpetrator named in the report.

Montana

Current Through April 2019

Professionals Required to Report

Citation: Ann. Code §§ 41-3-201; 15-6-201(2)(b)

Professionals required to report include the following:

- Physicians, residents, interns, members of hospital staffs, nurses, osteopaths, chiropractors, podiatrists, medical examiners, coroners, dentists, optometrists, or any other health professionals
- Teachers, school officials, or school employees who work during regular school hours
- Operators or employees of any registered or licensed daycare or substitute care facility, or operators or employees of child care facilities
- Mental health professionals or social workers
- Religious healers
- Foster care, residential, or institutional workers
- Members of the clergy, as defined in § 15-6-201(2)(b)
- Guardians ad litem or court-appointed advocates authorized to investigate a report
- Peace officers or other law enforcement officials

The term 'clergy' includes any of the following:

- An ordained minister, priest, or rabbi
- A commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination
- A member of a religious order who has taken a vow of poverty
- A Christian Science practitioner

Reporting by Other Persons**Citation: Ann. Code § 41-3-201**

Any other person who knows or has reasonable cause to suspect that a child is abused or neglected may report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Code § 41-3-201**

A report is required when either of the following apply:

- A reporter knows or has reasonable cause to suspect, as a result of information received in his or her professional or official capacity, that a child is abused or neglected.
- A health-care professional involved in the delivery or care of an infant knows that the infant is affected by a dangerous drug.

Privileged Communications**Citation: Ann. Code § 41-3-201**

A person listed as a mandated reporter may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

A member of the clergy or a priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 41-3-205**

The identity of the reporter shall not be disclosed in any release of information to the subject of the report.

Nebraska

Current Through April 2019

Professionals Required to Report**Citation: Rev. Stat. § 28-711**

Professionals required to report include the following:

- Physicians, medical institutions, or nurses
- School employees
- Social workers
- The inspector general appointed under § 43-4317

The Office of Inspector General of Nebraska Child Welfare was created within the Office of Public Counsel for the purpose of conducting investigations, audits, inspections, and other reviews of the Nebraska child welfare system. The inspector general shall be appointed by the public counsel with approval from the chairperson of the Executive Board of the Legislative Council and the chairperson of the Health and Human Services Committee of the legislature.

Reporting by Other Persons**Citation: Rev. Stat. § 28-711**

All other persons who have reasonable cause to believe that a child has been subjected to abuse or neglect must report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Rev. Stat. § 28-711**

A report is required when either of the following apply:

- A reporter has reasonable cause to believe that a child has been subjected to abuse or neglect.
- A reporter observes a child being subjected to conditions or circumstances that reasonably would result in abuse or neglect.

Privileged Communications**Citation: Rev. Stat. § 28-714**

The physician-patient, counselor-client, and husband-wife privileges shall not be grounds for failing to report.

Inclusion of Reporter's Name in Report**Citation: Rev. Stat. § 28-711**

The initial oral report shall include the reporter's name and address.

Disclosure of Reporter Identity**Citation: Rev. Stat. § 28-719**

The name and address of the reporter shall not be included in any release of information.

Nevada

Current Through April 2019

Professionals Required to Report**Citation: Rev. Stat. § 432B.220**

Mandatory reporters include the following:

- Persons providing services licensed or certified in this State pursuant to, without limitation, hospitals, physicians and other medical personnel, psychologists, therapists, social workers, and counselors, as described in chapters 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, and 641C
- Any personnel of a licensed medical facility engaged in the admission, examination, care, or treatment of persons or an administrator, manager, or other person in charge of the medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility
- Coroners
- Members of the clergy, Christian Science practitioners, or religious healers
- Employees of public or private schools and any volunteers serving at such schools
- Persons who maintain or are employed by facilities that provide care for children, children's camps, or other public or private facilities, institutions, or agencies furnishing care to children
- Persons licensed to conduct foster homes
- Officers or employees of law enforcement agencies or adult or juvenile probation officers
- Except as otherwise provided below, attorneys
- Persons who maintain, are employed by, or serve as volunteers for agencies or services that advise persons regarding abuse or neglect of a child and refer them to persons and agencies where their requests and needs can be met
- Persons who are employed by or serve as volunteers for a youth shelter
- Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, any person who is employed by a school district or public school

Reporting by Other Persons**Citation: Rev. Stat. § 432B.220**

Any other person may report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Rev. Stat. § 432B.220**

A report is required when any of the following apply:

- A reporter, in his or her professional capacity, knows or has reason to believe that a child is abused or neglected.
- A reporter has reasonable cause to believe that a child has died as a result of abuse or neglect.
- A medical services provider who delivers or provides medical services to a newborn infant, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure.

Privileged Communications**Citation: Rev. Stat. §§ 432B.220; 432B.225; 432B.250**

The clergy-penitent privilege applies when the knowledge is gained during religious confession.

- Notwithstanding the provisions of § 432B.220, an attorney shall not make a report of the abuse or neglect of a child if the attorney acquired knowledge of the abuse or neglect from a client during a privileged communication if the client:
- Has been or may be accused of committing the abuse or neglect

Is the victim of the abuse or neglect, is in foster care, and did not give consent to the attorney to report the abuse or neglect

Nothing in this section shall be construed as relieving an attorney from either of the following:

- The duty to report the abuse or neglect of a child, except as otherwise provided above
- Complying with any ethical duties of attorneys, including, without limitation, any duty to take reasonably necessary actions to protect his or her client if the client is not capable of making adequately considered decisions because of age, mental impairment, or any other reason

Any other person who is required to report may not invoke privilege for failure to make a report.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Rev. Stat. § 432B.290**

Information maintained by a child welfare agency may be made available to the persons listed below, as long as the identity of the person making the report is kept confidential:

- The proposed guardian or proposed successor guardian of a child
- A parent or legal guardian of the child and his or her attorney
- A child age 14 or older over whom a guardianship is sought
- Upon written consent of the parent, any officer of this State or a city or county, or a legislator, to investigate the activities or programs of a child welfare agency

An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child a written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

Except as provided below, before releasing any information an agency shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect.

A person who is the subject of an unsubstantiated report of child abuse or neglect who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency that provides child welfare services to release information maintained by the agency. If the court finds that there is a reasonable cause to believe that the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner.

New Hampshire

Current Through April 2019

Professionals Required to Report

Citation: Rev. Stat. § 169-C:29

The following professionals are required to report:

- Physicians, surgeons, county medical examiners, psychiatrists, residents, interns, dentists, osteopaths, optometrists, chiropractors, nurses, hospital personnel, or Christian Science practitioners
- Teachers, school officials, nurses, or counselors
- Daycare workers or any other child or foster care workers
- Social workers
- Psychologists or therapists
- Priests, ministers, or rabbis
- Law enforcement officials

Reporting by Other Persons

Citation: Rev. Stat. § 169-C:29

All other persons who have reason to suspect that a child has been abused or neglected must report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report

Citation: Rev. Stat. § 169-C:29

A report is required when a person has reason to suspect that a child has been abused or neglected.

Privileged Communications

Citation: Rev. Stat. § 169-C:32

Only the attorney-client privilege is permitted.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Rev. Stat. § 170-G:8-a

The case records of the Department of Health and Human Services do not include the name of a person who makes a report of suspected abuse or neglect of a child or any information that would identify the reporter.

New Jersey

Current Through April 2019

Professionals Required to Report

No professional groups are specified in statute; all persons are required to report.

Reporting by Other Persons

Citation: Ann. Stat. § 9:6-8.10

Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Stat. § 9:6-8.10**

A report is required when a person has reasonable cause to believe that a child has been subjected to abuse or neglect.

Privileged Communications

This issue is not addressed in the statutes reviewed.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Stat. § 9:6-8.10a**

The identity of the reporter shall not be made public. Any information that could endanger any person shall not be released.

New Mexico*Current Through April 2019***Professionals Required to Report****Citation: Ann. Stat. § 32A-4-3**

Professionals required to report include the following:

- Licensed physicians
- Residents or interns
- Law enforcement officers or judges
- Registered nurses or visiting nurses
- Teachers or school officials
- Social workers acting in their official capacity
- Members of the clergy

Reporting by Other Persons**Citation: Ann. Stat. § 32A-4-3**

Every person who knows or has a reasonable suspicion that a child is an abused or a neglected child shall report the matter immediately.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Stat. § 32A-4-3**

A report is required when a person knows or has a reasonable suspicion that a child is abused or neglected.

Privileged Communications**Citation: Ann. Stat. §§ 32A-4-3; 32A-4-5**

A clergy member need not report any information that is privileged.

The report or its contents or any other facts related thereto or to the condition of the child who is the subject of the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Inclusion of Reporter's Name in Report**Citation: Ann. Stat. § 32A-4-5**

The identity of the mandated reporter will be verified before any investigation is initiated.

Disclosure of Reporter Identity**Citation: Ann. Stat. § 32A-4-33**

Any release of information to a parent, guardian, or legal custodian shall not include identifying information about the reporter.

New York

Current Through April 2019

Professionals Required to Report**Citation: Soc. Serv. Law § 413**

The following persons and officials are required to report:

- Physicians, physician assistants, surgeons, medical examiners, coroners, dentists, dental hygienists, osteopaths, optometrists, chiropractors, podiatrists, residents, interns, psychologists, registered nurses, social workers, or emergency medical technicians
- Licensed creative arts therapists, marriage and family therapists, mental health counselors, or psychoanalysts
- Hospital personnel or Christian Science practitioners
- School officials, including, but not limited to, teachers, guidance counselors, school psychologists, school social workers, school nurses, or administrators
- Full- or part-time compensated school employees required to hold temporary coaching licenses or professional coaching certificates
- Social services workers, daycare center workers, providers of family or group family daycare, or any other child care or foster care worker
- Employees of publicly-funded emergency shelters for families with children
- Directors of children's overnight camps, summer day camps, or traveling summer day camps
- Employees or volunteers in residential care facilities for children that are licensed, certified, or operated by the Office of Children and Family Services
- Mental health professionals, substance abuse counselors, alcoholism counselors, or all persons credentialed by the Office of Alcoholism and Substance Abuse Services
- Employees of health home-care agencies or home- and community-based services who are expected to have regular and substantial contact with children
- Peace officers, police officers, district attorneys or assistant district attorneys, investigators employed in the office of a district attorney, or other law enforcement officials

Reporting by Other Persons**Citation: Soc. Serv. Law § 414**

Any other person who has reasonable cause to suspect that a child is abused or maltreated may report.

Institutional Responsibility to Report**Citation: Soc. Serv. Law § 413**

Whenever a person is required to report in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he or she shall make the report as required and immediately notify the person in charge of such institution, school, facility, or agency, or his or her designated agent. The person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title, and contact information for every staff person of the institution who is believed to have direct knowledge of the allegations in the report. Nothing in this section or title is intended to require more than one report from any such institution, school, or agency.

A medical or other public or private institution, school, facility, or agency shall not take any retaliatory personnel action against an employee because such employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in accordance with this title. No school, school official, child care provider, foster care provider, residential care facility provider, hospital, medical institution provider, or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff specifically required to report under this title.

Standards for Making a Report**Citation: Soc. Serv. Law § 413**

A report is required when the reporter has reasonable cause to suspect that either of the following is true:

- A child coming before him or her in his or her professional or official capacity is an abused or maltreated child.
- The parent, guardian, custodian, or other person legally responsible for the child comes before the reporter and states from personal knowledge facts, conditions, or circumstances that, if correct, would render the child an abused or maltreated child.

Privileged Communications**Citation: Soc. Serv. Law § 415**

Notwithstanding the privileges set forth in article 45 of the civil practice law and rules, and any other provision of law to the contrary, mandated reporters who make a report that initiates an investigation of an allegation of child abuse or maltreatment are required to comply with all requests for records made by a child protective services agency relating to the report.

Inclusion of Reporter's Name in Report**Citation: Soc. Serv. Law § 415**

The report shall include the name and contact information for the reporter.

Disclosure of Reporter Identity**Citation: Soc. Serv. Law § 422-a**

Any disclosure of information shall not identify the source of the report.

North Carolina*Current Through April 2019***Professionals Required to Report****Citation: Gen. Stat. § 7B-301**

Any person or institution that has cause to suspect abuse or neglect shall report.

Reporting by Other Persons**Citation: Gen. Stat. § 7B-301**

All persons who have cause to suspect that any juvenile is abused, neglected, or dependent or has died as the result of maltreatment shall report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Gen. Stat. § 7B-301**

A report is required when a reporter has cause to suspect that any juvenile is abused, neglected, or dependent or has died as the result of maltreatment.

Privileged Communications**Citation: Gen. Stat. § 7B-310**

No privilege shall be grounds for failing to report, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge or suspicion is gained by an attorney from that attorney's client during representation only in the abuse, neglect, or dependency case. No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency.

Inclusion of Reporter's Name in Report**Citation: Gen. Stat. § 7B-301**

The report must include the name, address, and telephone number of the reporter.

Disclosure of Reporter Identity**Citation: Gen. Stat. § 7B-302**

The Department of Social Services shall hold the identity of the reporter in strictest confidence, except that the department shall disclose confidential information regarding the identity of the reporter to any Federal, State, or local government entity or its agent with a court order. The department may only disclose confidential information regarding the identity of the reporter to a Federal, State, or local government entity or its agent without a court order when the entity demonstrates a need for the reporter's name to carry out the entity's mandated responsibilities.

North Dakota

Current Through April 2019

Professionals Required to Report**Citation: Cent. Code §§ 50-25.1-03; 25-01-01**

The following professionals are required to report:

- Dentists, dental hygienists, optometrists, medical examiners or coroners, or any other medical or mental health professionals
- Tier 1, tier 2, tier 3, or tier 4 mental health professionals, as defined under § 25-01-01
- Religious practitioners of the healing arts
- Schoolteachers, administrators, or school counselors
- Child care workers or foster parents
- Police or law enforcement officers, juvenile court personnel, probation officers, or division of juvenile services employees
- Licensed social workers, family services specialists, or child care licensors
- Members of the clergy

Mental health professionals are classified as follows:

- Tier 1 mental health professionals include licensed psychiatrists, psychologists, physicians, or physician assistants, and advanced practice registered nurses.
- Tier 2 mental health professionals include licensed independent clinical social workers, professional clinical counselors, marriage and family therapists, addiction counselors, and registered nurses.
- Tier 3 mental health professionals include licensed associate professional counselors, master social workers, baccalaureate social workers, professional counselors, associate marriage and family therapists, occupational therapists, practical nurses, behavior analysts, vocational rehabilitation counselors, school psychologists, and human relations counselors.
- Tier 4 mental health professionals include direct care associates or technicians.

Reporting by Other Persons**Citation: Cent. Code § 50-25.1-03**

Any other person who has reasonable cause to suspect that a child is abused or neglected may report.

Institutional Responsibility to Report**Citation: Cent. Code §§ 50-25.1-04; 50-25.1-09.1**

Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this chapter.

An employer is prohibited from retaliating against an employee solely because the employee in good faith reported having reasonable cause to suspect that a child was abused or neglected or died as a result of abuse or neglect or because the employee is a child with respect to whom a report was made.

There is a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this subsection, an 'adverse action' is action taken by an employer against the person making the report or the child with respect to whom a report was made, including any of the following:

- Discharge, suspension, termination, or transfer from any facility, institution, school, agency, or other place of employment
- Discharge from or termination of employment

- Demotion or reduction in remuneration for services
- Restriction or prohibition of access to any facility, institution, school, agency, or other place of employment or persons affiliated with it

Standards for Making a Report

Citation: Cent. Code § 50-25.1-03

A report is required when a reporter has knowledge of or reasonable cause to suspect that a child is abused or neglected, if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity.

A person who has knowledge of or reasonable cause to suspect that a child is abused or neglected based on images of sexual conduct by a child discovered on a workplace computer shall report the circumstances to the department.

Privileged Communications

Citation: Cent. Code §§ 50-25.1-03; 50-25.1-10

A member of the clergy is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser.

Any privilege of communication between husband and wife or between any professional person and the person's patient or client, except between attorney and client, cannot be used as grounds for failing to report.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Cent. Code § 50-25.1-11

All reports are confidential and must be made available to a parent, the child's guardian, and any person who is the subject of a report provided that the identity of persons reporting or supplying information is protected.

Northern Mariana Islands

Current Through April 2019

Professionals Required to Report

Citation: Commonwealth Code Tit. 6, § 5313

Reports are required from the following:

- Any health-care worker, including anesthesiologists, acupuncturists, chiropractors, dentists, health aides, hypnotists, massage therapists, mental health counselors, midwives, nurses, nurse practitioners, osteopaths, naturopaths, physical therapists, physicians, physician's assistants, psychiatrists, psychologists, radiologists, religious healing practitioners, surgeons, or x-ray technicians
- Teachers or other school officials
- Daycare providers, nannies, au pair workers, or any other person who is entrusted with the temporary care of a minor child in return for compensation, except babysitters who are themselves minor children
- Counselors or social workers
- Peace officers or other law enforcement officials

Reporting by Other Persons

Citation: Commonwealth Code Tit. 6, § 5313

Any other person may at any time report known or suspected instances of child abuse or neglect.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Commonwealth Code Tit. 6, § 5313**

A report is required when a mandated reporter comes into contact in a professional capacity with a child who the person knows or has reasonable cause to suspect is abused or neglected.

Privileged Communications**Citation: Commonwealth Code Tit. 6, § 5317**

Common law and statutory privileges as to communications between husband and wife and a professional person and his or her patient or client, except for that between attorney and client, do not apply to communications relating to the reporting of child abuse offenses.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Commonwealth Code Tit. 6, § 5325**

The release of data that would identify the person who made a report of suspected child abuse or the person who cooperated in a subsequent investigation is prohibited.

Ohio*Current Through April 2019***Professionals Required to Report****Citation: Rev. Code § 2151.421**

Mandatory reporters include the following:

- Attorneys
- Physicians, interns, residents, dentists, podiatrists, nurses, or other health-care professionals
- Licensed psychologists, school psychologists, or marriage and family therapists
- Speech pathologists or audiologists
- Coroners
- Administrators or employees of child daycare centers, certified child care agencies, or other public or private children services; residential camps; child day camps; or private, nonprofit therapeutic wilderness camps agencies
- Teachers, school employees, or school authorities
- Persons engaged in social work or the practice of professional counseling
- Peace officers or agents of county humane societies
- Persons, other than clerics, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion
- Professional employees of a county Department of Job and Family Services who works with children and families
- Superintendents or regional administrators employed by the Department of Youth Services
- Superintendents, board members, or employees of county boards of developmental disabilities; investigative agents contracted with by a county board of developmental disabilities; employees of the Department of Developmental Disabilities; employees of a facility or home that provides respite care; employees of a home health agency; or employees of an entity that provides homemaker services
- Persons performing the duties of an assessor or third party employed by a public children's services agency to assist in providing child- or family-related services
- Court-appointed special advocates or guardians ad litem

Reporting by Other Persons**Citation: Rev. Code § 2151.421**

Any other person who suspects that a child has suffered or faces a threat of suffering from abuse or neglect may report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report

Citation: Rev. Code § 2151.421

A report is required when a mandated person is acting in an official or professional capacity and knows or suspects 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.

Privileged Communications

Citation: Rev. Code § 2151.421

An attorney, physician, or cleric is not required to make a report concerning any communication the attorney, physician, or cleric receives from a client, patient, or penitent in a professional relationship, if, in accordance with § 2317.02, the attorney, physician, or cleric could not testify with respect to that communication in a civil or criminal proceeding.

If all the following apply, the client, patient, or penitent in the relationship is deemed to have waived any testimonial privilege with respect to any communication the attorney, physician, or cleric receives, and the attorney, physician, or cleric shall make a report with respect to that communication:

- The client, patient, or penitent, at the time of the communication, is either a child under age 18 or a mentally retarded, developmentally disabled, or physically impaired person under age 21.
- The attorney, physician, or cleric knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client, patient, or penitent 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 person.
- The abuse or neglect does not arise out of the person's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with § 2151.85.

Inclusion of Reporter's Name in Report

Citation: Rev. Code § 2151.421

The reporter is not required to provide his or her name in the report, but if he or she wants to receive information on the outcome of the investigation, he or she must provide his or her name, address, and telephone number to the person who receives the report.

Disclosure of Reporter Identity

Citation: Rev. Code § 2151.421

The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use and shall not be used as evidence in any civil action or proceeding brought against the person who made the report.

Oklahoma

Current Through April 2019

Professionals Required to Report

Citation: Ann. Stat. Tit. 10A, § 1-2-101; Tit. 21, § 1021.4

Mandatory reporters include the following:

- All persons
- Commercial film and photographic print processors or computer technicians

Reporting by Other Persons

Citation: Ann. Stat. Tit. 10A, § 1-2-101

Every person who has reason to believe that a child is a victim of abuse or neglect must report.

Institutional Responsibility to Report**Citation: Ann. Stat. Tit. 10A, § 1-2-101**

The reporting obligations under this section are individual, and no employer, supervisor, administrator, governing body, or entity shall interfere with the reporting obligations of any employee or other person or in any manner discriminate or retaliate against the employee or other person who in good faith reports suspected child abuse or neglect or who provides testimony in any proceeding involving child abuse or neglect. Any employer, supervisor, administrator, governing body, or entity that discharges, discriminates, or retaliates against the employee or other person shall be liable for damages, costs, and attorney fees. If a child who is the subject of the report or other child is harmed by the discharge, discrimination, or retaliation described in this paragraph, the party harmed may file an action to recover damages, costs, and attorney fees.

Standards for Making a Report**Citation: Ann. Stat. Tit. 10A, § 1-2-101; Tit. 21, § 1021.4**

A report is required when any of the following apply:

- Any person has reason to believe that a child under age 18 is a victim of abuse or neglect.
- A physician, surgeon, other health-care professional (including doctors of medicine, licensed osteopathic physicians, residents, and interns), or midwife is involved in the prenatal care of expectant mothers or the delivery or care of infants and an infant tests positive for alcohol or a controlled dangerous substance or is diagnosed with neonatal abstinence syndrome or fetal alcohol spectrum disorder.
- A commercial film and photographic print processor or computer technician has knowledge of or observes any film, photograph, videotape, negative, or slide depicting a child engaged in an act of sexual conduct.

Privileged Communications**Citation: Ann. Stat. Tit. 10A, § 1-2-101**

No privilege shall relieve any person from the requirement to report.

Inclusion of Reporter's Name in Report

This issue is not addressed in the statutes reviewed.

Disclosure of Reporter Identity**Citation: Ann. Stat. Tit. 10A, § 1-2-101**

The Department of Human Services shall electronically record each referral received by the statewide centralized child abuse reporting hotline and establish a secure means of retaining the recordings for 12 months. The recordings shall be confidential and subject to disclosure only if a court orders the disclosure of the referral. The department shall redact any information identifying the reporting party unless otherwise ordered by the court.

Oregon*Current Through April 2019***Professionals Required to Report****Citation: Rev. Stat. §§ 419B.005; 419B.010**

The following public or private officials are mandated to report:

- Physicians, physician assistants, naturopathic physicians, interns, residents, optometrists, chiropractors, dentists, nurses, nurse practitioners, pharmacists, nurse's aides, home health aides, or employees of in-home health services
- School employees, including employees of higher education institutions (such as community colleges and public and private universities)
- Employees of the Department of Human Services, the Oregon Health Authority, the Early Learning Division, the Youth Development Council, the Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency, or an alcohol and drug treatment program
- Peace officers
- Members of the clergy

- Psychologists, social workers, professional counselors, or marriage and family therapists
- Certified foster care or child care providers
- Attorneys or court-appointed special advocates
- Firefighters or emergency medical technicians
- Members of the Legislative Assembly
- Physical, speech, or occupational therapists
- Audiologists or speech-language pathologists
- Employees of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission
- Operators of preschool or school-age recorded programs
- Employees of a private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney
- Employees of organizations providing child-related services or activities, including youth groups or centers, scout groups or camps, or summer or day camps
- Coaches, assistant coaches, or trainers of athletes, if compensated and if the athlete is a child
- Personal support and home care workers

Reporting by Other Persons**Citation: Rev. Stat. § 419B.015**

Any person may voluntarily make a report.

Institutional Responsibility to Report**Citation: Rev. Stat. § 419B.010**

The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of, or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations.

The duty to report under this section exists regardless of whether the entity or organization that employs the public or private official or uses the official as a volunteer has its own procedures or policies for reporting abuse internally within the entity or organization.

Standards for Making a Report**Citation: Rev. Stat. § 419B.010**

A report is required when any public or private official has reasonable cause to believe that any child with whom the official comes in contact has suffered abuse.

Privileged Communications**Citation: Rev. Stat. § 419B.010**

A psychiatrist, psychologist, member of the clergy, or attorney shall not be required to report if such communication is privileged under law. An attorney is not required to make a report of information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Rev. Stat. § 419B.015**

The name, address, and other identifying information about the person who made the report may not be disclosed.

Pennsylvania

Current Through April 2019

Professionals Required to Report

Citation: Cons. Stat. Tit. 23, § 6311

The following adults are required to report:

- Persons licensed or certified to practice in any health-related field
- Medical examiners, coroners, or funeral directors
- Employees of licensed health-care facilities who are engaged in the admission, examination, care, or treatment of individuals
- School employees
- Employees of a child care service or public library
- A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer, or spiritual leader of any regularly established church or other religious organization
- Any person, paid or unpaid, who, on the basis of the person's role in a program, activity, or service, is a person responsible for the child's welfare or has direct contact with children
- Employees of a social services agency
- A peace officer or law enforcement official
- An emergency medical services provider
- An individual supervised or managed by a person listed above who has direct contact with children
- An independent contractor
- An attorney affiliated with an agency, institution, or other entity, including a school or established religious organization that is responsible for the care, supervision, guidance, or control of children
- A foster parent
- An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability, or licensed host home for children

A 'school employee' is an individual who is employed by a school or who provides an activity or service sponsored by a school. The term does not apply to administrative personnel unless that person has direct contact with children. A school is a facility providing elementary, secondary, or postsecondary educational services, including public and nonpublic schools, vocational-technical schools, and institutions of higher education.

Reporting by Other Persons

Citation: Cons. Stat. Tit. 23, § 6312

Any person may make an oral or written report of suspected child abuse, which may be submitted electronically, if that person has reasonable cause to suspect that a child is a victim of child abuse.

Institutional Responsibility to Report

Citation: Cons. Stat. Tit. 23, § 6311

Whenever a person is required to report in the capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, that person shall report immediately in accordance with § 6313 and shall immediately thereafter notify the person in charge of the institution, school, facility, or agency, or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility, or agency with the investigation of the report. Any intimidation, retaliation, or obstruction in the investigation of the report is subject to the provisions of title 18, § 4958 (relating to intimidation, retaliation, or obstruction in child abuse cases). This chapter does not require more than one report from any such institution, school, facility, or agency.

Standards for Making a Report**Citation: Cons. Stat. Tit. 23, § 6311**

A mandated reporter shall make a report of suspected child abuse if he or she has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.
- The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual age 14 or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

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 nor relieve the mandated reporter of the duty to make a report of suspected child abuse.

The following protections shall apply:

- Confidential communications made to a member of the clergy are protected under title 42, § 5943 (relating to confidential communications to clergymen).
- Confidential communications made to an attorney are protected so long as they are within the scope of title 42, § 5916 (relating to confidential communications to an attorney) and § 5928 (relating to confidential communications to an attorney), the attorney work product doctrine, or the rules of professional conduct for attorneys.

Inclusion of Reporter's Name in Report**Citation: Cons. Stat. Tit. 23, § 6313**

A written report of suspected child abuse, which may be submitted electronically, shall include the name, telephone number, and email address of the person making the report.

Disclosure of Reporter Identity**Citation: Cons. Stat. Tit. 23, § 6340**

Upon a written request, a subject of a report may receive a copy of all information, except for the identity of the person who made the report.

Except for reports released to law enforcement officials and the district attorney's office, and in response to a law enforcement official investigating allegations of false reports under title 18, § 4906.1 (relating to false reports of child abuse), the release of data that would identify the person who made a report of suspected child abuse or who cooperated in a subsequent investigation is prohibited. Law enforcement officials shall treat all reporting sources as confidential informants.

Puerto Rico

Current Through April 2019

Professionals Required to Report

Citation: Ann. Laws Tit. 8, § 446

The following individuals and entities are required to report:

- Professionals or public officials
- Public, private, or privatized entities
- Professionals in the fields of health, justice, education, social work, or public order
- Persons who administer or work in caregiving institutions or centers, rehabilitation institutions, centers for minors, or foster homes
- Processors of film or photographs

Reporting by Other Persons

Citation: Ann. Laws Tit. 8, § 446

Any person who has knowledge of or suspects that a minor is a victim of abuse or neglect must report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report

Citation: Ann. Laws Tit. 8, § 446

A report is required when either of the following apply:

- A person, in his or her professional capacity and in the performance of his or her functions, learns or comes to suspect that a minor is, has been, or is at risk of becoming a victim of abuse.
- A film processor has knowledge of or observes any motion picture, photograph, videotape, negative, or slide that depicts a minor involved in a sexual activity.

Privileged Communications

This issue is not addressed in the statutes reviewed.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Ann. Laws Tit. 8, § 446

The identity of the person who made the report shall be kept in strict confidence.

Rhode Island

Current Through April 2019

Professionals Required to Report

Citation: Gen. Laws § 40-11-6

Any physician, duly certified registered nurse practitioner, or other health-care provider is required to report.

Reporting by Other Persons

Citation: Gen. Laws § 40-11-3(a)

Any person who has reasonable cause to know or suspect that a child has been abused or neglected must report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Gen. Laws §§ 40-11-3(a); 40-11-6**

A report is required when the following apply:

- A person has reasonable cause to know or suspect that a child has been abused or neglected.
- The following apply to a physician, nurse practitioner, or other health-care provider:
 - » He or she is involved in the delivery or care of infants born with, or identified as being affected by, substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder.
 - » He or she has cause to suspect that a child brought to them for treatment is an abused or neglected child.
 - » He or she determines that a child younger than age 12 is suffering from any sexually transmitted disease.

Privileged Communications**Citation: Gen. Laws § 40-11-11**

The privileged quality of communication between husband and wife and any professional person and his or her patient or client, except that between attorney and client, shall not constitute grounds for failure to report.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.

South Carolina*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code § 63-7-310**

The following professionals are required to report:

- Physicians, nurses, dentists, optometrists, medical examiners, or coroners
- Employees of county medical examiner's or coroner's offices
- Any other medical, emergency medical services, mental health, or allied health professionals
- Members of the clergy, including Christian Science practitioners or religious healers
- Clerical or nonclerical religious counselors who charge for services
- School teachers, counselors, principals, assistant principals, or school attendance officers
- Social or public assistance workers, substance abuse treatment staff, or child care workers in a child care center or foster care facility
- Foster parents
- Police or law enforcement officers or juvenile justice workers
- Undertakers, funeral home directors, or employees of a funeral home
- Persons responsible for processing films or computer technicians
- Judges
- Volunteer nonattorney guardians ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or the Richland County Court-Appointed Special Advocates program

Reporting by Other Persons**Citation: Ann. Code § 63-7-310**

A person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section.

Institutional Responsibility to Report**Citation: Ann. Code §§ 63-7-310; 63-7-315**

A person who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his or her individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

An employer must not dismiss, demote, suspend, or otherwise discipline or discriminate against an employee who is required or permitted to report child abuse or neglect pursuant to § 63-7-310 based on the fact that the employee has made a report of child abuse or neglect.

An employee who is adversely affected by conduct that is in violation of this section may bring a civil action for reinstatement and back pay. An action brought pursuant to this section may be commenced against an employer, including the State; a political subdivision of the State; and an office, department, independent agency, authority, institution, association, or other body in State government.

Standards for Making a Report**Citation: Ann. Code § 63-7-310**

A report is required when a reporter, in his or her professional capacity, receives information that gives him or her reason to believe that a child has been or may be abused or neglected.

Privileged Communications**Citation: Ann. Code § 63-7-420**

The privileged quality of communication between husband and wife and any professional person and his or her patient or client, except that between attorney and client or clergy member, including a Christian Science practitioner or religious healer, and penitent, does not constitute grounds for failure to report. However, a clergy member, including a Christian Science practitioner or religious healer, must report in accordance with this subarticle except when information is received from the alleged perpetrator of the abuse and neglect during a communication that is protected by the clergy and penitent privilege as provided for in § 19-11-90.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 63-7-330**

The identity of the person making a report pursuant to this section must be kept confidential by the agency or department receiving the report and must not be disclosed, except as specifically provided for in statute.

South Dakota*Current Through April 2019***Professionals Required to Report****Citation: Ann. Laws § 26-8A-3**

Mandatory reporters include the following:

- Physicians, dentists, osteopaths, chiropractors, optometrists, emergency medical technicians, paramedics, religious healing practitioners, podiatrists, hospital interns or residents, nurses, or coroners
- Teachers, school counselors, or officials
- Licensed or registered child welfare providers
- Mental health professionals or counselors, psychologists, social workers, chemical dependency counselors, employees or volunteers of domestic abuse shelters, or religious healing practitioners
- Employees or volunteers of child advocacy organizations or child welfare service providers
- Parole or court services officers or law enforcement officers
- Any safety-sensitive position (as defined in § 23-3-64), including any law enforcement officer authorized to carry firearms and any custody staff employed by any agency responsible for the rehabilitation or treatment of any adjudicated adult or juvenile

Reporting by Other Persons**Citation: Ann. Laws § 26-8A-3**

Any person who knows or has reasonable cause to suspect that a child younger than age 18 has been abused or neglected may report.

Institutional Responsibility to Report**Citation: Ann. Laws §§ 26-8A-6; 26-8A-7**

Any person who has contact with a child through the performance of services as a member of a staff of a hospital or similar institution shall immediately notify the person in charge of the institution or his designee of suspected abuse or neglect. The person in charge shall report the information in accordance with the provisions of § 26-8A-8.

Any person who has contact with a child through the performance of services in any public or private school—whether accredited or unaccredited, as a teacher, school nurse, school counselor, school official, or administrator—or any person providing services pursuant to § 13-27-3 shall notify the school principal or school superintendent or designee of suspected abuse or neglect. The school principal or superintendent shall report the information in accordance with the provisions of § 26-8A-8. Each school district shall have a written policy on reporting of child abuse and neglect.

Standards for Making a Report**Citation: Ann. Laws § 26-8A-3**

A report is required when a reporter has reasonable cause to suspect that a child has been abused or neglected.

Privileged Communications**Citation: Ann. Laws § 26-8A-15**

The following privileges may not be claimed as a reason for not reporting:

- Physician-patient
- Husband-wife
- School counselor-student
- Social worker-client

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Laws § 26-8A-11.1**

The name of the reporter is not disclosed unless all of the following apply:

- The report is determined to be unsubstantiated.
- Within 30 days, the subject of the report requests disclosure of the reporter's identity.
- A hearing is held to determine whether the report was made with malice and without reasonable foundation and that release of the name will not endanger the life or safety of the reporter.

Tennessee*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code §§ 37-1-403; 37-1-605**

Persons required to report include the following:

- Physicians, osteopaths, medical examiners, chiropractors, nurses, hospital personnel, or other health or mental health professionals
- Teachers, other school officials or personnel, or daycare center workers
- Other professional child care, foster care, residential, or institutional workers
- Social workers

- Practitioners who rely solely on spiritual means for healing
- Judges or law enforcement officers
- Neighbors, relatives, or friends
- Authority figures at community facilities, including any facility used for recreation or social assemblies or for educational, religious, social, health, or welfare purposes, including, but not limited to, facilities operated by schools, the Boy or Girl Scouts, the YMCA or YWCA, the Boys and Girls Club, or church or religious organizations
- Other persons

Reporting by Other Persons**Citation: Ann. Code §§ 37-1-403; 37-1-605**

Any person who has knowledge that a child has been harmed by abuse or neglect must report.

Institutional Responsibility to Report**Citation: Ann. Code § 37-1-403**

Nothing in this section shall be construed to prohibit any hospital, clinic, school, or other organization responsible for the care of children from developing a specific procedure for internally tracking, reporting, or otherwise monitoring a report made by a member of the organization's staff, including requiring a member of the organization's staff who makes a report to provide a copy of or notice concerning the report to the organization, so long as the procedure does not inhibit, interfere with, or otherwise affect the duty of a person to make a report as required by law.

Nothing in this section shall prevent staff of a hospital or clinic from gathering sufficient information, as determined by the hospital or clinic, in order to make an appropriate medical diagnosis or to provide and document care that is medically indicated and is needed to determine whether to report an incident as defined in this part. Those activities shall not interfere with nor serve as a substitute for any investigation by law enforcement officials or the department. However, if any hospital, clinic, school, or other organization responsible for the care of children develops a procedure for internally tracking, reporting, or otherwise monitoring a report, the identity of the person who made a report of harm shall be kept confidential.

Standards for Making a Report**Citation: Ann. Code §§ 37-1-403; 37-1-605**

A report is required when any of the following apply:

- A person has knowledge that a child has been harmed by abuse or neglect.
- A person is called upon to render aid to any child who is suffering from an injury that reasonably appears to have been caused by abuse.
- A person knows or has reasonable cause to suspect that a child has been sexually abused.
- A physician diagnoses or treats any sexually transmitted disease in a child age 13 or younger or diagnoses pregnancy in an unemancipated minor.

Any school official, personnel, employee, or member of the board of education who is aware of a report or investigation of employee misconduct on the part of any employee of the school system that in any way involves known or alleged child abuse, including, but not limited to, child physical or sexual abuse or neglect, shall immediately upon knowledge of such information notify the Department of Children's Services or law enforcement official of the abuse or alleged abuse.

Privileged Communications**Citation: Ann. Code § 37-1-411**

The following privileges may not be claimed:

- Husband-wife
- Psychiatrist-patient or psychologist-patient

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 37-1-409**

Except as may be ordered by the juvenile court, the name of any person reporting child abuse or neglect shall not be released to any person, other than employees of the department or other child protection team members responsible for child protective services, the abuse registry, or the appropriate district attorney general upon subpoena of the Tennessee Bureau of Investigation, without the written consent of the person reporting.

The reporter's identity shall be irrelevant to any civil proceeding and shall, therefore, not be subject to disclosure by order of any court. This shall not prohibit the issuance of a subpoena to a person reporting child abuse when deemed necessary by the district attorney general or the department to protect a child who is the subject of a report, provided that the fact that the person made the report is not disclosed.

Texas*Current Through April 2019***Professionals Required to Report****Citation: Fam. Code § 261.101**

For purposes of the reporting laws, persons required to report include professionals who are licensed or certified by the State or who are employees of facilities licensed, certified, or operated by the State and who, in the normal course of official duties or duties for which licensure or certification is required, have direct contact with children. Professionals include the following:

- Teachers or daycare employees
- Nurses, doctors, or employees of a clinic or health-care facility that provides reproductive services
- Juvenile probation officers or juvenile detention or correctional officers

Reporting by Other Persons**Citation: Fam. Code § 261.101**

A person who has cause to believe that a child has been adversely affected by abuse or neglect shall immediately make a report.

Institutional Responsibility to Report**Citation: Fam. Code §§ 261.101; 261.110**

A professional may not delegate to or rely on another person to make the report.

An employer may not suspend or terminate the employment of, or otherwise discriminate against, a person who is a professional and who in good faith does any of the following:

- Reports child abuse or neglect to the person's supervisor, an administrator of the facility where the person is employed, a State regulatory agency, or a law enforcement agency
- Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect

A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of this section may sue for injunctive relief, damages, or both.

Standards for Making a Report**Citation: Fam. Code § 261.101**

A report is required when a person has cause to believe that a child has been adversely affected by abuse or neglect.

In addition, a person or professional shall make a report if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child, an elderly person, or person with a disability.

Privileged Communications**Citation: Fam. Code §§ 261.101; 261.202**

The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health-care facility that provides reproductive services.

In a proceeding regarding the abuse or neglect of a child, evidence may not be excluded on the ground of privileged communication except in the case of communication between an attorney and client.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Fam. Code §§ 261.101; 261.201**

Unless waived in writing by the person making the report, the identity of an individual making a report is confidential and may be disclosed only as follows:

- As provided by § 261.201
- To a law enforcement officer for the purposes of conducting a criminal investigation of the report

A report of alleged or suspected abuse or neglect and the identity of the person making the report are confidential. A court may order the disclosure of such confidential information if, after a hearing and an in camera review of the requested information, the court determines the disclosure is the following:

- Essential to the administration of justice
- Not likely to endanger the life or safety of a child who is the subject of the report, a person who made the report, or any other person who participates in an investigation of reported abuse or neglect or who provides care for the child

The Texas Youth Commission shall release a report of alleged or suspected abuse if the report relates to abuse or neglect involving a child committed to the commission. The commission shall edit any report disclosed under this section to protect the identity of the following:

- A child who is the subject of the report
- The person who made the report
- Any other person whose life or safety may be endangered by the disclosure

Utah*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code § 62A-4a-403**

Any person, including any person licensed under the Medical Practice Act or the Nurse Practice Act, is required to report.

Reporting by Other Persons**Citation: Ann. Code § 62A-4a-403**

Any person who has reason to believe that a child has been subjected to abuse or neglect must report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report**Citation: Ann. Code § 62A-4a-403**

A report is required when a person has reason to believe that a child has been subjected to abuse or neglect or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Privileged Communications**Ann. Code §§ 62A-4a-403; 62A-4a-412(5)**

The requirement to report does not apply to a member of the clergy, with regard to any confession made to the member of the clergy while functioning in the ministerial capacity of the member of the clergy and without the consent of the individual making the confession, if both of the following apply:

- The perpetrator made the confession directly to the member of the clergy.
- The member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

The physician-patient privilege is not a ground for excluding evidence regarding a child's injuries or the cause of those injuries in any proceeding resulting from a report made in good faith pursuant to this part.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 62A-4a-412(3)(b)**

The name and contact information of the reporter shall be deleted prior to any release of records to the subject of the report.

Vermont

Current Through April 2019

Professionals Required to Report**Citation: Ann. Stat. Tit. 33, § 4913**

Mandatory reporters include the following:

- Health-care providers, including physicians, surgeons, osteopaths, chiropractors, physician assistants, resident physicians, interns, hospital administrators, nurses, medical examiners, emergency medical personnel, dentists, psychologists, and pharmacists
- Individuals who are employed or contracted and paid by a school district or an approved or recognized independent school, including school superintendents, headmasters, teachers, student teachers, school librarians, school principals, and school guidance counselors
- Child care workers
- Mental health professionals and social workers
- Police officers and probation officers
- Employees, contractors, and grantees of the Agency of Human Services who have contact with clients
- Camp owners, camp administrators, and camp counselors
- Members of the clergy

Reporting by Other Persons**Citation: Ann. Stat. Tit. 33, § 4913**

Any other concerned person who has reasonable cause to believe that a child has been abused or neglected may report.

Institutional Responsibility to Report**Citation: Ann. Stat. Tit. 33, § 4913**

An employer or supervisor shall not discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee because that employee filed a good-faith report in accordance with the provisions of this subchapter. Any person making a report under this subchapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of his or her making a report.

Standards for Making a Report**Citation: Ann. Stat. Tit. 33, § 4913**

A report is required when a mandated reporter reasonably suspects the abuse or neglect of a child.

Privileged Communications**Citation: Ann. Stat. Tit. 33, § 4913**

A person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication, except that a member of the clergy is not required to report if the knowledge comes from a communication that is required to be kept confidential by religious doctrine.

Inclusion of Reporter's Name in Report**Citation: Ann. Stat. Tit. 33, § 4914**

Reports shall contain the name and address or other contact information of the reporter.

Disclosure of Reporter Identity**Citation: Ann. Stat. Tit. 33, § 4913**

The name of and any identifying information about either the person making the report or any person mentioned in the report shall be confidential unless any of the following apply:

- The person making the report specifically allows disclosure.
- A Human Services Board proceeding or judicial proceeding results from the report.
- A court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the department to make the name of the reporter available.
- A review has been requested pursuant to § 4916a of this title, and the department has determined that identifying information can be provided without compromising the safety of the reporter or the persons mentioned in the report.

Virgin Islands*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code Tit. 5, § 2533**

The following professionals are required to report:

- Physicians, hospital personnel, nurses, dentists, or any other medical or behavioral health professionals
- Teachers or other school personnel, social service workers, daycare workers, or other child care or foster care workers
- Peace officers or law enforcement officials

Reporting by Other Persons**Citation: Ann. Code Tit. 5, § 2533**

Any other person who has reasonable cause to suspect that a child has been abused or neglected may report.

Institutional Responsibility to Report**Citation: Ann. Code Tit. 5, § 2533**

Whenever any person is required to report in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he or she shall immediately notify the person in charge of such institution, school, facility, or agency, or his or her designated agent, who then also shall become responsible to report or cause reports to be made. Nothing in this subchapter is intended to require more than one report from any such institution, school, or agency, but neither is it intended to prevent individuals from reporting on their own behalf.

Standards for Making a Report**Citation: Ann. Code Tit. 5, § 2533**

A report is required when any of the following apply:

- A reporter has reasonable cause to suspect that a child has been subjected to abuse, sexual abuse, or neglect.
- A reporter observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Privileged Communications**Citation: Ann. Code Tit. 5, § 2538**

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, except that between attorney and client, shall not constitute grounds for failure to report.

Inclusion of Reporter's Name in Report**Citation: Ann. Code Tit. 5, § 2534**

The report shall include the name, address, and occupation of the reporter.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.

Virginia*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code § 63.2-1509**

The following professionals are required to report:

- Persons licensed to practice medicine or any of the healing arts
- Hospital residents or interns and nurses
- Social workers, family-services specialists, or probation officers
- Teachers or other employees at public or private schools, kindergartens, or nursery schools
- Persons providing full-time or part-time child care for pay on a regular basis
- Mental health professionals
- Law enforcement officers, animal control officers, or mediators
- Professional staff employed by private or State-operated hospitals, institutions, or facilities to which children have been placed for care and treatment
- Persons age 18 or older associated with or employed by any public or private organization responsible for the care, custody, or control of children
- Court-appointed special advocates
- Persons age 18 or older who have received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect
- Persons employed by a local department who determine eligibility for public assistance
- Emergency medical services providers, unless such providers immediately report the matter directly to the attending physician at the hospital to which the child is transported
- Persons employed by public or private institutions of higher education, other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client
- Athletic coaches, directors, or other persons age 18 or older employed by or volunteering with private sports organizations or teams
- Administrators or employees age 18 or older of public or private day camps, youth centers, and youth recreation programs
- Ministers, priests, rabbis, imams, or duly accredited practitioners of any religious organization or denomination usually referred to as a church

Reporting by Other Persons**Citation: Ann. Code § 63.2-1510**

Any person who suspects that a child is abused or neglected may report.

Institutional Responsibility to Report**Citation: Ann. Code § 63.2-1509**

If the information is received by a teacher, staff member, resident, intern, or nurse in the course of professional services in a hospital, school, or similar institution, such person may, in place of making a report, immediately notify the person in charge of the institution or department, or his or her designee, who shall make the report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department or his or her designee, such person shall notify the teacher, staff member, resident, intern, or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report.

Standards for Making a Report**Citation: Ann. Code § 63.2-1509**

A report is required when, in his or her professional or official capacity, a reporter has reason to suspect that a child is abused or neglected. For purposes of this section, 'reason to suspect that a child is abused or neglected' shall include the following:

- A finding made by a health-care provider within 6 weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure
- A diagnosis made by a health-care provider within 4 years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy
- A diagnosis made by a health-care provider within 4 years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol

When 'reason to suspect' is based upon this subsection, that fact shall be included in the report along with the facts relied upon by the person making the report.

Privileged Communications**Citation: Ann. Code §§ 63.2-1509; 63.2-1519**

A minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination must report, unless the information supporting the suspicion of child abuse or neglect is required by the doctrine of the religious organization or denomination to be kept in a confidential manner.

The physician-patient or husband-wife privilege is not permitted.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 63.2-1514**

Any person who is the subject of an unfounded report who believes that the report was made in bad faith or with malicious intent may petition the court for the release of the records of the investigation or family assessment. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that disclosure of the identity of the reporter would not be likely to endanger the life or safety of the reporter, it shall provide to the petitioner a copy of the records of the investigation or family assessment.

Washington

Current Through April 2019

Professionals Required to Report

Citation: Rev. Code § 26.44.030

The following persons are required to report:

- Practitioners, county coroners, or medical examiners
- Law enforcement officers
- Professional school personnel
- Registered or licensed nurses, social service counselors, psychologists, or pharmacists
- Employees of the Department of Children, Youth, and Families
- Licensed or certified child care providers or their employees
- Employees of the Department of Social and Health Services
- Juvenile probation officers
- Placement and liaison specialists, responsible living skills program staff, or HOPE center staff
- State family and children's ombudsman or any volunteer in the ombudsman's office
- Host home programs
- Persons who supervise employees or volunteers who train, educate, coach, or counsel children or have regular unsupervised access to children
- Department of Corrections personnel
- Any adult with whom a child resides
- Guardians ad litem and court-appointed special advocates

The reporting requirement also applies to administrative and academic or athletic department employees, including student employees, of public and private institutions of higher education.

Reporting by Other Persons

Citation: Rev. Code § 26.44.030

Any person who has reasonable cause to believe that a child has suffered abuse or neglect may report.

Institutional Responsibility to Report

This issue is not addressed in the statutes reviewed.

Standards for Making a Report

Citation: Rev. Code § 26.44.030

A report is required when any of the following apply:

- A reporter has reasonable cause to believe that a child has suffered abuse or neglect.
- Any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority.
- Department of Corrections personnel observe offenders or the children with whom the offenders are in contact and, as a result of these observations, have reasonable cause to believe that a child has suffered abuse or neglect.
- Any adult has reasonable cause to believe that a child who resides with him or her has suffered severe abuse.

Privileged Communications

Citation: Rev. Code §§ 26.44.030; 26.44.060

No one shall be required to report when he or she obtains the information solely as a result of a privileged communication as provided in § 5.6.060.

Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

Conduct conforming with reporting requirements shall not be deemed a violation of the confidential communication privilege of §§ 5.60.060 (3) and (4) (regarding clergy-penitent and physician-patient privilege), 18.53.200 (regarding optometrist-patient privilege), and 18.83.110 (regarding psychologist-client privilege).

Inclusion of Reporter's Name in Report**Citation: Rev. Code § 26.44.030**

The department shall make reasonable efforts to learn the name, address, and telephone number of the reporter.

Disclosure of Reporter Identity**Citation: Rev. Code § 26.44.030**

The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section.

West Virginia*Current Through April 2019***Professionals Required to Report****Citation: Ann. Code § 49-2-803**

The following professionals are required to report:

- Medical, dental, or mental health professionals
- Christian Science practitioners or religious healers
- Teachers or other school personnel
- Social service, child care, or foster care workers
- Emergency medical services personnel
- Peace officers, law enforcement officials, or humane officers
- Members of the clergy
- Circuit court judges, family court judges, employees of the Division of Juvenile Services, or magistrates
- Youth camp administrators, counselors, employees, coaches, or volunteers of entities that provide organized activities for children
- Commercial film or photographic print processors

Reporting by Other Persons**Citation: Ann. Code § 49-2-803**

Nothing in this article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a child has been abused or neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Institutional Responsibility to Report**Citation: Ann. Code § 49-2-803**

Any person required to report who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility, or agency also shall immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility, or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made. Notifying a person in charge, supervisor, or superior does not exempt a person from his or her mandate to report suspected abuse or neglect.

Standards for Making a Report**Citation: Ann. Code § 49-2-803**

Any mandatory reporter who 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, including sexual abuse or sexual assault, shall report the circumstances to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State police and any law enforcement agency having jurisdiction to investigate the complaint.

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

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, except that between attorney and client, cannot be invoked in situations involving suspected or known child abuse or neglect.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity**Citation: Ann. Code § 49-5-101**

Information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to the agencies and entities listed in the statute.

Wisconsin*Current Through April 2019***Professionals Required to Report****Citation: Ann. Stat. § 48.981**

The following professionals are required to report:

- Physicians, coroners, medical examiners, nurses, dentists, chiropractors, optometrists, acupuncturists, other medical or mental health professionals, physical therapists, physical therapist assistants, dietitians, occupational therapists, speech-language pathologists, audiologists, emergency medical technicians, or emergency medical services practitioners
- Schoolteachers, administrators, or counselors
- School employees not otherwise specified above
- Child care workers in child care centers, group homes, or residential care centers, or child care providers
- Alcohol or other drug abuse counselors, marriage and family therapists, professional counselors, or members of the treatment staff employed by or working under contract with a county department or a residential care center for children and youth
- Social workers, public assistance workers (including financial and employment planners), emergency medical responders, police or law enforcement officers, mediators, or court-appointed special advocates
- Members of the clergy or a religious order, including brothers, ministers, monks, nuns, priests, rabbis, or sisters

Reporting by Other Persons**Citation: Ann. Stat. § 48.981**

Any person not specified above, including an attorney, who has reason to suspect that a child has been abused or neglected or who has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may report.

Institutional Responsibility to Report**Citation: Ann. Stat. § 48.981**

No person making a report in good faith may be discharged from employment, disciplined, or otherwise discriminated against in regard to employment or threatened with any such treatment for so doing.

Standards for Making a Report**Citation: Ann. Stat. § 48.981**

A mandatory reporter is required to report when he or she has reasonable cause to suspect that a child seen by him or her in the course of professional duties has been abused or neglected or when he or she has reason to believe that a child seen by him or her in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.

A health-care provider shall report if he or she has reason to suspect any of the following regarding a child in the provider's care:

- That sexual intercourse or sexual contact occurred or is likely to occur with a caregiver
- That the child suffered or suffers from a mental illness or mental deficiency that rendered or renders the child temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions
- That the child, because of his or her age or immaturity, was or is incapable of understanding the nature or consequences of sexual intercourse or sexual contact
- That the child was unconscious at the time of the act or for any other reason was physically unable to communicate unwillingness to engage in sexual intercourse or sexual contact
- That another participant in the sexual contact or sexual intercourse was or is exploiting the child
- That the provider has any reasonable doubt as to the voluntariness of the child's participation in the sexual contact or sexual intercourse

Privileged Communications

Citation: Ann. Stat. § 48.981

A member of the clergy is not required to report child abuse information that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.

A person delegated care and custody of a child under § 48.979 is not required to report any suspected or threatened abuse or neglect of the child. Such a person who has reason to suspect that the child has been abused or neglected or who has reason to believe that the child has been threatened with abuse or neglect and that the abuse or neglect of the child will occur may report.

Inclusion of Reporter's Name in Report

The reporter is not specifically required by statute to provide his or her name in the report.

Disclosure of Reporter Identity

Citation: Ann. Stat. § 48.981

The identity of the reporter shall not be disclosed to the subject of the report.

Wyoming

Current Through April 2019

Professionals Required to Report

No professional groups are specified in statute; all persons are required to report.

Reporting by Other Persons

Citation: Ann. Stat. § 14-3-205

All persons must report.

Institutional Responsibility to Report

Citation: Ann. Stat. § 14-3-205(b)

If a person reporting child abuse or neglect is a member of the staff of a medical or other public or private institution, school, facility, or agency, he or she shall notify the person in charge or his or her designated agent, who is thereupon also responsible to make the report or cause the report to be made, as soon as possible. Nothing in this subsection is intended to relieve individuals of their obligation to report on their own behalf, unless a report has already been made or will be made.

Any employer, public or private, who discharges, suspends, disciplines, or penalizes an employee solely for making a report of neglect or abuse is guilty of a misdemeanor punishable by imprisonment for no more than 6 months or a fine of no more than \$750, or both.

Standards for Making a Report**Citation: Ann. Stat. §§ 14-3-205; 14-3-206**

A report is required when any of the following apply:

- A person knows or has reasonable cause to believe or suspect that a child has been abused or neglected.
- A person observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Effective July 1, 2019: Any physician, physician's assistant, or nurse practitioner who examines a child and finds reasonable cause to believe the child is a victim of child abuse or neglect and has reasonable cause to believe that other children residing in the same home also may be a victim of child abuse or neglect shall report to law enforcement the results of the examination and facts supporting reasonable cause with respect to the other child or children.

Privileged Communications**Citation: Ann. Stat. § 14-3-210**

Evidence regarding a child in any judicial proceeding resulting from a report made pursuant to the reporting laws shall not be excluded on the ground it constitutes a privileged communication, as follows:

- Between husband and wife
- Claimed under any provision of law other than § 1-12-101(a)(i) (regarding attorney-client or physician-patient privilege) and § 1-12-101(a)(ii) (regarding privilege of a clergy member or priest as it relates to a confession made to him or her in his or her professional character if enjoined by the church to which he or she belongs)
- Claimed pursuant to § 1-12-116 (regarding the confidential communication between a family violence and sexual assault advocate and victim)

Inclusion of Reporter's Name in Report**Citation: Ann. Stat. § 14-3-206**

The report must include any available photographs, videos, and x-rays with the identification of the person who created the evidence and the date the evidence was created.

Disclosure of Reporter Identity

This issue is not addressed in the statutes reviewed.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



WHAT'S INSIDE

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<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

Clergy as Mandatory Reporters of Child Abuse and Neglect

Every State, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have statutes that identify persons who are required to report child maltreatment under specific circumstances.¹ Approximately 28 States and Guam currently include members of the clergy among those professionals specifically mandated by law to report known or suspected instances of child abuse or neglect.² In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report it.³ This inclusive language appears to include clergy.

¹ For more information on mandated reporters, see Child Welfare Information Gateway's *Mandatory Reporters of Child Abuse and Neglect* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/>.

² The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through April 2019. States that include clergy as mandated reporters are Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin.

³ Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming. Three of these States (Mississippi, New Hampshire, and New Mexico) also enumerate clergy as mandated reporters.



Privileged Communications

As a doctrine of some faiths, clergy must maintain the confidentiality of pastoral communications. This is sometimes referred to as "clergy-penitent privilege," where "penitent" refers to the person consulting the clergy. Mandatory reporting statutes in some States specify the circumstances under which a communication is "privileged" or allowed to remain confidential. Privileged communications may be exempt from the requirement to report suspected abuse or neglect. The privilege of maintaining this confidentiality under State law must be provided by statute. Most States do provide the privilege, typically in rules of evidence or civil procedure.⁴ If the issue of privilege is not addressed in the reporting laws, it does not mean that privilege is not granted; it may be granted in other parts of State statutes.

This privilege, however, is not absolute. While clergy-penitent privilege is frequently recognized within the reporting laws, it is typically interpreted narrowly in the context of child abuse or neglect. The circumstances under which it is allowed vary from State to State, and in some States it is denied altogether. For example, among the States that list clergy as mandated reporters, Guam, New Hampshire, and West Virginia deny the clergy-penitent privilege in cases of child abuse or neglect. Four of the States that enumerate "any person" as a mandated reporter (North Carolina, Oklahoma, Rhode Island, and Texas) also deny clergy-penitent privilege in child abuse cases.

In States where neither clergy members nor "any person" are enumerated as mandated reporters, it is less clear whether clergy are included as mandated reporters within other broad categories of professionals who work with children. For example, in Washington, clergy are not enumerated as mandated reporters, but the clergy-penitent privilege is affirmed within the reporting laws.

Many States and territories include Christian Science practitioners or religious healers among professionals who are mandated to report suspected child maltreatment. In most instances, they appear to be regarded as a type of health-care provider. Only 10 States explicitly include Christian Science practitioners among classes of clergy required to report.⁵ In those States, the clergy-penitent privilege also is extended to those practitioners by statute.

⁴ The issue of clergy-penitent privilege also may be addressed in case law, which is beyond the scope of this publication.

⁵ Christian Science practitioners are included as clergy in Arizona, Arkansas, Louisiana, Massachusetts, Missouri, Montana, Nevada, South Carolina, Pennsylvania, and Vermont. Alaska and Pennsylvania include religious healing practitioners as mandatory reporters, and they are allowed to claim privilege. South Dakota also designates religious healing practitioners as mandatory reporters, but the issue of privilege is not addressed in the statute. American Samoa requires Christian Science practitioners to report, but it is not clear from the context whether they are considered clergy or health-care providers.

The following chart summarizes how States have or have not addressed the issue of clergy as mandated reporters (either specifically or as part of a broad category) and/or clergy-penitent privilege (either limiting or denying the privilege) within their reporting laws.

	Privilege granted but limited to pastoral communications	Privilege denied in cases of suspected child abuse or neglect	Privilege not addressed in the reporting laws
Clergy enumerated as mandated reporters	Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, Wisconsin	Guam, New Hampshire, West Virginia	Connecticut, Mississippi
Clergy not enumerated as mandated reporters but may be included with "any person" designation	Delaware, Florida, Idaho, Kentucky, Maryland, Utah, Wyoming	North Carolina, Oklahoma, Rhode Island, Texas	Indiana, Nebraska, New Jersey, Tennessee, Puerto Rico
Neither clergy nor "any person" enumerated as mandated reporters	Alaska, Washington ⁶	Not applicable	American Samoa, District of Columbia, Hawaii, Iowa, Kansas, New York, Northern Mariana Islands, South Dakota, Virgin Islands

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Suggested citation:

Child Welfare Information Gateway. (2019). *Clergy as mandatory reporters of child abuse and neglect*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

⁶ Clergy are not mandated reporters in Washington, but if they elect to report, their report and any testimony are provided statutory immunity from liability.

Alabama

Current Through April 2019

Citation: Ala. Code § 26-14-3(a), (f)

Members of the clergy (as defined in Rule 505 of the Alabama Rules of Evidence) shall be required to report, or cause a report to be made, immediately when a child is known or suspected to be a victim of child abuse or neglect—either by telephone or direct communication, followed by a written report—to a duly constituted authority.

A member of the clergy shall not be required to report information gained solely in a confidential communication, privileged pursuant to Rule 505 of the Alabama Rules of Evidence, as such communications shall continue to be privileged as provided by law.

Alaska

Current Through April 2019

Citation: Alaska Stat. § 47.17.020(d)

This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

American Samoa

Current Through April 2019

Citation: Ann. Code § 45.2002(a), (b)(11)

Any mandatory reporter who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect, or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect, shall immediately report or cause a report to be made of that fact to the agency, who immediately informs the department.

Persons required to report the abuse or neglect or its circumstances or conditions include any Christian Science practitioner.

Arizona

Current Through April 2019

Citation: Rev. Stat. § 13-3620(A), (L)

Any member of the clergy, priest, or Christian Science practitioner who reasonably believes that a minor is or has been the victim of injury, abuse, child abuse, a reportable offense, or neglect shall immediately report or cause a report to be made.

A member of the clergy, a Christian Science practitioner, or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, a Christian Science practitioner, or a priest in the course of the discipline enjoined by the church to which the member of the clergy, Christian Science practitioner, or priest belongs may withhold reporting of the communication or confession if the member of the clergy, Christian Science practitioner, or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to the personal observations the member of the clergy, Christian Science practitioner, or priest may otherwise make of the minor.

In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse, or abandonment is an issue, a member of the clergy, a Christian Science practitioner, or a priest shall not, without his or her consent, be examined as a witness concerning any confession made to him or her in his or her role as a member of the clergy, a Christian Science practitioner, or a priest in the course of the discipline enjoined by the church to which he or she belongs. This subsection does not discharge a member of the clergy, a Christian Science practitioner, or a priest from the duty to report as required above.

Arkansas

Current Through April 2019

Citation: Ann. Code § 12-18-402

A clergy member shall immediately notify the child abuse hotline if he or she:

- Has reasonable cause to suspect that a child has been subjected to child maltreatment, has died as a result of child maltreatment, or has died suddenly and unexpectedly
- Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment

A clergy member includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization or an individual reasonably believed to be so by the person consulting him or her. Clergy must report suspected child maltreatment except to the extent the clergy member:

- Has acquired knowledge of suspected child maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith
- Received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of admission

A privilege or contract shall not prevent a person from reporting child maltreatment when he or she is a mandated reporter and required to report under this section.

Citation: Ann. Code § 12-18-803(b)

No privilege, except that between a lawyer and client or between a minister, including a Christian Science practitioner, and a person confessing to or being counseled by the minister, shall prevent anyone from testifying concerning child maltreatment.

California

Current Through April 2019

Citation: Penal Code § 11166(d)

A clergy member who acquires knowledge or reasonable suspicion of child abuse during a penitential communication is not required to make a report. For the purposes of this subdivision, 'penitential communication' means a communication intended to be in confidence—including, but not limited to, a sacramental confession—made to a clergy member who in the course of the discipline or practice of his or her church, denomination, or organization is authorized to hear or is accustomed to hearing those communications and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse when a clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in § 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in § 11165.9.

This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

Citation: Penal Code § 11165.7(a)(32)-(33)

A mandated reporter is defined as any of the following:

- A clergy member, as specified in § 11166(c)
- Any custodian of records of a clergy member, as specified in this section and § 11166(c)

As used in this article, 'clergy member' means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

Colorado

Current Through April 2019

Citation: Ann. Stat. § 13-90-107(1)(c)

A clergy member, minister, priest, or rabbi shall not be examined without both his or her consent and also the consent of the person making the confidential communication as to any confidential communication made to the clergy member, minister, priest, or rabbi in his or her professional capacity in the course of discipline expected by the religious body to which he or she belongs.

Citation: Ann. Stat. § 19-3-304(2)(aa)

Persons required to report abuse or neglect or circumstances or conditions shall include any clergy member.

The provisions of this paragraph shall not apply to a person who acquires reasonable cause to know or suspect that a child has been subjected to abuse or neglect during a communication about which the person may not be examined as a witness pursuant to § 13-90-107(1)(c), unless the person also acquires such reasonable cause from a source other than such communication.

For purposes of this paragraph, unless the context otherwise requires, 'clergy member' means a priest; rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order; or recognized leader of any religious body.

Connecticut

Current Through April 2019

Citation: Gen. Stat. § 17a-101(b)

The following persons shall be mandated reporters: members of the clergy.

Delaware

Current Through April 2019

Citation: Ann. Code Tit. 16, § 909

No legally recognized privilege, except that between attorney and client and that between priest and penitent in a sacramental confession, shall apply to situations involving known or suspected child abuse, neglect, exploitation, or abandonment and shall not constitute grounds for failure to report as required or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

Citation: Ann. Code Tit. 16, § 903

Any person, agency, organization, or entity that knows, or in good faith suspects, that child abuse or neglect has occurred shall make a report in accordance with § 904 of this title.

District of Columbia*Current Through April 2019*

This issue is not addressed in the statutes reviewed.

Florida*Current Through April 2019***Citation: Ann. Stat. § 39.201(1)**

Any person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, shall report such knowledge or suspicion to the department.

Citation: Ann. Stat. § 39.204

The privileged quality of communications between husband and wife and between any professional person and his or her patient or client, or any other privileged communications except that between attorney and client or the privilege provided by § 90.505 (providing for the confidentiality of communications made to a clergy member for the purpose of spiritual counsel), as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect and shall not constitute grounds for failure to report as required by the reporting laws regardless of the source of information requiring the report, failure to cooperate with law enforcement or the department in its activities pursuant to this chapter, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

Georgia*Current Through April 2019***Citation: Ann. Code § 19-7-5**

A member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.

The term 'clergy' includes ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.

Guam*Current Through April 2019***Citation: Ann. Code Tit. 19, § 13201**

Persons required to report suspected child abuse include, but are not limited to, any clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship.

No person may claim 'privileged communications' as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide child protective services or the Guam police department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

Hawaii

Current Through April 2019

This issue is not addressed in the statutes reviewed.

Idaho

Current Through April 2019

Citation: Ann. Code § 16-1605

Any other person having reason to believe that a child has been abused, abandoned, or neglected shall report or cause a report to be made within 24 hours.

The term 'duly ordained minister of religion' means a person who has been ordained or set apart, in accordance with the ceremony, ritual, or discipline of a church or religious organization that has been established on the basis of a community of religious faith, belief, doctrines, and practices, to hear confessions and confidential communications in accordance with the bona fide doctrines or discipline of that church or religious organization.

The notification requirements do not apply to a duly ordained minister of religion, with regard to any confession or confidential communication made to him or her in his or her ecclesiastical capacity in the course of discipline enjoined by the church to which he or she belongs if any of the following apply:

- The church qualifies as tax-exempt under Federal law.
- The confession or confidential communication was made directly to the duly ordained minister of religion.
- The confession or confidential communication was made in the manner and context that places the duly ordained minister specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

A confession or confidential communication made under any other circumstances does not fall under this exemption.

Illinois

Current Through April 2019

Citation: Comp. Stat. Ch. 325, § 5/4

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined by law shall immediately report or cause a report to be made to the Department of Children and Family Services.

Whenever such person is required to report under this act in his or her capacity as a member of the clergy, he or she shall make a report immediately to the department in accordance with the provisions of this act and also may notify the person in charge of the church, synagogue, temple, mosque, or other religious institution, or his or her designated agent, that such a report has been made. Under no circumstances shall any person in charge of the church, synagogue, temple, mosque, or other religious institution, or his or her designated agent to whom such notification is made, exercise any control, restraint, modification, or other change in the report or the forwarding of such report to the department.

The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report.

A member of the clergy may claim the privilege under § 8-803 of the Code of Civil Procedure.

Citation: Comp. Stat. Ch. 735, § 5/8-803

A member of the clergy or practitioner of any religious denomination accredited by the religious body to which he or she belongs shall not be compelled to disclose in any court, or to any administrative body or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practice of such religious body or of the religion that he or she professes, nor be compelled to divulge any information that has been obtained by him or her in such professional character or such spiritual advisor.

Indiana*Current Through April 2019***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.

Iowa*Current Through April 2019*

This issue is not addressed in the statutes reviewed.

Kansas*Current Through April 2019*

This issue is not addressed in the statutes reviewed.

Kentucky*Current Through April 2019***Citation: Rev. Stat. § 620.030(1), (4)**

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

Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be grounds for refusing to report or for excluding evidence regarding a dependent, neglected, or abused child, or the cause thereof, in any judicial proceedings resulting from a report. This subsection shall also apply in any criminal proceeding in district or circuit court regarding a dependent, neglected, or abused child.

Louisiana*Current Through April 2019***Citation: Children's Code Art. 603(17)(b)-(c)**

'Mental health/social service practitioner' is any individual who provides mental health or social services diagnoses, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his or her family.

'Member of the clergy' is any priest, rabbi, duly ordained deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization.

A member of the clergy is not required to report a confidential communication, as defined in Code of Evidence article 511(A)(2), from a person to a member of the clergy who in the course of the discipline or practice of that church, denomination, or organization is authorized to hear and is accustomed to hearing confidential communication and, under the discipline or tenets of that church, denomination, or organization, has a duty to keep such communication confidential. In that instance, the member of the clergy shall encourage that person to report the allegations to the appropriate authorities.

Maine

Current Through April 2019

Citation: Rev. Stat. Tit. 22, § 4011-A(1)(A)(27); (C)

Any clergy member who knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected as a result of information gained through clerical professional work, except for information received during confidential communications, shall immediately report or cause a report to be made to the State Department of Health and Human Services.

Mandatory reporters also include any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution and, while acting in that capacity, knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, regardless of whether the person receives compensation.

Maryland

Current Through April 2019

Citation: Fam. Law § 5-705(a)(1), (a)(3)

Except as provided below, notwithstanding any other provision of law, including a law on privileged communications, a person other than a health practitioner, police officer, or educator or human services worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.

A minister of the gospel, clergy member, or priest of an established church of any denomination is not required to provide notice when they have reason to believe that a child has been subjected to abuse or neglect if the notice would disclose matters in relation to any communication that is protected by the clergy-penitent privilege and either of the following applies:

- The communication was made to the minister, clergy member, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergy member, or priest belongs.
- The minister, clergy member, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

Massachusetts

Current Through April 2019

Citation: Gen. Laws Ch. 119, § 21

Mandatory reporters include the following:

- Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, or accredited Christian Science practitioners
- Persons performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner
- Persons employed by a church or religious body to supervise, educate, coach, train, or counsel a child on a regular basis

Citation: Gen. Laws Ch. 119, § 51A(j)

Any privilege relating to confidential communications, established by §§ 135 to 135B, inclusive, of chapter 112 (pertaining to social worker-client privilege) or by §§ 20A (clergy-penitent privilege) and 20B (psychotherapist-patient privilege) of chapter 233, shall not prohibit the filing of a report under this section or a care and protection petition under § 24, except that a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner to report suspected child abuse or neglect under this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body, or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him or her a mandated reporter.

Michigan

Current Through April 2019

Citation: Comp. Laws § 722.623

A member of the clergy who has reasonable cause to suspect child abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the Department of Human Services.

Citation: Comp. Laws § 722.631

Any legally recognized privileged communication, except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication, is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil protective proceeding resulting from a report made pursuant to this act. This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under § 722.623.

Minnesota

Current Through April 2019

Citation: Ann. Stat. § 626.556, Subd. 3(a)

A person who knows or has reason to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person is employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of clergy is not required to report information that is otherwise privileged under § 595.02(1)(c) (regarding clergy-penitent privilege).

Mississippi

Current Through April 2019

Citation: Ann. Code § 43-21-353(1)

Any minister who has reasonable cause to suspect that a child is a neglected child or an abused child shall cause an oral report to be made immediately, by telephone or otherwise, to be followed as soon thereafter as possible by a report in writing to the Department of Child Protection Services.

Missouri

Current Through April 2019

Citation: Ann. Stat. § 210.140

Any legally recognized privileged communication, except that between an attorney and client or involving communications made to a minister or clergy member, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted, to cooperate with the division in any of its activities, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

Citation: Ann. Stat. § 210.115

When any minister, as provided by § 352.400, has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the Children's Division.

Citation: Ann. Stat. § 352.400

'Minister' means any person who while practicing as a minister of the gospel, clergy member, priest, rabbi, Christian Science practitioner, or other person serving in a similar capacity for any religious organization is responsible for or who has supervisory authority over one who is responsible for the care, custody, and control of a child or who has access to a child.

When a minister or designated agent has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported, the minister or designated agent shall immediately report or cause a report to be made.

Notwithstanding any other provision of this section or any section of the reporting laws, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

Montana

Current Through April 2019

Citation: Ann. Code § 15-6-201(2)(b)

The term 'clergy' means any of the following:

- An ordained minister, priest, or rabbi
- A commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination
- A member of a religious order who has taken a vow of poverty
- A Christian Science practitioner

Citation: Ann. Code § 41-3-201(2)(h), (6)(b)

Professionals and officials required to report include members of the clergy.

A member of the clergy or priest is not required to report under this section if any of the following apply:

- The knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or priest in that person's capacity as a member of the clergy or priest.
- The statement was intended to be a part of a confidential communication between the member of the clergy or the priest and a member of the church or congregation.
- The person who made the statement or confession does not consent to the disclosure by the member of the clergy or priest.

A member of the clergy or priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

Nebraska

Current Through April 2019

Citation: Rev. Stat. § 28-711

When any person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes that child being subjected to conditions or circumstances that reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the Department of Social Services.

Nevada

Current Through April 2019

Citation: Rev. Stat. § 432B.220(4)(d)

A report must be made by a clergy member, practitioner of Christian Science, or religious healer, unless he or she has acquired the knowledge of the abuse or neglect from the offender during a confession.

New Hampshire

Current Through April 2019

Citation: Rev. Stat. § 169-C:29

A priest, minister, or rabbi having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.

Citation: Rev. Stat. § 169-C:32

The privileged quality of communication between husband and wife and any professional person (including a priest, minister, or rabbi) and his or her patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter and shall not constitute grounds for failure to report as required by this chapter.

New Jersey

Current Through April 2019

Citation: Ann. Stat. § 9:6-8.10

Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise.

New Mexico

Current Through February 2019

Citation: Ann. Stat. § 32A-4-3(A)

Every person, including a member of the clergy who has information that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child is an abused or a neglected child shall report the matter immediately.

New York

Current Through April 2019

This issue is not addressed in the statutes reviewed.

North Carolina

Current Through April 2019

Citation: Gen. Stat. § 7B-301

Any person or institution that has cause to suspect that any juvenile is abused, neglected, or dependent, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the Department of Social Services in the county where the juvenile resides or is found.

Citation: Gen. Stat. § 7B-310

No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge is gained by an attorney from that attorney's client during representation only in the abuse, neglect, or dependency case.

No privilege, except the attorney-client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile's abuse, neglect, or dependency is an issue nor in any judicial proceeding resulting from a report submitted under this article, both as the privilege relates to the competency of the witness and to the exclusion of confidential communications.

North Dakota

Current Through April 2019

Citation: Cent. Code § 50-25.1-03(1)

Any member of the clergy having knowledge of or reasonable cause to suspect that a child is abused or neglected or has died as a result of abuse or neglect shall report the circumstances to the department if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of a spiritual advisor.

Northern Mariana Islands

Current Through April 2019

This issue is not addressed in the statutes reviewed.

Ohio

Current Through April 2019

Citation: Rev. Code § 2151.421(A)(4)(b)-(d)

A cleric is not required to make a report concerning any communication the cleric receives from a penitent in a cleric-penitent relationship if, in accordance with § 2317.02(C), the cleric could not testify with respect to that communication in a civil or criminal proceeding.

The penitent in a cleric-penitent relationship is deemed to have waived any testimonial privilege with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report with respect to that communication if all of the following apply:

- The penitent, at the time of the communication, is either a child under age 18 or a person under age 21 with a developmental disability or physical impairment.
- The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent 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 penitent.
- The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under age 18 or upon a person under age 21 with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with § 2151.85.

The above sections do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

Citation: Rev. Code § 2151.421(A)(4)(a)

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.

Oklahoma

Current Through April 2019

Citation: Ann. Stat. Tit. 10A, § 1-2-101

Every person having reason to believe that a child under age 18 is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.

No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section.

Oregon

Current Through April 2019

Citation: Rev. Stat. § 419B.005(5)(h)

Public or private officials that are mandated to report include members of the clergy.

Citation: Rev. Stat. § 419B.010(1)

Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a child, shall immediately report or cause a report to be made.

Nothing shall affect the duty to report imposed by the reporting laws, except that a psychiatrist, psychologist, member of clergy, or attorney shall not be required to report such information communicated by a person if such communication is privileged under §§ 40.225 to 40.295.

Pennsylvania

Current Through April 2019

Citation: Cons. Stat. Tit. 23, § 6311(a)(6)

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.

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
- 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).

Puerto Rico*Current Through April 2019***Citation: Ann. Laws Tit. 8, § 446(b)**

Any person who has knowledge of or suspects that a minor is a victim of abuse, institutional abuse, neglect, and/or institutional neglect shall report that fact through the hotline of the Department of the Family, to the Puerto Rico police, or to the local office of the department.

Rhode Island*Current Through April 2019***Citation: Gen. Laws § 40-11-11**

The privileged quality of communication between husband and wife and any professional and his or her patient or client, except that between attorney and client, is hereby abrogated in situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required by this chapter, failure to cooperate with the department in its activities pursuant to this chapter, or failure to give or accept evidence in any judicial proceeding relating to child abuse or neglect. In any family court proceeding relating to child abuse or neglect, notwithstanding the provisions of other statutes, no privilege of confidentiality may be invoked with respect to any illness, trauma, incompetency, addiction to drugs, or alcoholism of any parent.

Citation: Gen. Laws § 40-11-3(a)

Any person who has reasonable cause to know or suspect that any child has been abused or neglected or has been a victim of sexual abuse by another child shall, within 24 hours, transfer that information to the Department of Children, Youth and Families.

South Carolina*Current Through April 2019***Citation: Ann. Code § 63-7-420**

The privileged quality of communication between husband and wife and any professional person and his or her patient or client—except that between attorney and client or clergy member, including a Christian Science practitioner or religious healer, and penitent—is abrogated and does not constitute grounds for failure to report or the exclusion of evidence in a civil protective proceeding resulting from a report pursuant to this article. However, a clergy member, including a Christian Science practitioner or religious healer, must report in accordance with this subarticle, except when information is received from the alleged perpetrator of the abuse and neglect during a communication that is protected by the clergy and penitent privilege, as defined in § 19-11-90.

Citation: Ann. Code § 63-7-310(A)

Persons required to report include members of the clergy, including Christian Science practitioners or religious healers, and clerical or nonclerical religious counselors who charge for services.

South Dakota*Current Through April 2019***Citation: Ann. Laws § 26-8A-3**

Persons mandated to report include religious healing practitioners.

Tennessee*Current Through April 2019***Citation: Ann. Code § 37-1-403(a)**

Any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect.

Citation: Ann. Code § 37-1-605(a)

Any person who knows or has reasonable cause to suspect that a child has been sexually abused shall report such knowledge or suspicion to the department.

Texas*Current Through April 2019***Citation: Fam. Code § 261.101**

A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

The requirement to report under this section applies, without exception, to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health-care facility that provides reproductive services.

Utah*Current Through April 2019***Citation: Ann. Code § 62A-4a-403**

When any individual has reason to believe that a child has been subjected to abuse or neglect, or observes a child being subjected to conditions or circumstances that reasonably would result in abuse or neglect, that individual shall immediately report the alleged abuse or neglect to the nearest peace officer, law enforcement agency, or office of the division.

The notification requirements do not apply to a clergy member or priest with regard to any confession made to the member of the clergy while functioning in the ministerial capacity of the member of the clergy and without the consent of the individual making the confession, if both of the following apply:

- The perpetrator made the confession directly to the member of the clergy.
- The member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

When a member of the clergy receives information about abuse or neglect from any source other than confession of the perpetrator, the member of the clergy is required to report that information even though the member of the clergy may have also received information about abuse or neglect from the confession of the perpetrator.

Exemption of the reporting requirement for a member of the clergy does not exempt the member of the clergy from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

Vermont

Current Through April 2019

Citation: Ann. Stat. Tit. 33, § 4913(a), (h)-(i)

Any member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the reporting laws.

Except as provided below, a person may not refuse to make a report required by this section on the grounds that making the report would violate privilege or disclose a confidential communication.

A member of the clergy shall not be required to make a report under this section if the report would be based upon information revealed in a communication that is as follows:

- Made to a member of the clergy acting in his or her capacity as spiritual advisor
- Intended by the parties to be confidential at the time the communication is made
- Intended by the communicant to be an act of contrition or a matter of conscience
- Required to be confidential by religious law, doctrine, or tenet

When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described above, he or she is required to report on the basis of that information, even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described above.

Citation: Ann. Stat. Tit. 33, § 4912(12)

'Member of the clergy' means a priest; rabbi; clergy member; ordained or licensed minister; leader of any church or religious body; accredited Christian Science practitioner; or a person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner.

Virgin Islands

Current Through April 2019

This issue is not addressed in the statutes reviewed.

Virginia

Current Through April 2019

Citation: Ann. Code § 63.2-1509

A minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination must report, unless the information supporting the suspicion of child abuse or neglect is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or would be subject to § 8.01-400 or 19.2-271.3 (regarding clergy-penitent communications) if offered as evidence in court.

Washington

Current Through April 2019

Citation: Rev. Code § 26.44.030(7)

Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

Citation: Rev. Code § 26.44.060(3)

Conduct conforming with reporting requirements shall not be deemed a violation of the confidential communication privilege of §§ 5.60.060 (3) and (4) (regarding clergy-penitent and physician-patient privilege), 18.53.200 (regarding optometrist-patient privilege), and 18.83.110 (regarding psychologist-client privilege).

West Virginia

Current Through April 2019

Citation: Ann. Code § 49-2-811

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

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.

Wisconsin

Current Through April 2019

Citation: Ann. Stat. § 48.981(2)(bm)

A member of the clergy shall report suspected child abuse or neglect if the member of the clergy has reasonable cause to suspect that a child seen by the member of the clergy in the course of his or her professional duties has been abused or has been threatened with abuse and abuse of the child will likely occur.

A member of the clergy shall report if the member of the clergy has reasonable cause, based on observations made or information that he or she receives, to suspect that a member of the clergy has done any of the following:

- Abused a child
- Threatened a child with abuse and abuse of the child will likely occur

A member of the clergy is not required to report child abuse information that he or she receives solely through confidential communications made to him or her privately or in a confessional setting, if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.

The term 'member of the clergy' has the meaning given in § 765.002(1) or means a member of a religious order. The term includes brothers, ministers, monks, nuns, priests, rabbis, and sisters. A 'member of a religious order' is an individual who has taken vows devoting himself or herself to religious or spiritual principles and who is authorized or appointed by his or her religious order or organization to provide spiritual or religious advice or service.

Wyoming

Current Through April 2019

Citation: Ann. Stat. § 14-3-205(a)

Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected, or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made.

Citation: Ann. Stat. § 14-3-210

Evidence regarding a child in any judicial proceeding resulting from a report made pursuant to the reporting laws shall not be excluded on the grounds it constitutes a privileged communication, and the privilege of confidential communication may not be claimed, as follows:

- Between husband and wife
- Claimed under any provision of law other than § 1-12-101(a)(i) (regarding attorney-client or physician-patient privilege) and § 1-12-101(a)(ii) (regarding privilege of a clergy member or priest as it relates to a confession made to him or her in his or her professional character if enjoined by the church to which he or she belongs)
- Claimed pursuant to § 1-12-116 (regarding the confidential communication between a family violence and sexual assault advocate and victim)



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau





CHILD PROTECTION IN A MINISTRY ENVIRONMENT

GUIDELINES FOR MINISTRY WORKERS

IMPORTANT INFORMATION

The information in this publication is intended to help ministry leaders better understand issues of child abuse and assist them in developing a child protection program for their churches and related ministries. No portion of this publication should be used without prior legal review, revision, and approval by an attorney licensed to practice law in your state.

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INTRODUCTION

Safeguarding the physical, emotional, and spiritual well-being of young people and other vulnerable individuals may be one of the most important responsibilities of any ministry organization.

PROTECTING THE VULNERABLE

The issue of abuse, particularly sexual abuse, is not an easy topic to discuss. But by being aware of its existence and developing plans for preventing it, churches can take an important step toward protecting their children, youth, and vulnerable adults.

CHILD ABUSE CAN HAPPEN IN YOUR CHURCH

Although allegations of abuse are often in the news, many churches and ministries believe that the potential for child abuse within their organizations is remote. A culture of trust, a characteristic embedded in most ministries, too often keeps them from developing an abuse prevention program, or enforcing it effectively.

Most Christians find it very difficult to talk about child abuse. They think it couldn't happen in their church or be committed by someone they know and trust. This mindset, paired with the presence of many children supervised by few workers or untrained volunteer staff, makes churches and ministries targets for sexual predators.

A quick scan of the daily news demonstrates the prevalence of child abuse and the devastation it can cause children and youth. The problem is nationwide. Any church or ministry that works with children and youth is vulnerable to incidents of abuse. Abuse has no regard for the size of the ministry, its denomination, or its location.

PREVENTION PROGRAMS HELP REDUCE THE RISK OF ABUSE

First, churches and ministries should acknowledge the potential for child abuse.



Churches and ministries should acknowledge the potential for child sexual abuse. Then they should act.

REALITY CHECK

Many people in the community knew and respected a long-time high school coach. He often patted female players on their rears during practices and games, but no one gave it a second thought. A concerned parent attended a school board meeting to discuss the coach's behavior.

The coach claimed it was typical and enhanced team work. Not satisfied with the response, a board member approached a player who revealed that the coach had been meeting with her privately and touching her inappropriately. The school immediately reported the incident and local police investigated.

Many were shocked when the coach was arrested and plead guilty to several misdemeanor charges involving current and former players. Without the parent and board member's concern and follow up, this behavior would have continued.

WHAT WOULD YOU DO?

Do you have procedures in place for handling reports or suspicion of abuse? See page 35 for sample procedures on responding to suspicion of child abuse or neglect.

Then, they should develop a child abuse prevention program, including robust employee and volunteer screening procedures. This helps defend the ministry's reputation, and it is key to maximizing the safety of children, youth, and vulnerable adults in any ministry organization.

This guide can help you develop such a program. Background information and sample documents provide a starting point for you, your attorney, and other ministry leaders. Use these documents as you develop or update a child abuse prevention program specific to your church or ministry.

CHAPTER 1

IDENTIFYING ABUSE: DISRUPTING THE CULTURE OF TRUST

People view the church as a safe place, especially for children, youth, and vulnerable adults. That's why incidents of abuse in any ministry are shocking and are disruptive to the organization's culture of trust.

While it may be tempting to jump right in and start developing policies and procedures, it's important to understand the three common forms of abuse, dispel myths about who abuses a child, and understand techniques abusers generally use. While there are several forms of abuse, this guidebook will primarily focus on sexual abuse.

WHAT IS ABUSE?

Generally, abuse occurs in several forms, all of which could be happening at the same time. The definition of criminal abuse varies by state. Please refer to your state statutes for its definition of abuse.

Emotional abuse conveys a message that the child is worthless and undeserving of love and care. It can take the form of threats, critical words, demeaning terms or names, deprivation of affection, or similar emotional cruelty. It can be spoken or unspoken.

Sexual abuse can be defined by any form of sexual contact between a child and an adult or older youth. This could include showing or talking about sexually explicit material.

Physical abuse is intentional, deliberate behavior that causes bodily harm to a child. It can take several forms, including assault, shaking, kicking, or choking. In general, it includes all non-accidental physical injuries.

Neglect is failing to meet a child's needs, such as nutritional, physical, emotional, educational, and safety. Signs of neglect can include lack of basic needs like weather-appropriate clothing, lack of food that results in a child being extremely underweight for their age, or lack of running water for bathing or cleaning clothes.

WHO ARE THE ABUSERS?

For child abuse or neglect, about 77 percent of perpetrators are a parent to the victim.¹ Family members account for about 30 percent of the perpetrators of sexual abuse.² Additionally, sixty percent of sexual abuse is committed by someone known to the child but is not a family member, such as a babysitter or other child care provider.² Only about 10 percent of abusers are strangers.² While more often than not the perpetrators of sexual abuse are men, 53.7 percent of perpetrators of all child abuse or neglect are women.¹

THE REALITY OF ABUSE

- On average, 70 allegations of child abuse are reported in churches each week, according to studies reported by Christianity Today.³
- 57,329 cases of child sexual abuse were reported in 2016.⁴

Victims of Sexual Abuse

- Research conducted by the Centers for Disease Control and Prevention (CDC) estimates that approximately 1 in 6 boys and 1 in 4 girls are sexually abused before the age of 18.²
- 35.8% of sexual assaults occur when the victim is between the ages of 12 and 17.²
- 82% of all juvenile victims are female.⁵

Perpetrators of Sexual Abuse

- An estimated 90% of perpetrators of sexual abuse are known to the child.²
- Not all perpetrators are adults—an estimated 23% of reported cases of child sexual abuse are perpetrated by individuals under the age of 18.²

REALITY CHECK

A recently hired youth pastor concealed his criminal record for providing alcohol to minors. His family were long-time members at the church and everyone knew them.

The church did not perform a background check before hiring him, missing his criminal record. He became the subject of a sexual misconduct claim after an incident where he provided alcohol to minors.

DO YOU ALWAYS FOLLOW YOUR POLICY?

Don't be tempted to skip critical screening steps, even for volunteers you know well. This keeps a level playing field and ensures you are following your written policies.

Sexual predators do not generally stand out in any particular way. They generally match societal norms regarding education, employment, and social status. Most are male, but females also commit sexual offenses. One study indicated that 93 percent of child molesters identify themselves as being religious.⁶ This is one of the reasons that accusations of abuse can be difficult to acknowledge. Church members might ask, "how can someone we know and trust be capable of abuse?"

HOW DOES CHILD ABUSE HAPPEN?

Ministries, particularly churches, are viewed as easy targets by sexual predators. Child abusers and molesters exploit the following characteristics found in most religious organizations:

- Churches and many related organizations rely heavily on volunteer help in children and youth ministries.
- Churches often have large numbers of children, weak abuse prevention policies, a shortage of willing workers, and a culture that sees the good in people.
- Ministries tend to have lax screening procedures and policies. Learn more about screening employees and volunteers in chapter three.

SEXUAL PREDATORS' SECRET TECHNIQUES

Sexual abuse can be difficult to detect. However, awareness of pre-abuse behaviors, often called **grooming**, can help detect the potential for abuse. It's important to note that predators will use grooming techniques not only on their victims but also on the gatekeepers (e.g., victim's parents, volunteers, and church employees).

Grooming behaviors typically include:

- Selecting the victim.
- Gaining trust by cultivating friendships with the gatekeepers.
- Offering gifts (jewelry, money), compliments, and lavish attention.
- Gaining access by finding or creating situations to be alone with the victim.

PAY SPECIAL ATTENTION TO ACCUSATIONS

It's imperative that ministry workers and leaders pay special attention to accusations of child abuse. Always take the accusation seriously to determine if a report to the authorities is required and/or warranted.

- It might be tempting to assume children often report false allegations of abuse. Current research does not support this.²
- Get help from your church's legal counsel and local law enforcement representatives if you're uncertain whether a report to authorities is warranted. Then, take the appropriate steps.
- You may be required to report reasonable suspicion of child abuse, not just hard evidence. See page 19 for more information about mandatory reporting.

When a child confides in you:

- Listen seriously to the child; do not criticize.
- Let the child use his or her own words.
- Remain calm; reassure the child that he/she has done the right thing by telling.
- Be a good listener and don't make promises to "fix this."
- Don't make suggestions or attempt to alter the child's story.
- Document what you were told and immediately alert designated ministry staff and the appropriate authorities.

- Creating opportunities to slowly establish an increasingly physical connection (touches, tickles, hugs).
- Encouraging or threatening a child to “keep their special secret” by using shame and blame.

These techniques are slowly introduced and can cause abuse to remain a secret for some time—whether it is committed within a ministry setting or outside it.

Remember, grooming behaviors are very difficult to spot, but if something seems out of place, bring it to the attention of ministry leadership. Hold each other accountable and strictly follow policies (see Chapter 2 for developing effective policies and procedures).

DISCLOSURE AND INDICATORS OF ABUSE

Regardless of where abuse takes place, many times ministry leaders and workers don't readily detect and respond to incidents of child abuse because they are unaware of the behavioral and emotional signals that accompany abuse. Additionally, some estimate that up to 40 percent of sexually abused children don't show any signs.²

Victims of abuse often gradually disclose what has happened. Children are especially slow to disclose abuse. They are afraid of negative reactions of adults or of “getting into trouble” with the abuser. Always listen to children if they disclose abuse. And remember, disclosure can take many forms: verbal, non-verbal, behavioral, and emotional.

ABUSE HAS DEVASTATING, LIFE-LONG EFFECTS FOR EVERYONE

Any form of abuse, particularly sexual abuse, within a ministry demoralizes everyone involved—the victim, the victim's family, the ministry and its leaders, the family of the abuser, and the community.

Of course, the child who has been sexually abused feels the greatest devastation.

For more information about protecting children from sexual abuse, read “5 Steps to Protecting Our Children” at www.d2l.org/education/5-steps

DON'T OVERLOOK ONLINE ABUSE

- **1 in 7 youth internet users** receive unwanted sexual solicitation²
- **76 percent of first encounters** of a predator with an “internet-initiated sex crimes victim” begin in online chat rooms²
- **Predators** are generally more open with their intent when befriending online victims¹

To protect youth in ministry settings, do not allow employees or volunteers to communicate one-to-one with youth via text message or email. All communication should be done through ministry-approved channels.

Abuse steals a child's innocence. It can cause depression, fear, and lack of self-esteem—scars that often affect a child's experiences throughout life.

Besides causing physical and emotional harm, abuse that occurs within a church or ministry setting often creates overwhelming obstacles to the child's faith development. Trust is broken and questions such as, “How could God let this happen to me?” are common.

Ministries also can be affected. Abuse, particularly child sexual abuse, often leads to a variety of emotional responses among members—surprise, fear, anger, humiliation—that consequently make addressing all the potential problems created by the abusive incident difficult.

Legal and emotional fallout can severely damage ministries. Litigation resulting from allegations of abuse is often costly, even if the allegations are withdrawn or proven untrue. Additionally, the damage to a ministry's reputation can have far-reaching negative consequences.

Given the seriousness of child abuse, leaders should be attentive to indicators within their church or related ministry. Churches and related ministries should create an environment in which child abuse is not tolerated.

¹ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2018). Child maltreatment 2016. Available from <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment>.

² "Facts and Statistics." United States Department of Justice National Sex Offender Public Website, www.nsopw.gov/en-US/Education/FactsStatistics. Accessed March 8, 2018.

³ Olsen, Ted. "70 Child Abuse Accusations Against Churches Each Week—and Most Are Protestants." Christianity Today, April 1, 2002, <https://www.christianitytoday.com/ct/2002/aprilweb-only/4-1-51.0.html>.

⁴ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. "Child Maltreatment 2016." www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment. Last reviewed February 1, 2018.

⁵ Snyder, Howard N., PhD. "Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics." U.S. Department of Justice, Bureau of Justice Statistics, July 2000.

⁶ Abel, Gene G., M.D., and Harlow, Nora. "The Abel and Harlow Child Molestation Prevention Study." Excerpt from *The Stop Child Molestation Book*, Xlibris, 2001.

CHAPTER 2

PREVENTING ABUSE: POLICIES SET SAFE BOUNDARIES FOR CHILDREN

Providing a safe, secure ministry environment requires policies and procedures specially developed to screen, educate, and monitor employee and volunteer workers. It involves congregational awareness of the potential risks of child abuse and a commitment to minimizing the risk.

WHY DEVELOP A POLICY?

A formal written policies and procedures document establishes a culture of safety and accountability. It provides a written record of ministry practices designed to protect children, youth, and vulnerable adults. A written policy establishes the guidelines and procedures that staff and volunteers must follow.

As you begin developing policies and procedures to protect the children and youth in your church or ministry, keep in mind these key underlying principles:

- Child abuse is always wrong and a grievous criminal matter in every state. Every state has some form of mandatory reporting laws. Become familiar with the reporting laws in your state (see Chapter 4).
- Children are never responsible for causing the abuse. They are not legally or morally capable of consenting to abusive behavior.

Ministries can demonstrate their commitment to providing a safe environment for children by establishing standards that govern the behavior of those working in their ministry programs. Once established, the document should be made readily available to parents or guardians.

DEVELOPING A WRITTEN CHILD ABUSE PREVENTION POLICY

Before you begin writing your child abuse prevention policy, research the issue in both



Consult with your attorney as you develop and implement a child abuse prevention program. An attorney can help you align your program with specific state and local requirements.

REALITY CHECK

A youth camp run by a church has policies that require anyone, other than a camp worker, to sign in and be escorted at all times. Eyewitnesses and records showed that one camp worker wasn't following policy by allowing delivery vehicles into the camp without an escort. After verbal and written warnings, the volunteer was asked to step down.

WHAT WOULD YOU DO?

Policies clearly state how situations should be handled. When they aren't followed, it puts everyone at risk. Sometimes it's difficult to ask volunteers to relinquish a role, but sometimes it's the right thing to do.

secular and church situations. This information will be helpful as you assess the needs of your organization and address the potential concerns and objections of employees, volunteers, and the congregation.

Assess your situation, considering the specific needs of your church or ministry (for help developing a child protection policy, see the sample child protection policy on pages 32–37). Ensure that you cover all the elements needed to make your policy and screening process as complete and effective as possible.

At a minimum, ministry organizations should develop a policy that includes the following elements:

- **Screening.** Robust screening policies are essential for minimizing the risk of a sexual predator gaining access to children, youth,

and vulnerable adults. Chapter 3 discusses screening in greater detail, but its importance cannot be overstated. Simply put, screen everyone who will have contact with children or youth and all employees. Do your research. Interview your staff and volunteers. Check their background. Pay close attention to who gets the privilege of teaching your ministry's children and youth.

- **Statement of restriction.** Your written policy should state specifically that any person who may pose a threat to children, youth, or vulnerable adults will be prohibited from working in any ministry involving these groups. A restriction statement clearly communicates your commitment to identify potential predators or other unsuitable volunteers and prevent them from accessing ministries involving children, youth, or vulnerable adults.
- **Waiting period.** Your policies should establish the minimum amount of time that volunteers must be associated with the ministry before they can serve in your children's or youth ministries. A waiting period of six months is typical.
- **Supervision.** Supervision is another critical component of minimizing the risk of abuse in your ministry. Develop supervision policies for both on and off-site activities. See Chapter 5 for more information about finding the right volunteers, guidelines for providing an adequate number of volunteers, and establishing a restroom policy.
- **Worker/Volunteer restrictions.** Your policies should clearly identify what behavior is appropriate and what behavior is inappropriate. The restrictions portion of your policies should include rules for restroom use, avoiding the appearance of impropriety, and safety check procedures when releasing children to parents and/or guardians. See



Your church should have a policy prohibiting anyone with a history of sex offenses from interacting with the congregation's children and youth.

POLICIES AND PROCEDURES

Policies and procedures that include strong guidelines for eliminating unsupervised one-on-one interaction can be extremely helpful in reducing the potential for abuse. Additionally, policies may include areas that are off-limits (no-go zones). These could be supply closets, mechanical rooms, backstage areas, etc. Whenever possible, access to these areas should be restricted.

pages 56–57 for more information about developing a check-in/check-out procedure.

- **Discipline of children.** Your policies should clearly indicate what, if any, discipline is appropriate. They should also clarify how to report discipline issues. See Chapter 5 for more information.
- **Abuse notification and reporting procedures.** There should be a clear process for how abuse is reported and recorded. All states have mandatory reporting laws (Chapter 4). To help your ministry implement a standardized approach, see the sample "Suspected Abuse or Neglect Report" on Page 50.
- **Communicating with youth in the digital age.** Communicating with youth through text message, email, communication apps, and social media is common among youth pastors and other staff that work with children and youth. If your ministry is going to allow its adult staff members and volunteers to communicate with youth through email, text messaging, or social media, you'll want to develop a written policy. The policy will help set boundaries for both the adults and minors involved. See the sample youth ministry communication policy on page 39. For additional information, please visit brotherhoodmutual.com/resources/child-safety.
- **Communication plan.** How will you communicate your new guidelines? Who is your audience? Chapter 6 offers details on why effective and targeted communications are the key to a successful abuse prevention plan.

GUIDELINES FOR FACILITIES USE

If you rent or loan your facility to outside groups, ask them to provide appropriate supervision of the children and youth in their care while they're in your building. Some ministries seek to apply their child protection policies to outside groups and organizations that use ministry facilities. However, it is often very difficult for outside group volunteers to meet many of the requirements in a ministry's policy.

Ministries likely do not intend to assume all the additional obligations that may arise from implementing such requirements. Such a connection between outside groups and the church could cause the ministry to be held legally responsible (or liable) for the acts of outside groups' personnel and volunteers. An injured party might argue that the ministry was responsible to screen, train, and supervise outside group personnel and volunteers since it included requirements for outside groups in its policy.

Instead of requiring outside groups to follow the church's policy, some ministries choose to detail the specific responsibilities of each party in a facilities use agreement (see sample agreement, page 46). The agreement should clarify that it is the responsibility of the outside group to screen their child care personnel and to provide for the safety of individuals attending their function.

However, as indicated previously, taking on a greater role with the outside group's child care operations (e.g., assisting with or requiring specific screening procedures) could cause the ministry to be liable for the acts of the outside group's personnel and volunteers.

RESPONDING TO MEDICAL EMERGENCIES

- **Keep emergency and contact information handy.** In the event of an accident or sudden illness, you should contact the child's parents or other emergency contact.

Download a sample facilities use agreement at brotherhoodmutual.com/resources/safety-library/risk-management-forms/facilities-use-agreement/

BALANCING CHILDREN WITH SPECIAL NEEDS AND CHILD CARE POLICIES

Protecting your most vulnerable children and youth takes additional care. Children with special needs can be particularly vulnerable to sexual predators.¹ In addition to your child abuse prevention policies, your ministry should consider incorporating additional procedures for children with special needs.

- **Seek immediate medical attention if a child becomes seriously ill.** When in doubt, err on the side of caution and seek medical services. Contact the child's parents as soon as possible.
- **Activity participation agreement.** Make the completed form a condition of participation, especially for off-site events. Make careful note of any known medical conditions or allergies before allowing children and youth to participate in ministry activities (see sample form, page 45). Remember, before you use any type of activity participation agreement or other liability release, be sure to have your attorney review it.

UPDATE YOUR POLICIES AND PROCEDURES

No plan is current forever. Review it regularly, updating it whenever necessary. Providing a safe ministry environment requires constant leadership and vigilance to ensure that policies and procedures reflect all ministry operations and are enforced.



Policies and procedures define what you're going to do, not what you say you're going to do.

¹ "State School Health Policy Database." The National Association of State Boards of Education, http://www.nasbe.org/healthy_schools/hs/bytopics.php?topicid=4110. Accessed March 7, 2018.

CHAPTER 3

SCREENING GUIDELINES: PREVENTING ACCESS

Carefully screening anyone who will have contact with children or youth and all employees before allowing them to work in your church is one of the best ways to protect your church from incidents of child abuse.

Typically, screening involves following four key elements.

1. Require a written application. A sample form on page 41 for volunteers can help you begin.

- **Personal information** — name, address, phone number, driver's license number if driving is involved
- **Background** — criminal convictions or guilty/no contest pleas (other than minor traffic offenses)*, commission or allegation of abuse/sexual misconduct, prior church membership, prior work or service involving children or youth, residence history, employment history, education
- **References** — personal and professional
- **Verification and release** — signed by the applicant

2. Check references. The best references come from places where the applicant has worked with children and youth. Character references also are important. Ensure that the applicant signs a release before the reference check is conducted. The release should enable you to interview anyone you believe can provide



When screening teenagers or minor volunteers, it's important to follow the same procedures as adult volunteers. The exception typically is that no formal background screening is available for anyone under the age of 18. You will need to rely on applications, reference checks (e.g., teachers, employers, ministry staff), and personal interviews. Don't be tempted to skip screening for minors. It is estimated that minors account for 20 percent of arrests for sexual assault.¹

*Some states do not allow inquiries into criminal history to be conducted on employment applicants until either an interview has been conducted or a conditional offer of employment has been made. Check with a local attorney to ensure your policies follow state and local laws.

REALITY CHECK

A large church had a roster of screened and approved volunteers scheduled to work in the nursery. One Sunday a woman claimed that she was scheduled to work in the nursery. She was not on the list of approved workers. The nursery director asked a few questions and it became clear the "volunteer" didn't know anyone at the church and couldn't name or describe who she met with to volunteer in the nursery. The woman left quickly. The nursery volunteers recognized the woman when she was later arrested for attempted kidnapping.

COULD IT HAPPEN TO YOU?

In addition to having a policy, train volunteers to follow procedures. Regular reminders and training keeps procedures top of mind for your volunteers. Consider making regular training part of your written policies.

valuable information about the applicant, even if those individuals are not listed on the application. Make sure you check at least two references, including ministries where the applicant has worked.

3. Perform background checks for employees and volunteers. Criminal records checks have become common elements in employee hiring. Regardless of the position, all employees should undergo a background check as a part of your policy. To provide a safe environment, you also should conduct a criminal background check for volunteers who will have access to children, youth, and vulnerable adults. A criminal records check, while very important, is only one of the recommended screening tools—most sexual predators have no criminal history and would not show up on a background check.

4. Conduct personal interviews. Information learned through the application, references, and background check may help you develop questions and discussion points for the personal interview with the applicant.* Interviews may be conducted by one or more pastors or staff, such as a children's ministry director.

*Some states do not allow inquiries into criminal history to be conducted on employment applicants until either an interview has been conducted or a conditional offer of employment has been made. Check with a local attorney to ensure your policies follow state and local laws.

DON'T BE INTIMIDATED

HIRE A SCREENING PROVIDER TO MANAGE BACKGROUND CHECKS

Because of the constant turnover in volunteer help, some churches may see screening as an unmanageable task. However, many organizations that work with children, including churches, have been able to solve this problem by establishing an account with a background screening provider.

Once your church has an account with a screening provider, it takes only seconds to type in the name and Social Security number of each person you want screened. Most background check results are available in two to three business days. Some database searches provide immediate results.

Under the federal Fair Credit Reporting Act, you must have a person's written permission to perform a background check. If you use information from the background check to deny someone, the law may require you to provide adverse action notification. A screening provider can help you comply with this law.

From a risk management perspective, it is good for ministries to renew their criminal background checks for volunteers and employees at least every three to five years. Annually, we recommend that ministries require employees and volunteers to complete a "worker renewal application." You can download a sample at brotherhoodmutual.com. The renewal application can serve as an annual inquiry that will help uncover any potentially serious situations involving existing employees and volunteers. Information provided on a worker renewal application or other circumstances that arise may give reason for your ministry to conduct an updated background check sooner than three to five years.

Use the interview to gain further information on topics that arose out of the application, reference checks, and background check. It also is an opportunity to address any inconsistencies in responses or information gathered. During the interview, watch for evasive answers or questions as answers. These are signs of defensive behavior and could indicate deception.

Sometimes, church leaders fear they may scare off potential volunteers if they ask workers to answer personal questions and undergo a background check. But parents expect churches to be safe places where they can send their children. If your church communicates that it is committed to making itself safe for children, screening actually could attract, not repel, volunteer workers and new members. Conversely, a robust screening process can deter predators from volunteering for children's ministry activities.

SCREEN ALL EMPLOYEES REGARDLESS OF POSITION AND ALL VOLUNTEERS WHO WILL WORK WITH CHILDREN, YOUTH, AND VULNERABLE ADULTS—NO EXCEPTIONS

Screen all employees and everyone involved with children, youth, or vulnerable adults in your church. This can turn away potential wrongdoers and show that your church has taken reasonable care to safeguard the children, youth, and vulnerable adults in its care.

When starting a screening program, you should screen all existing workers, not just new ones. This provides a level playing field. Also, new workers might object less to background screening if they know that everyone is treated equally.

PEER-ON-PEER ABUSE

Peer-on-peer abuse is a tough topic. Children who have been sexually abused often repeat the behavior they have seen or experienced from others. Those who were molested at a young age start molesting at a younger age and tend to have more victims.³

Restroom use and overnight activities represent a high risk of peer-to-peer abuse. A good set of policies surrounding these topics provide some protection (see "Supervision" in the sample

policy form, page 33). Incorporate educating your workers about the risk of peer-on-peer abuse during training.

Juvenile abusers applying for work in your ministry are harder to catch in the screening process, too. Because performing a criminal background check on a minor presents legal challenges in most states, the best way to protect against peer-on-peer abuse is to use other screening tools for minors who apply to serve in positions involving the supervision of other minors and ensure your procedures include adequate supervision. See the sample children/youth ministry volunteer application on page 41.

YOUR DILIGENCE CAN PREVENT ABUSE

Can worker screening protect a church from every instance of child sexual abuse? No. A potential offender can hide in plain sight, often appearing to be a trustworthy individual.

If your screening uncovers something in a person's past, such as an accusation (but no charges filed), an acquittal of criminal charges, or even a prior conviction, it may not automatically disqualify that person from ministry. Gather information from all four screening tools, then make a decision on the individual once you have all the facts.

By implementing a screening program, you can significantly decrease the likelihood that misconduct will occur. It also will demonstrate that your church has acted with reasonable care to select appropriate workers. In the unfortunate event that sexual abuse or other crimes do occur in a church program, churches that have screened the alleged perpetrator will be in a better position to defend themselves in court—and protect their reputations—than churches that have not.

Many practical suggestions for creating and maintaining a successful screening program are found in a resource kit published by Church Law & Tax Resources, titled, *Reducing the Risk II: Making Your Church Safe from Child Sexual Abuse*. Contact your Brotherhood Mutual representative to purchase a copy of this resource kit.

SEX OFFENDERS FACE A HARD ROAD TOWARD RECOVERY AND REHABILITATION

Recidivism, or repeat-offending, rates tell the story. During a three-year period, researchers found that 38 percent of convicted offenders were returned to prison within three years of their initial release² due to the commission of a new crime or technical violation of their release conditions.

You can find a sample "Sex Offender Attendance Policy" and "Contingent Participation Agreement" on brotherhoodmutual.com.

SEX OFFENDERS IN THE CHURCH

Do Your Homework and Ask the Tough

Questions. Churches can play a role in helping sex offenders return to society, overcome behaviors, and deepen their faith commitment. However, your ministry's priority is to protect all who attend and participate in ministry activities, especially children.

Studies indicate that sex offenders need a combination of treatment, counseling, support, and accountability to help them manage feelings that led them to commit sex crimes. However, your ministry should evaluate each situation individually. Seek help in assessing the likelihood that the individual will re-offend. Collaborate with local agencies and professionals experienced in helping offenders re-enter the community.

DEVELOP A POLICY—BEFORE YOU NEED ONE

While a registered sex offender may request permission to attend church, it also may be that an offender's background is discovered after years of attendance. Your church should act now to:

- **Decide whether to allow** a repentant sex offender to participate in your ministry.
- **Decide the parameters of attendance and involvement** (location/activity restrictions, etc.)

- **Enlist a locally licensed attorney to help with legal issues.** Many cities bar offenders from living within a certain distance of schools, playgrounds, and other places where children gather. Privacy issues and other legal requirements may come into play for your state.
- **Check liability coverage with your insurance agent.** If your ministry decides to allow sex offenders to participate in ministry activities, knowing what your coverage includes, or excludes, is helpful when creating a child protection plan. Many policies specifically exclude or limit sexual misconduct claims committed by repeat offenders known to the ministry.
- **Create a plan** that offers accountability for the sex offender and protection for the ministry and its members. Your plan for convicted sex offenders should include:

- A written agreement designed to prevent opportunities for further offense.
- Details on permissible activities that set clear boundaries.
- A “Needs to Know” list that permits ministry leaders to inform others about the offender’s conviction if they believe it is necessary to do so.
- An outline of other stipulations that clarifies additional steps (e.g., counseling, speaking with probation officers, etc.) the offender must meet for continued inclusion in your ministry.
- An accountability partner that shields the offender from temptation. Several people can share this responsibility, provided the offender is constantly supervised.
- The consequences of breaking the covenant that include revoking attendance privileges and access to church property.

Meeting the spiritual needs of the offender, while overcoming congregants’ objections and protecting vulnerable people is a tall order. What works for your ministry may not work for another. Whatever your ministry decides, it is important to create a policy and develop procedures.

¹ “Fact sheet: What You Need to Know About Sex Offenders.” Center for Sex Offender Management, www.csom.org/pubs/needtoknow_fs.pdf. Accessed March 8, 2018.

² Przybylski, Roger. “Adult Sex Offender Recidivism.” Sex Offender Management Assessment and Planning Initiative, www.smart.gov/SOMAPI/sec1/ch5_recidivism.html. Accessed March 8, 2018.

³ Abel, Gene G., M.D., and Harlow, Nora. “The Abel and Harlow Child Molestation Prevention Study.” Excerpt from *The Stop Child Molestation Book*, Xlibris, 2001.

CHAPTER 4

MANDATORY REPORTING: WHO, WHAT, HOW, AND WHEN

Reporting abuse or neglect may be uncharted territory for most. However, the consequences of “looking the other way” far outweigh the awkwardness. If abuse goes unreported, a child may endure more abuse, suffer lifelong physical and emotional scars, and may become an abuser later in life.

Your ministry can help staff and volunteers understand their moral and legal responsibilities associated with this serious issue. A clear policy, supported by leadership, explains how to recognize abuse, respond to allegations of abuse, and what steps to follow if an individual admits to abuse.

WHO REPORTS

- **Know mandatory reporting laws in your state.** Abuse reporting laws can vary widely state to state. Ask your attorney about mandatory procedures, including who in your ministry is required to report. In more than half the states, laws name clergy members as mandatory reporters¹—this may include

“privileged” communications. Your state also may have mandatory reporting laws regarding threats of suicide or harm to others. You can search for your state statutes at www.childwelfare.gov. Some states have criminal penalties for not complying with mandatory reporting requirements.

WHAT TO REPORT

- **Train employees and volunteers to identify abuse.** Abuse takes many forms. When it comes to warning signs, employees and volunteers may be concerned that they are not qualified to recognize warning signs. Education is the key. Start by including behavioral cues in your plan (Chapter 1).

BARRIERS AND CONCERNS	POINTS TO CONSIDER
Our ministry doesn't have the expertise to deal with a victim or accused.	You don't have to be an expert. The victim or accused should be referred to professional help.
Our staff and volunteers are afraid they'll make a false accusation.	Education is the key to alleviating fear. Make sure you're training and retraining staff. See “good faith” reporting, page 20.
The suspected perpetrator will take it out on the ministry if we report suspected abuse.	States protect the anonymity of those making a report. You don't have to inform others that you're reporting suspected abuse.
Our governing body doesn't want employees to get involved in private family matters.	It is your legal and moral responsibility to protect the vulnerable in your care.
Our ministry will lose credibility or be scandalized.	An effective protection policy shows your commitment to protecting children, youth, and vulnerable adults, and reflects the heart of your ministry. If the abuser is a ministry employee, then use that experience as an opportunity to strengthen your abuse prevention plan and your moral and legal commitments to the community.
I know a church leader is an abuser. I'm afraid of what will happen to me if I tell.	Do the right thing, even when those with greater authority discourage you from reporting.

HOW TO REPORT

- **Create a document that outlines internal procedures.** Who is the first person to hear of suspected abuse? Who alerts authorities? What should the worker or volunteer do if the first person on the list is the one suspected of abuse? A locally licensed attorney can help organize a chain-of-command policy that complies with the laws in your area (see our sample policy, page 32).
- **Train workers how to report abuse.** Once you have a written plan, thoroughly train workers on your reporting procedures. Workers should have clear guidance and step-by-step instructions. Set an annual date for retraining and evaluating your plan. Inform the congregation of any new policies so parents understand the care their children are receiving.

WHAT DOES “GOOD FAITH” REPORTING MEAN?

Every state provides protection against liability when the individual reports suspected abuse in “good faith,” meaning the person has a reasonable belief that abuse has occurred or is ongoing.

- **Create a need-to-know chain of command.** Keep the number of people who hear of an allegation or suspicion to a minimum prior to contacting authorities. This helps streamline the process, preserve the integrity of the information, and protect the privacy of those involved.
- **Document everything.** Know what documentation you’ll need and where to find required forms. From a risk management perspective, it is good practice to document everything, including conversations, dates, and circumstances in which the individual learned of, suspected, suffered, or was accused of abuse. To help develop a formalized procedure, see our sample form, page 50.
- **Leave the investigation to authorities.** Your ministry does not have to confirm an allegation prior to reporting. Investigations are best left to highly skilled professionals in law enforcement and social services. Interviewing the suspected individual or the child exhibiting possible warning signs of abuse can do more harm than good. You could unintentionally

tamper with an investigation by divulging critical details to the accused or damage a reputation with unfounded accusations. Stick to a few clarifying questions necessary to make an accurate report.

WHEN TO REPORT

- **Know when to break with procedure.** Regardless of whether a worker is required to report, most states permit you to report if you have a reasonable suspicion that abuse has occurred or someone is in danger. If you suspect someone is in danger or presents an immediate threat to someone else, call the police.

REALITY CHECK

A child confides in a day care worker that he is being abused by a neighbor. The worker, feeling that it’s a private family matter, decides it’s not her place to submit a report to local authorities. The child continues to suffer abuse until a parent notices bruises and contacts police. Later, the day care is sued for failure to report the abuse.

DO YOUR WORKERS UNDERSTAND YOUR POLICY?

It’s important that staff and volunteers fully understand your reporting policy, which should explain your ministry’s moral obligations and your state’s legal requirements. How to make a report should be clear to all.

BARRIERS TO REPORTING

Protecting the most vulnerable should be your ministry’s top priority. Unfortunately, some may feel that’s in conflict with serving all members of your ministry, or safeguarding the reputation of staff and the organization. It’s important to address this concern among leaders and workers. Keeping a secret or not disclosing a confidence may perpetuate more abuse, and do more harm to a ministry’s community standing.

Pastors may wrestle with the consequences of reporting abuse. Fear can be a powerful deterrent—police involvement can lead to a family’s break up, or job loss and incarceration for the accused. Public reports can damage the ministry’s reputation. The chart on page 19 addresses common barriers to reporting.

¹ “Mandatory Reporters of Child Abuse and Neglect.” Child Information Welfare Gateway, 2016. www.childwelfare.gov/pubpdfs/clergymandated.pdf.

CHAPTER 5

A SAFE SPACE: SUPERIOR SUPERVISION

Screening provides the base for good child protection policies. But it's more than just finding caring individuals. Proper supervision at church-sponsored activities is key to protecting the safety of the children and limiting potential problems. Good supervision not only helps deter abuse but helps avoid false allegations of abuse. The goal is to prevent situations that leave one employee or volunteer alone with minors and vulnerable adults in rooms, vehicles, changing areas, or restrooms.

The following guidelines can help your church or ministry continue to offer rewarding activities while protecting all participants. Superior supervision starts with creating effective policies that offer supervision and guidance for any activity, discipline issue, or emergency.

FOCUS ON...

Ministries who consistently follow these rules increase accountability, deter misconduct, and reduce the chance of false accusation. Focus on:

- **Code of conduct.** Require that all employees and volunteers commit to protecting the children, youth, and vulnerable adults in their care. A local attorney can help with language specific to your state's laws (see sample form, page 38).
- **Screening processes.** Apply your organization's screening process to all current workers and new applicants. No exceptions. In this way, you will help all ministry workers and members of your organization understand that screening applies to everyone working with children, youth, and vulnerable adults (Chapter 3).
- **The six-month rule.** Consider a requirement that individuals applying for volunteer work attend your church for at least six months. Sexual predators often volunteer for ministries in which they can have easy access to children. Normally, the individual won't wait that long to gain access.
- **Maturity and good judgment.** Although teenagers in your church can be a good resource, they often lack the experience needed to deal with crisis situations. Look for employees and volunteers who have demonstrated maturity and good judgment.

RULES BY THE NUMBERS

- **GUIDELINES FOR ONE-ON-ONE INTERACTION.** Any adult employee or volunteer generally should avoid being alone with a child or youth. If your counseling/mentoring practices necessitate one-on-one interaction, put into place the following precautions:
 - Obtain prior written consent from the youth's parents/guardians.
 - Set a limit for the duration and frequency of any continuing one-on-one contact, like three 30-minute sessions.
 - Meet only in public locations where the adult and the youth are visible by others.
- **IMPLEMENT THE TWO-ADULT RULE.** We recommend the two-adult rule. This rule creates accountability that helps prevent and deter misconduct. It also helps reduce the ability for anyone to make a false accusation. The rule requires that two screened and unrelated adults be present at every function and in each classroom, vehicle, or other enclosed area during all activities involving children, youth, or vulnerable adults. The level of accountability is diminished if the two adults are husband and wife, or otherwise related. There is a presumption that family members would be biased if required to provide an account of each other's actions and, in many states, an individual cannot be compelled to testify against his or her spouse.

OR

- **APPLY THE RULE OF THREE.** When the two-adult rule cannot be supported, the rule of three requires at least three individuals be present, with at least one being an adult employee or volunteer. The age and capacity of the children being supervised should be taken into consideration when using this rule. For the rule of three, it's about accountability. It is not appropriate for one screened adult to be with two toddlers as there would be no accountability regarding the adult's actions. Similarly, one screened adult should not be alone with a teen volunteer and a very young child because there's no accountability regarding the interactions between the adult and the teen volunteer. The two-adult rule is preferred for children under at least five years of age.

- **Enlist workers who have special training.** Look for employees or volunteers with first aid and CPR training, or experience related to the activity. An experienced outdoor enthusiast, for example, would be a great asset on a weekend camping trip.
- **Appoint workers who can maintain control of the group.** The ability to exert the appropriate amount of authority is essential to maintaining a safe environment. Young people often test the limits of authority. A good staff member or volunteer won't give in to pressure.

ACTIVITY PLANNING IN ADVANCE

- **Provide an adequate number of supervisors.** For their safety, group participants by numbers and developmental stages. This allows you to give all participants the attention they need. Events involving greater risk or younger participants require more supervision. Most states also require that state-licensed day care, preschool, and elementary school facilities meet a particular supervisor-to-child ratio. Your attorney can advise you about your state's requirements and whether they apply to your ministry.
- **Reduce temptation.** Separate sleeping quarters by gender and age during overnight events. Don't allow any worker, regardless of age, to be alone with minors.

CHILD CUSTODY BATTLES

One of the best gifts you can give parents is the assurance that their children will return to them safely when church services end. There are many ways to check children in and out of classrooms, but all share the same goal: Allow no child to leave a classroom with the wrong person.

A child custody situation has the potential to erupt at church, just as it might at any school or day care. If a volunteer releases a child to an individual who doesn't have custody, the ministry could be legally responsible. It's easy to see why well-followed check-in/check-out procedures are an essential part of your child protection policies.

HAVE ENOUGH HELP?

In addition to following the two-adult rule or the rule of three, consider the following child/teacher ratios for day care, preschool, and elementary school programs:¹

INFANTS (0–6 MONTHS)

Two babies to one adult



CRAWLERS (6–12 MONTHS)

Three crawlers to one adult



TODDLERS (12–18 MONTHS)

Four toddlers to one adult



WALKERS (18–36 MONTHS)

Five or six walkers to one adult



DAY CARE (3–4 YEARS OLD)

Six to nine students to one adult



PRESCHOOL (4–5 YEARS OLD)

Eight to 10 students to one adult



KINDERGARTEN (5–6 YEARS OLD)

10–12 students to one adult



AGES 7–12

Ideally 15 students to one adult



Check with a locally licensed attorney for your state's specific requirements.

- **Handle all disciplinary problems professionally.** Prior to an event, ensure that each worker understands procedures for consistently handling discipline problems and dealing with emergencies. It should be clearly established that physical restraint should only be used when there is no other reasonable means to prevent participants from harming themselves or others.
- **Require workers to report all injuries** and disciplinary actions to the event leader. Notify parents as soon as possible (see sample form, page 49).

INCORPORATE PREMISES MONITORS

Another way to provide additional supervision is to have premises monitors. A premises monitor is a screened volunteer or employee who patrols hallways and common areas when children, youth, or vulnerable adult activities are taking place. Premises monitors may also observe classrooms and activity areas through windows or open doors on a roving basis and can help fulfill the two-adult rule or rule of three when necessary.



Don't be tempted to use an unscreened volunteer to fill a last-minute vacancy. Keep a list of screened emergency volunteers who can help in a pinch.

ESTABLISH A RESTROOM POLICY

Restroom procedures are particularly sensitive because of the necessary exposure of small children to a worker. Many ministries only allow female volunteers or staff to assist small children in the restroom simply because of the statistical correlation between males and child molestation.

Another problem area involves supervising children during restroom visits where no assistance is needed. This lack of supervision exposes children and youth to potential abuse by peers, as well as contact with adults in halls, common areas, and restrooms.

REALITY CHECK

A Sunday School program has an informal policy that only female workers accompany children, regardless of gender, to the women's restroom for bathroom breaks. Since the rule was unwritten, a new worker allows a five-year-old boy to use the men's restroom, unsupervised. She also does not check the restroom before the child enters. The child later reports that he was molested. The family sues the church for negligent supervision.

ARE ALL OF YOUR PROCEDURES IN WRITING?

Written policies ensure consistent training and follow-through. Staff and volunteers that work with children, youth, and vulnerable adults should all be working from the same playbook designed to protect children.

To properly supervise bathroom visits:

- Screened adults should accompany all children, youth, and vulnerable adults to and from the restroom.
- The adult should check the restroom to make sure that it is safe before any child, youth, or vulnerable adult enters.
- Avoid allowing a worker to be alone with a child inside the restroom.
- If assistance is required, two screened adults should be present. Prop open the door so that a second adult can visually monitor the assisting adult.

Good supervision is essential to providing a safe and secure ministry environment. A well-crafted supervision plan protects the children in your care, maintains trust, and helps organize and monitor children's activities.

¹ Deborah Lowe Vandell and Barbara Wolfe, "Child Care Quality: Does It Matter and Does It Need to Be Improved?" Institute for Research on Poverty, November 2000, www.irp.wisc.edu/publications/sr/pdfs/sr78.pdf.

SAFELY MINISTERING TO YOUTH

REALITY CHECK

A church's policy prohibits youth pastors from one-on-one meetings with minors. When a youth pastor violates the policy, he receives a warning from the board. The board learns that the pastor is continuing the practice once a parent comes forward, claiming the pastor has been privately meeting with her child. The church fires the pastor for repeated rules violations. Satisfied with the board's decision, the parent does not pursue further legal action.

DO YOU HAVE A SIMILAR POLICY?

As you learned in Chapter 1, a key component of grooming is to isolate the youth. A policy that prohibits situations where an adult is alone with a youth helps hinder the progression of predatory behavior.

Youth pastors, in particular, may develop strong bonds with your ministry's young people. That trust and care opens ears to hear your ministry's message and opens hearts to feel the love of Christ. Another upside of this bond may be that a youth pastor is the first to hear of abuse. The downside is that those same beneficial bonds may also contribute to forming unhealthy relationships. The issue can be complex.

You should be aware that there's an increased risk of an unhealthy relationship forming between a youth leader and a minor. Here's why:

- **Minimal age difference** may lead to infatuation and boundary-pushing relationships. Youth activities revolve around having fun, but they can also be intense and involve personal sharing.
- **The superhero complex.** Minors may see a youth leader as someone who "understands" them. A pastor may feel compelled to fix a teen's problems. This can lead to offering misguided counseling advice, undermining a parent's authority, and meeting away from ministry supervision.
- **Youth ministry attracts predators.** Predators look for easy access to minors—situations where they easily can mask their intent with a persona of caring for children. Ministries are trusting by nature and often in short supply of volunteers. An enthusiastic, charismatic leader may convince a ministry to take a hands-off approach with its youth programs, saying the

teens would feel more comfortable without oversight from senior leadership.

- **Ample grooming opportunities.** The key to successful grooming (discussed in Chapter 1) is to separate a youth from other adults, peers, and siblings. One-on-one opportunities are more likely to arise in situations that are naturally a part of youth programs: riding in vehicles, overnight retreats, or intensely personal conversations.

Well-written policies that include oversight can help prevent harmful relationships from forming. In addition to other best practices when crafting a child protection plan—like following the supervision rules described in this chapter—consider the following accountability and training guidelines for your youth pastors:

- **Set expectations for biblical behavior.** Include a morals clause in your youth worker volunteer application. The sample on page 38 includes example language.
- **Caution against private texting.** Prohibit youth ministry workers from electronically communicating with youth one-on-one. To reduce the risk of misconduct, parents, staff, and other youth should be included on any text message, email, or social media communication. Even simple texts, such as youth activity reminders should include others.
- **Arrange regular meetings** between youth pastors and senior pastors. Ensure that your youth pastors are supported with proper

guidance. Provide a venue to discuss concerns, successes, or potential issues with a senior pastor or other leadership member. Review procedures, legal risk management practices, and ethical issues just as you would for day care and nursery workers. Consider requiring youth pastors to maintain a calendar of all activities and meetings with minors. Provide a leadership member access to their calendar as an accountability procedure.

- **Teach youth pastors about your state's mandatory reporting laws.** Children in your program may trust a youth pastor enough to confide in him or her about abuse they are suffering. It's important that your youth pastor knows the required course of action.

YOUTH PASTORS AND MINISTERING TO MINORS

It's possible to strike a successful balance between ministering to youth and minimizing the risk of liability for your ministry and staff. The following steps can help shield your young people from abuse and protect staff and volunteers from false allegations of abuse.

- **Develop a youth ministry communication policy.** It is not uncommon for volunteers and staff who work with youth to communicate electronically through text messaging or social media, as this is often the primary way in which teens communicate. However, it is important to outline expectations for staff, volunteers, and youth to follow when using electronic communication for youth ministry purposes (see page 39).
- **Consider requiring consent forms** from volunteers, staff, youth participants, and parents/guardians. A consent form helps ensure that youth and workers understand and will abide by the youth ministry communication policy. Create a separate consent form for parents/guardians to complete that gives youth pastors and other workers permission to communicate electronically with youth. Download sample youth ministry consent forms at www.brotherhoodmutual.com.

EARLY WARNING SIGNS

The following can be early-warning signs that your youth pastor is involved in an inappropriate relationship with a youth:

- **Refusing** to follow child-protection policies.
- **Conducting** off-site or late-evening meetings.
- **Exhibiting** signs of stress, or drug or alcohol use.
- **Rationalizing** "extra" time with a child or insisting on one-on-one meetings.
- **Focusing** an unusual amount of attention on a youth, or giving gifts.
- **Work alongside parents/guardians whenever possible.** There should be no expectation that information a minor shares with a youth pastor will be kept confidential.
- **Know your reporting laws.** A youth pastor may be the first to learn of abuse or neglect that a youth has experienced, self-harming behavior, or suicidal thoughts. There should be no expectation that this information will be kept between the youth pastor and the youth, and mandatory reporting should be followed.

PROTECT YOUR PASTORS

While pastors, adult volunteers, and staff should generally be discouraged from interacting with youth one-on-one, there are many benefits to spiritual counseling or mentoring. To protect the pastor and the youth, consider having another adult or family member present and limit the duration and frequency of one-on-one meetings. This practice shields the pastor from false accusations. You may also consider having pastors or youth leaders of both genders available.

Of course, it is impossible to eliminate the threat of child abuse from any institution. By establishing boundaries and enforcing guidelines, you send a message to your staff, volunteers, and congregation that the care of your ministry's most vulnerable is of primary importance.

CHAPTER 6

KEY TO SUCCESS: COMMUNICATING YOUR PLAN

Once you have educated church leaders about the importance of an abuse prevention program, it's time to develop a communication plan. Use the following outline to help your ministry customize a communication plan.

CREATING A PLAN: IDENTIFY YOUR AUDIENCE

Identify potential groups and the level of information they will need about your program. Be specific. Consider all people who have access to your facilities. Look at how those groups may interact with or have access to your children's and youth program.

Potential audiences include:

- Church leaders (elders, church board, trustees, administrators)
- Ministerial staff
- Support staff (office workers, janitorial, volunteers)
- Children and youth ministers
- Church, school, day care, and preschool teachers and staff members
- Paid and volunteer children's ministry, program coordinators and workers
- Parents, guardians
- Members and regularly attending non-members
- Outside vendors and independent contractors (janitorial, cafeteria, security)

TAKE THE LEAD

The pastor's voice is singularly important within your church. Openly discuss your church's abuse prevention program during services and religious education classes. Newsletters and bulletins are a good way to reach all segments of your ministry. An annual "message from the pastor" shows your congregation that leaders take abuse prevention seriously.

- Non-affiliated groups that lease or borrow your facilities for their programs

DETERMINE LEVELS OF INFORMATION

Once you've identified your ministry's groups, think about the level of information each group needs to know. Most of your communications will include the same information, but what you emphasize or provide in detail will depend on the audience. Those who will be working with children and youth need specific, detailed information. The congregation needs information about the program, its benefits, and procedures. Your leaders need risk management assessments and implementation plans.

Provide general information to all groups, including:

- Background information about child abuse (e.g., general examples of abuse in a ministry setting, how even an allegation of abuse can affect a ministry); visit www.childwelfare.gov for resources, tools, and more.
- The purpose and benefits of your program.
- Your risk management assessment and how that creates vulnerability within your ministry.
- How the program provides protection for children, ministry workers, and the church.
- Background screening procedures.
- Bathroom and diaper-changing procedures.
- How to report suspected abuse.
- Policies for including sex offenders in your ministry.

Provide details for these specific audiences:



Educating everyone in your ministry is one of the most important components of your child abuse prevention program.

- **Leaders** — why the program needs to be implemented, the protection it will provide for children and youth, what benefits it will have for ministry workers and the church.
- **Staff** — why the program needs to be implemented, the protection it will provide for children and youth, what benefits it will have for ministry workers and the church, screening procedures, ongoing program monitoring.
- **Volunteers** — value of the program, protection the program gives children and ministry workers, benefits to the volunteers and the church, screening procedures, supervision, training, ongoing program monitoring.
- **Parents** — value of the program in providing a safe environment for their children, security procedures (especially those that will affect them, like nursery pagers, check-in/check-out policy, etc.), how to recognize and report suspected abuse, ongoing program monitoring.
- **Members** — general information about why the program needs to be implemented, the protection it will provide for children and youth, what benefits it will have for ministry workers and the church, annual reminders about the program.

HOW DO I TELL THEM?

Each church or related ministry usually has several established avenues of communicating with its organization about ministry programs. Use as many of these avenues as possible to inform your congregation, leadership, staff, and ministry workers about the importance of this program and how it will be implemented and maintained in your church. Develop other communication methods, as needed.

Consider these communication methods:

- In-person, small group presentations to church leadership, staff, ministry workers, parents

REALITY CHECK

A parent discovers that a teacher has been privately texting her 12-year-old daughter, even though the texts appeared innocent. The mother understood that school policy only allowed for group texting, and expressed concern to the school principal that this might be grooming behavior. Other parents came forward with examples of similar behavior. The teacher was dismissed.

DO YOUR PARENTS KNOW YOUR POLICY?

Parents can be a valuable advocate for your child care procedures. If parents understand the reasonings behind a policy or procedure, they're better able to spot troubling behavior early on.

- Letter to members of the congregation, ministry workers, parents (see a sample letter, page 52)
- Special meetings with parents and ministry workers
- Pulpit announcement or presentation
- Congregational meetings
- Specially developed brochure or flyer
- Church bulletin or newsletter
- Church website
- Posters in common or well-trafficked areas; develop your own poster using our sample ideas on pages 53–54

OVERCOMING OBJECTIONS THROUGH EDUCATION

Educating everyone in your ministry is one of the most important components of your child abuse prevention program. Implementing the program is difficult without first obtaining support. Longtime volunteers, staff, or clergy may feel hurt or angry to learn they will be subject to background screenings. It's important to clearly state program objectives and maintain a fair and even-handed approach.

COMMUNICATION INFORMS AND PROTECTS

Open communication is critical to the successful adoption, implementation, and administration

of your program. To gather the support you need, initiate an education process directed to all members of the ministry, regardless of their level of participation. This effort must be deliberate and well planned, comprehensive in scope, and ongoing in nature. Consider these factors:

- **Educate leaders.** Provide them with information that helps them understand the issues. Encourage leaders' support when developing your child abuse plan and communicating the plan to staff, volunteers, and your members.
- **Offer resources.** Give leadership the appropriate tools and resources needed to train ministry workers and keep others in the organization sensitive to child abuse.
- **Tell the heartbreaking truth.** Most people think, "It can't happen here." The truth is that no organization is immune, and without precautions, your ministry is vulnerable. In addition, it's important to note that the impact of abuse in church—upon both the individuals involved and the church body as a whole—can be truly devastating. Rebuilding your membership's trust, and restoring your reputation within the community, can take years.
- **Show how prevention decreases the risk.** Review your abuse prevention program with church leaders and your membership. Emphasize how new processes also may protect ministry workers from unwarranted child abuse accusations.
- **Keep your plan current.** Like other parts of your child abuse prevention program, periodically reassessing your education efforts is essential. It's important to review your communication plan annually. Solicit feedback from workers and make necessary changes to keep it relevant to your situations.



Your ministry's people consistently need to hear your commitment to keeping their children and youth safe.

RESPONDING TO LAW ENFORCEMENT AND THE MEDIA

Responding to law enforcement or the media during a crisis can be challenging. A communication plan is key to help those involved remain calm and guide a clear-thinking response. Your plan should include:

- **A pledge for full cooperation.** All ministry leaders, employees, and volunteers should cooperate fully with law enforcement or investigating agencies.
- **A procedure to contact your legal counsel.** The leadership should seek legal counsel as soon as possible after the ministry receives a notice of possible abuse or molestation. Advice from legal counsel should be the basis for your response.
- **A designated spokesperson.** A single spokesperson should handle all inquiries from the news media. Offer training on how to convey information in a way that avoids compromising an ongoing investigation.
- **Train and retrain.** Write into your plan steps for an annual staff and volunteer retraining. Train and retrain ministry employees and volunteer workers, incorporating new people as soon as possible. Do not depend on current ministry workers to transfer information and procedures to others on your ministry team. Ministry leaders should shoulder this responsibility.
- **Schedule multiple communications.** One is not enough. Keep all members of your organization updated with changes in the program. Regular communication will help to maintain their sensitivity to child abuse issues—and may help prevent future child abuse in your ministry.

Leaders and members alike must fully understand that your child abuse prevention program is designed to protect the most valuable part of your ministry: its children. It also protects your ministry, employees, and the volunteers who are committed to serving your organization.

COMMUNICATION SHOULD BE ONGOING

Your ministry's people consistently need to hear your commitment to keeping their children and youth safe. Develop a schedule for ongoing, or annual, communication. Keep the members of your organization updated with any changes in the program—even if they are not involved in working with young people.

Regular communication also will help you maintain a high level of sensitivity to child abuse issues within your organization. That awareness can be a catalyst in making your child abuse prevention program successful—success characterized by a safe and secure environment for children, young people, and vulnerable adults.

SAMPLE POLICIES AND FORMS

• Worker Selection and Child Protection Policy	pg. 32
• Morals Clause Policy	pg. 38
• Youth Ministry Communication Policy	pg. 39
• Children/Youth Ministry Volunteer Application.....	pg. 41
• Reference Response Information	pg. 44
• Activity Participation Agreement	pg. 45
• Sample Facilities Use Agreement.....	pg. 46
• Child Nursery Health Information Form	pg. 48
• Notice of Injury Form	pg. 49
• Suspected Abuse or Neglect Report Form	pg. 50
• Letter to Congregation	pg. 52
• Sample Poster Language	pg. 53
• Background Screening Checklist	pg. 55
• Children's Ministry Procedures Checklist	pg. 56
• Creating Your Program, Policies, and Procedures Checklist	pg. 58
• Eliminate Secluded Areas Checklist	pg. 59

SAMPLE WORKER SELECTION AND CHILD PROTECTION POLICY

This ministry is committed to providing a safe and secure environment for those participating in our ministry activities—children, youth, and vulnerable adults. We also seek to minimize any vulnerability to unwarranted accusations of improper behavior that our organization, volunteers, and employees may experience as they fulfill their ministerial duties. To fulfill these commitments as fully as possible, our leadership team has adopted the following procedures to be used, without exception, when selecting ministry volunteers and new employees and supervising children, youth, and vulnerable adults.

DEFINITIONS

Minor—Any person between the ages of 0 and 18. A minor may include any 18-year-old still enrolled in high school.

Child or children—Any minor from birth through fifth grade.

Youth—Any minor from sixth through 12th grade. A youth may include any 18-year-old still enrolled in high school.

Vulnerable adult—Any person 18 years of age or older who is unable to legally consent, unable to comprehend the nature of certain actions, or susceptible to coercion or abuse. This may include individuals who are mentally or physically disabled and the elderly.

Volunteer—A person performing services or donating time or effort without compensation who is authorized to work with children, youth, or vulnerable adults.

Employee—A paid staff member of the ministry.

Worker—A volunteer or employee authorized to work with children, youth, and vulnerable adults.

VOLUNTEER SCREENING PROCEDURES

1. Prior to consideration, all candidates seeking a volunteer position that involves working with children, youth, or vulnerable adults will complete and return an initial ministry application. *(see the sample Children/Youth Ministry Volunteer Application form on page 41)*
2. The ministry leader, or designee, will carefully review the application, ensuring that the candidate is an appropriate match for the ministry position. The ministry leader also will store all application materials—the application form, background checks, reference check, notes from interviews, etc.—in a locked file cabinet or other secure location.
3. If the individual appears to be an appropriate candidate for the ministry position, the ministry leader, or designee, will check at least two references to confirm the information that the candidate provided on the ministry application. The ministry leader also will conduct a criminal background check through a reputable security company. *(see the sample reference release included with the Children/Youth Ministry Volunteer Application form on page 41)*
4. After the ministry leader, or designee, contacts references and performs a background check, he or she will conduct an interview with the candidate.
5. When indicated by our screening procedures, volunteer candidates who pose a threat to children, youth, or vulnerable adults will be removed from consideration for any ministry position involving children, youth, or vulnerable adults.

SAMPLE WORKER SELECTION AND CHILD PROTECTION POLICY

EMPLOYEE SCREENING PROCEDURES

1. The same procedures required for volunteers also apply to all potential employees, regardless of the ministry position for which they are being considered. *(applicable state and/or local law may regulate at which time during the hiring process and to what extent an employee may ask about an employment applicant's criminal history)*
2. When indicated by our screening procedures, employment candidates who pose a threat to children, youth, or vulnerable adults will be removed immediately from consideration for employment anywhere within our organization.

WAITING PERIOD

All volunteer candidates must be regularly involved in our organization for six months or more before they will be considered for any ministry position involving contact with children, youth, or vulnerable adults.

SUPERVISION

1. **TWO ADULT RULE:** At least two screened adults must be present at every function or program involving children, youth, or vulnerable adults. This includes each classroom, vehicle, or other enclosed area. One or more of these adults must be 21 years of age or older. For large groups, the number of adult supervisors must be increased in accordance with state/teacher ratio requirements. *(check with your attorney or local authorities to determine the requirements in your state; add a specific written reference to those requirements in your policy procedures)*
2. **RULE OF THREE:** In limited circumstances when the Two Adult Rule cannot be implemented, at least three individuals must be present, with at least one being a screened adult employee or volunteer. The Two Adult Rule should be followed at all times for activities or events involving children under the age of five.
3. While adult workers should avoid being alone with a child, youth, or vulnerable adult, some limited exceptions may be permitted for spiritual counsel/mentoring of a youth. Any one-on-one interaction must take place in a location where the adult worker and the youth are both visible to others. Any planned one-on-one meetings must be approved by a ministry leader, and the adult worker must obtain prior written approval from parents/guardians. The duration and frequency of approved one-on-one meetings are to be limited to no more than three occasions for no more than 30 minutes at a time.
4. Adult employees and volunteers should avoid traveling in a vehicle one-on-one with a minor. If it is necessary, develop a communication strategy to notify parents/guardians or supervisors when leaving for and arriving at an event.
5. Identify no-go zones. To reduce or eliminate areas that are difficult to properly supervise, unused rooms, closets, and outdoor structures are to be kept locked with limited key access. *(review the Eliminate Secluded Areas Checklist on page 59 to help you identify areas of concern unique to your ministry)*
6. Workers should avoid the appearance of impropriety—such as sitting older children on their lap, kissing, or embracing others, etc.

SAMPLE WORKER SELECTION AND CHILD PROTECTION POLICY

BATHROOM PROCEDURES

1. For children age 6 or older, at least one adult should take children to the restroom. The adult should check to make sure the facility is safe and then wait outside the restroom for the children. If assistance is required, the presence of a second adult escort is also recommended.
2. Children age 5 or younger (boys and girls) should be assisted as needed in the restroom by an adult female. Leave the bathroom door ajar with a second screened worker nearby for additional accountability.
3. Never touch the private areas of a child, youth, or vulnerable adult except when necessary, as in the case of changing a diaper.

CHECK-IN/CHECK-OUT PROCEDURES

1. Workers should arrive at least 10 minutes before a scheduled activity. They must remain at their assigned post until all people in their care have been picked up by an authorized person. No children or youth should be released to find their parents or wait unattended for transportation.
2. Workers are to release children in their care only to parents, guardians, or persons specifically authorized to pick up the child. (insert your ministry's specific policies here; see page 56 for sample elements)

DISCIPLINE

1. Workers are never to spank, hit, grab, shake, or otherwise physically discipline anyone. Physical restraint should only be used in a situation where it is reasonably necessary to prevent an individual from physically harming himself or another individual.
2. Disciplinary problems should be reported to the ministry leader or to a parent or guardian.

INJURIES OR ILLNESS

1. Persons who are ill (with a fever, or a communicable disease that can be transmitted by cough or by touch) will not be permitted to participate in any ministry activity.
2. A suitable worker—one who has been previously approved through our ministry screening process—must be used to take the place of a worker who is ill.
3. Participants should be returned to their parent or guardian as soon as the illness is discovered. If immediate return is not possible, then the person who is ill should be isolated in a manner that allows an adult worker to monitor the participant until he/she can be returned to a parent or guardian.
4. Take reasonable steps to avoid contact with blood, saliva, or other bodily fluids.
5. Ministry coordinators and supervisors who become aware of an injury to a worker or participant will take steps to ensure that proper medical attention is given to the injured person and provide for continued monitoring of the remaining activity participants.
6. Persons who have received an injury that is obviously minor should be given first aid as needed at the time of injury. The individual's parents or guardians should be notified of the injury when they pick up the injured person.

SAMPLE WORKER SELECTION AND CHILD PROTECTION POLICY

7. Any injury that may require medical treatment beyond simple first aid should be given immediate attention. The parents or guardians of the injured person should be notified immediately, along with the ministry worker's coordinator or supervisor. If warranted by the injury, emergency medical personnel should be called.

RECORDKEEPING

1. All ministry functions involving children, youth, and vulnerable adults should maintain an attendance list for every function. Record the date of the function, along with the names of all participants, ministry coordinators, and supervisors.
2. Ministry workers should prepare a written Notice of Injury report whenever an injury occurs during a ministry function (*see sample form on page 49*). Promptly forward the incident report to the ministry coordinator or supervisor.

SUSPICION OF CHILD ABUSE OR NEGLECT AND MANDATORY REPORTING

1. All ministry leaders, employees, and volunteers subject to mandatory reporting guidelines are expected to fully comply and report any reasonable suspicion of abuse or signs of neglect to local authorities. (*Please note that mandatory reporting requirements and the standards for making a report vary by state*)
2. Volunteers and employees who become aware of or have reason to suspect that a child or youth has been abused or neglected must immediately inform their activity coordinator, supervisor, or ministry leader, unless the activity coordinator, supervisor, or ministry leader is the suspected perpetrator. The volunteer or employee may be required to complete a Suspected Abuse or Neglect Report form (*see sample form on page 50*).
3. Activity coordinators and supervisors who become aware of or have reason to suspect that a child or youth has been abused or neglected must immediately inform the ministry leader unless the ministry leader is the suspected perpetrator. If the volunteer or employee did not complete a Suspected Abuse or Neglect Report form, the activity coordinator or supervisor should then complete the form.
4. Ministry leaders who become aware of possible abuse or sexual misconduct involving a participant must ensure that the participant's parent or guardian is immediately informed that possible abuse or sexual misconduct has occurred. If the parent or guardian is the suspected perpetrator, the ministry leader will defer to local authorities on notifying the parent or guardian.
5. If there is any question as to whether or not a report should be made to the authorities and ministry leaders are considering not making a report, the ministry leader will ensure that an attorney is immediately contacted to provide a written opinion as to whether the organization should report the suspected abuse or neglect to authorities. The written opinion should be obtained within 24 hours after the ministry leader first becomes aware of the situation. The attorney's advice should be acted upon immediately, including reporting the incident to the authorities. An attorney should be contacted immediately if the ministry leader or activity monitor becomes aware of possible abuse or neglect of a participant by a parent or guardian and is unsure whether to make a report to the authorities.
6. Ministry leaders must promptly notify our ministry's insurance carrier (general or professional liability insurance) upon notice of abuse or sexual misconduct. They also will notify (name of denominational or headquarters contact person or office), to whom we also report such allegations.

SAMPLE WORKER SELECTION AND CHILD PROTECTION POLICY

VIOLATION OF POLICY OR PROCEDURES

1. Ministry workers must promptly notify their ministry coordinator or supervisor when they or others violate the procedures mandated by this policy.
2. Ministry coordinators, supervisors, and ministry leaders who become aware of a violation of the procedures set by this policy are required to take all necessary steps to ensure future compliance with them. In the process of ensuring compliance with this policy, it may become necessary to remove workers from their positions.

INTERNAL INVESTIGATION

1. This ministry organization considers any allegation of abuse or molestation a serious matter. Each situation will be fully investigated first through civil authorities, then by ministry leaders with the assistance of legal counsel. The ministry will not interfere with a pending law enforcement investigation.
2. Employees who are the subject of an investigation will be removed from their position pending completion of the investigation. Employees who admit to the abuse or molestation will be terminated consistent with the established employment practices of this ministry.
3. Volunteer subjects of any investigation will be removed from their positions pending completion of the investigation.
4. This ministry will permanently remove any employees or volunteers from their ministerial duties within the organization if they are found guilty of abuse or molestation. Whenever termination of employment is a factor, we also will consult with legal counsel.

DEALING WITH LAW ENFORCEMENT, NEWS MEDIA

1. All ministry leaders, employees, and volunteers of this organization will cooperate fully with law enforcement or governmental agencies investigating allegations of injury, abuse, or molestation.
2. The leadership of this ministry will seek legal counsel as soon as possible after we receive notice of possible abuse or molestation within the organization. Advice from legal counsel will be the basis for our response to the allegations.
3. One individual—a member of the leadership team, an employee, or our attorney will be the designated spokesperson to handle all inquiries from the news media. Our spokesperson will be the only person to convey information concerning the situation, doing so in a prudent manner to avoid compromising an ongoing investigation and to maintain the privacy of the individuals involved.

ANNUAL REVIEW

1. Each year, we will conduct a review meeting. At that time, the procedures mandated by this policy will be reviewed with all volunteers, employees, ministry coordinators and supervisors, and the leadership of the organization.
2. All employees and volunteers will complete a brief renewal application annually. (*see the sample worker renewal application at brotherhoodmutual.com*)
3. Should the renewal application indicate that any employees or volunteers have become unsuitable

SAMPLE WORKER SELECTION AND CHILD PROTECTION POLICY

for working with children, youth, or vulnerable adults, they will be removed immediately from their current position. They will not be considered for positions involving work with other similar groups.

REVISION OF POLICY AND PROCEDURES

The leadership of this ministry, with the assistance of legal counsel, will regularly review this policy and the procedures established within it. If necessary, the policies and procedures will be modified in accordance with the bylaws of the organization. When changes are made, ministry leaders will communicate them to all employees and volunteers affected by the policy changes.

SAMPLE MORALS CLAUSE POLICY

PERSONAL CONDUCT

The purpose of this policy is to state the lifestyle expectations for employees. You are strongly encouraged to modify this policy in accordance with the standards set by your organization.

One key to any personal conduct policy of a Christian ministry is referencing Scripture as a basis for any behavior that's prohibited or discouraged. From a legal standpoint, citing supporting Scripture will strengthen your ministry's First Amendment (freedom of religion) position in the event of litigation.

Consistency is important when applying this policy. For example, if you terminate an employee who has become pregnant out of wedlock because she's violated the policy against premarital sex, this is legally permissible so long as it is applied consistently. In other words, the same discipline should be taken against a male employee who engages in extramarital sexual relations.

SAMPLE POLICY

MINISTRY PURPOSE

(Name of ministry) is a non-profit religious organization and is substantially controlled and supported by a religious body, your denomination, or church. More importantly, our organization is a community of believers who have joined together to meet the spiritual and academic needs of the greater community.

Our organization promotes behavior consistent with the Holy Scriptures. Consequently, when joining (name of ministry's) staff, you freely and willingly agree to the standards of behavior outlined in this policy. The standards included in this policy are not exhaustive; rather, they provide a guideline of conduct we believe is in accordance with biblical standards.

As representatives of (name of ministry), it is imperative that our actions are above reproach in all things. Consequently, the following standards of conduct shall apply to all staff. Violations of these standards are regarded as a serious breach of integrity and could result in discipline, up to and including termination.

- God's Word teaches us that certain attributes are desired, including: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control (Galatians 5:22-24). I will strive to seek, encourage, and demonstrate this attributes in my relationships and in working with children, youth, and vulnerable adults.
- Scripture further teaches us that every believer has a duty to protect the spiritual, emotional, and physical well-being of those most vulnerable among us. (Psalm 127:3, Proverbs 22:6, Mark 9:42, and James 1:27). I, therefore, commit to protect children, youth, and vulnerable adults entrusted to my care.

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SAMPLE YOUTH MINISTRY COMMUNICATION POLICY

Texting and electronic communication can be a vital part of youth ministry work, but their improper use can produce serious consequences. To further strengthen your communications policy, incorporate the following forms (referenced below) found at brotherhoodmutual.com:

- Youth Worker Consent Form
- Parent/Guardian Consent Form
- Participant Consent Form

PROMOTING SAFETY

(Name of ministry) desires to promote safety and to create a healthy environment for texting and electronic communication between its youth workers and students who participate in youth ministry activities. As a result, (name of ministry) has developed the following guidelines:

1. Employee and volunteer youth workers who want to communicate with minors using text messaging, e-mail, social networking websites, or other forms of electronic media must first sign a consent form and attend a ministry training class. The class will outline the recommended practices, limitations, and legal parameters for texting and other forms of electronic communication within youth ministry.
2. Ministry youth workers may not transmit any content that is illicit, unsavory, abusive, pornographic, discriminatory, harassing, or disrespectful when communicating with each other or with minors involved in ministry activities.
3. Except in an emergency, youth workers may not transmit any personal information pertaining to a minor without the youth ministry participant and his or her parents or guardians signing consent forms. This applies to group texting, group e-mail, or any other public method of electronic communication. Personal information may include such things as a minor's name, phone number, email address, or photograph.
4. Youth workers will discourage students from using cell phones during ministry programs except in an emergency, to contact a parent or guardian, or to place calls specifically approved by a leader.
5. Youth workers will instruct youth occasionally about the Youth Ministry Communications Policy and the dangers of such conduct as "sexting."
6. Youth workers who become aware of possible child abuse through electronic media must immediately notify their supervisor. The ministry will consult with its attorney and report abuse as required by law.
7. All information, images, or videos shared electronically through public ministry communications channels aren't considered confidential.
8. To participate in ministry electronic communications, youths must sign a related consent form.
9. Youths who violate this policy may lose electronic communications privileges or be removed from the youth ministry program. The ministry's pastoral leadership will notify parents immediately of any violation.

SAMPLE YOUTH MINISTRY COMMUNICATION POLICY

10. Youth workers on ministry business may never use a cell phone while driving—even hands-free—unless it's an emergency.
11. Any texts or emails sent by ministry youth workers must go to a group rather than to individuals.

SAMPLE CHILDREN/YOUTH MINISTRY VOLUNTEER APPLICATION

Name: _____

Daytime telephone: _____

Address: _____

In which children's/youth program(s) do you want to become involved? _____

What skills would you bring to the children's/youth program? _____

WHAT OTHER CHILDREN'S/YOUTH WORK EXPERIENCE DO YOU HAVE? (Please list)

Organization	Program	Dates	Contact
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

HAVE YOU AT ANY TIME EVER:

- Been convicted of, or pleaded guilty or no contest to, any crime? ☐ Yes ☐ No
- Participated in, or been accused, convicted, or pleaded guilty or no contest to abuse or any sexual misconduct? ☐ Yes ☐ No

ARE YOU AWARE OF:

- Having any traits or tendencies that could pose any threat to children, youth, or others? ☐ Yes ☐ No
- Any reason why you should not work with children, youth, or others? ☐ Yes ☐ No

If the answer to any of these questions is "yes," please explain in detail: _____

(Please attach additional pages if more space is needed)

This sample form is not intended to be used for an employee or an applicant for employment, as you may not be able to ask some of the questions in your state. Check with your local attorney.

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(Page 1 of 3)

SAMPLE CHILDREN/YOUTH MINISTRY VOLUNTEER APPLICATION

CHURCH ACTIVITY

What church or churches have you attended in the past five years?

Church name: _____

Pastor's name: _____ Years attended: _____

Church name: _____

Pastor's name: _____ Years attended: _____

Church name: _____

Pastor's name: _____ Years attended: _____

SUPPLY AT LEAST TWO INDEPENDENT REFERENCES

(Not relatives. Past ministry leaders or former employees preferred.)

Name: _____

Relationship: _____ Address: _____

Phone: _____

Name: _____

Relationship: _____ Address: _____

Phone: _____

Name: _____

Relationship: _____ Address: _____

Phone: _____

CHILDREN'S/YOUTH WORK VERIFICATION AND RELEASE

I (Applicant's Name) _____ recognize that (name of organization) is relying on the accuracy of the information I provide on the Children/Youth Ministry Volunteer Application form. Accordingly, I attest and affirm that the information I have provided is absolutely true and correct.

I authorize the organization to contact any person or entity listed on the Children/Youth Ministry Volunteer Application form, and I further authorize any such person or entity to provide the organization with information, opinions, and impressions relating to my background or qualifications.

I voluntarily release the organization and any such person or entity listed on the Children/Youth Ministry Volunteer Application form from liability involving the communication of information relating to my background or qualifications.

I have carefully read the policy and procedures of the organization, and I agree to abide by them and to protect the health and safety of the children or youth assigned to my care or supervision at all times.

Printed name: _____

Signature: _____ Date: _____

(Please read this document carefully before you sign it.)

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M82 (7/18)

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SAMPLE CHILDREN/YOUTH MINISTRY VOLUNTEER APPLICATION

MINOR APPLICANTS

Parental Affirmation and Consent

I, (print name) _____ affirm that I am the parent/legal guardian of the applicant. I recognize that (name of organization) is relying on the accuracy of the information provided. To the best of my knowledge, I affirm and attest that the information provided is true and correct. I further attest and affirm that I am aware of no traits or tendencies of (applicant's name) _____ that could pose any threat to children, youth, or others.

Printed name: _____

Signature: _____ Date: _____

REFERENCE RESPONSE INFORMATION

To: _____
Name of Ministry

From: _____
Address

Subject: _____
Name of Worker Candidate

The individual named above has expressed an interest in working with children or youth in our ministry. The candidate has listed you as a reference. In order for our organization to properly evaluate the qualifications of this worker candidate, we are asking you to complete this form with your honest opinions and impressions of the candidate.

Please return the completed form to our organization in the enclosed envelope. Thank you for your assistance.

1. How long have you known the ministry worker candidate? _____

2. In what capacity have you come to know this individual? (i.e. coworker, neighbor, friend, etc.) _____

3. In your opinion, is the above worker candidate fully qualified to work with children and youth?

Yes ☐ No ☐ (If no, please explain) _____

4. What concerns, if any, would you have in allowing this individual to work with children or youth? _____

5. Are you aware of anything in the candidate's background, personality, or behavior that could in any way pose a threat to children or youth?

Yes ☐ No ☐ (If no, please explain) _____

Additional comments or explanations:

The above information is true and correct to the best of my knowledge.

Signature: _____ Date: _____
Name of church, individual

Please return this form at your earliest convenience to: (name of church, individual)

Thank you.

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M131 (12/06)

SAMPLE ACTIVITY PARTICIPATION AGREEMENT

ACTIVITY INFORMATION (To be completed by the activity sponsor)

Name of sponsoring organization: _____

Address: _____ Phone: _____

Name of sponsor's coordinator: _____ Phone: _____

Description of activity: _____

Date(s) and location of activity: _____

PARTICIPANT INFORMATION (To be completed by participant or authorized guardian)

Name of participant: _____

Name of parents/guardians: _____

Address: _____ Phone: _____

Name of emergency contact: _____

Phone (daytime): _____ Phone (evening): _____

List allergies or medical conditions: _____

Is sponsor authorized to approve medical treatment? ☐ Yes ☐ No

Is participant covered by personal/family medical insurance? ☐ Yes ☐ No

If yes, name of insurer: _____

Policy or group number: _____

PARTICIPATION AGREEMENT

I acknowledge that participation in the activity described above involves risk to the participant (and to the participant's parents or guardians, if the participant is a minor), and may result in various types of injury including, but not limited to, the following: sickness, bodily injury, death, emotional injury, personal injury, property damage, and financial damage.

In consideration for the opportunity to participate in the activity described above (the "activity"), the participant (or parent/guardian if the participant is a minor) acknowledges and accepts the risks of injury associated with participation in and transportation to and from the activity. The participant (or parent/guardian) accepts personal financial responsibility for any injury or other loss sustained during the activity or during transportation to and from the activity, as well as for any medical treatment rendered to the participant that is authorized by the sponsor or its agents, employees, volunteers, or any other representatives (collectively referred to as the "activity sponsor"). Further, the participant (or parent/guardian) releases and promises to indemnify, defend, and hold harmless the activity sponsor for any injury arising directly or indirectly out of the described activity or transportation to and from the activity, whether such injury arises out of the negligence of the activity sponsor, the participant, or otherwise.

If a dispute over this agreement or any claim for damages arises, the participant (or parent/guardian) agrees to resolve the matter through a mutually acceptable alternative dispute resolution process. If the participant (or parent/guardian) and the activity sponsor cannot agree upon such a process, the dispute will be submitted to a three-member arbitration panel for resolution in accordance with the rules of the American Arbitration Association.

Signature: _____ Date: _____

Signature: _____ Date: _____

(Participant and/or parent/guardians if participant is a minor)

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SAMPLE FACILITIES USE AGREEMENT

This agreement by and between _____
Owner's name Owner's complete address
 ("Owner"), and _____
User's name User's complete address ("User"),
 will take effect on the _____ day of _____ and will continue for a period of _____
Day Month Year Time period
 WHEREAS, Owner owns premises located at _____
Complete address
 which is normally used for _____ and
Type of use
 WHEREAS, User desires to use the _____ area of the facilities for the
Area of premises (e.g. church building)
 purpose of _____,
Purpose of use
 and WHEREAS, Owner has agreed to allow User to use the facilities provided that the following terms and conditions are met.

IT IS THEREFORE AGREED BY AND BETWEEN THE PARTIES:

- Owner agrees to let User use the above described premises for the above described purpose on

Describe times and days of usage Name and Owner's contact person
 is the contact person for Owner and _____ is the contact person for User to
Name of User's contact person
 coordinate the details of usage.

- ☐ Fee Agreement. User agrees to pay Owner _____ for the use of the premises.
Amount
☐ Non-Fee Agreement. In consideration for the benefit of using Owner's facilities, User agrees to abide by all the terms and conditions of use described in this agreement.
- User agrees that it will not use the premises for any unlawful purposes, and will obey all laws, rules, and regulations of all governmental authorities while using the above described facilities.
- User agrees that it will not use the premises for any purpose that is contrary to the mission, purpose or belief of the Owner, which is a biblically-based religious institution.
- User agrees to abide by any rules or regulations for the use of the premises that are attached to this agreement.
- User agrees that it is solely responsible to implement appropriate screening and supervision procedures to protect children, youth, and vulnerable adults attending user's function at the above described facilities.
- ☐ Organizational Users. User promises and warrants that it carries liability insurance with a minimum liability occurrence limit of \$1,000,000. The User will provide a certificate of insurance to the Owner at least seven days prior to the date upon which the User begins to use the above described premises. The certificate of insurance will indicate that User has made Owner an "additional insured" on User's policy with respect to the use by User of the above described premises.
☐ Individual Users. User promises and warrants that User will obtain signed Activity Participation Agreements (either provided by or acceptable to Owner) from each participant in the activity. If the participants are minors, User will obtain the signature of at least one parent or legal guardian on each Activity Participation Agreement.

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M79 (06/12)

(Page 1 of 2)



- Dated this _____ day of _____, _____.
- day month year*

USER

Signer's Name

Position with User (title)

SAMPLE CHILD/NURSERY HEALTH INFORMATION FORM

Child's name: _____ Birth date: _____

Parent/Guardian name: _____

Phone number—home: _____ Work: _____ Mobile: _____

Parent/Guardian name: _____

Phone number—home: _____ Work: _____ Mobile: _____

EMERGENCY CONTACT (if other than above parents/guardians):

Name #1: _____ Relationship: _____

Phone number—home: _____ Work: _____ Mobile: _____

Name #2: _____ Relationship: _____

Phone number—home: _____ Work: _____ Mobile: _____

MEDICAL CARE CONTACTS:

Physician's name: _____

Address: _____ Phone: _____

Dentist's name: _____

Address: _____ Phone: _____

Health insurance coverage for child: _____

Insurer's name: _____

Policy or group number: _____

Allergies or medical conditions: _____

PARENT/GUARDIAN CONSENT AND AGREEMENT

In consideration of my child's (name listed above) opportunity to participate in ABC Church's activities and programs, I acknowledge and accept the risks of injury associated with participation and transportation to and from any and all activities and programs of ABC Church. I accept personal financial responsibility for any injury or other loss sustained during the activities or programs of ABC Church or during transportation to and from such activities and programs, as well as for medical treatment rendered to my child that is authorized by ABC Church, its leaders, employees, volunteers, or agents. I specifically consent to allowing my child to be transported to receive emergency care and to be responsible for all financial charges for such emergency care.

I release and promise to indemnify, defend and hold harmless ABC Church, its leaders, employees, volunteers, and agents from any and all injury or loss resulting directly or indirectly from the activities and programs of ABC Church or transportation to and from such activities and programs, whether such injury resulted from the negligence of ABC Church, my child, or otherwise.

Printed name: _____

Signature: _____ Date: _____

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M266 (4/18)



ORGANIZATION	Name: _____
	Address: _____
	Date of Injury: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	Where did the injury occur? _____
TIME AND PLACE OF INJURY	
PERSON INJURED	Name: _____ Age: _____
	Address: _____ Phone: _____
	Name of parents/guardians (if a minor): _____
	Employer: _____
	Injuries sustained: _____
	Where was injured taken (hospital/doctor)? _____
	Relationship to organization: <input type="checkbox"/> Member <input type="checkbox"/> Visitor <input type="checkbox"/> Volunteer <input type="checkbox"/> Employee <input type="checkbox"/> Student/Camper <input type="checkbox"/> Tenant/Resident <input type="checkbox"/> Other
	If injury occurred on insured's premises, for what purpose was the injured on the premises? _____
	Who was responsible for supervision at the time of injury? _____
	If injury occurred elsewhere, what connection did it have with the insured's operations or activities? _____
FULL DESCRIPTION OF INCIDENT	Does the injured party have personal medical insurance that could apply? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Name of medical insurance company: _____

WITNESSES	Name: _____ Phone: _____
	Address: _____
	Name: _____ Phone: _____
	Address: _____

Completed by: _____ Date: _____

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SAMPLE SUSPECTED ABUSE OR NEGLECT REPORT FORM

PRIVACY DISCLAIMER: This form should not be shared with co-workers or other volunteers. Submit form to your immediate supervisor, law enforcement, or other reporting agency. Note that mandatory reporting laws may apply, and you may be required by law to report this information to local authorities.

YOUR INFORMATION	Name: _____ Title/Position: _____ Address: _____ Phone: _____ Supervisor: _____
INJURED PERSON	Name: _____ Age: _____ Address: _____ Phone: _____ Parents/guardians (if a minor): _____
SUSPECTED PERPETRATOR	Unknown <input type="checkbox"/> Known <input type="checkbox"/> Name: _____ Age: _____ Description: _____ Relationship to suspected victim: _____ Address or location of suspected abuse: _____ _____ _____ _____
REASON FOR REPORT / DETAILS OF INCIDENT	_____ _____ _____ _____ _____ _____ _____
WITNESSES	Name: _____ Phone: _____ Address: _____ Name: _____ Phone: _____ Address: _____

(Page 1 of 2)

SAMPLE SUSPECTED ABUSE OR NEGLECT REPORT FORM

REPORT SUBMITTED TO	Name: _____ Phone: _____
	Address: _____
	Date: _____ Time: _____
	Did you notify state/local authorities regarding suspected abuse/sexual misconduct? Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, list agency name: _____
Name of contact: _____	
Phone: _____ Date: _____ Time: _____	

Signature: _____

Date of report: _____ Time of report: _____

SAMPLE LETTER TO THE CONGREGATION

Dear Members and Friends of (name of church or ministry):

As your (pastor/leader/elder/etc.), providing for the spiritual growth and well-being of the church body is my/our highest calling. This involves protecting our most vulnerable members, including children, youth, and vulnerable adults, from abuse.

We value everyone here at (name of church), and we are taking active steps to protect our children from abuse. Based on our desire to create the safest church possible, we have developed a child abuse prevention plan designed to provide enhanced oversight and protection for our children, youth, vulnerable adults, ministry volunteers, and employees.

It is our moral duty to prevent abuse in our church. The program implements new policies, procedures, and screening for all staff, regardless of position, and any volunteer working with children, youth, or vulnerable adults. Such a program is the best way for us to protect our people.

(Relay the general features of your plan—timetable for implementing a screening program; the procedures involved, including completion of the necessary forms and background checks; training procedures; how the program will be monitored, and ongoing communication and education efforts.)

We feel that this is a prudent step to take to ensure a safe and secure environment for our attenders and volunteers. If you have questions about our new child abuse prevention plan, you can contact (name of person) at (contact phone, email). He/She will be happy to discuss our program with you in greater detail.

Sincerely,

Ministry Leader's Name

SAMPLE POSTER LANGUAGE

_____ is serious about protecting our children, youth, and vulnerable adults from abuse. Our abuse prevention program begins with selecting and screening all volunteers. Our policies and training emphasize the two-adult rule and the rule of three. Finally, ministry volunteers should report any suspected abuse to the ministry supervisor.

S

SELECT AND SCREEN

We select and screen our ministry volunteers.

M

MANAGE RISK WITH WRITTEN POLICIES AND PROCEDURES

Our written policies must be followed and are enforced.

A

ALWAYS TOGETHER

Children are never to be left alone. Adults are not allowed to be one-on-one with children or youth. Always follow the two-adult rule /rule of three.

R

RESPOND TO ANY ACCUSATION REPORT ANY ABUSE

We will respond to accusations and report any abuse.

T

TRAIN

Volunteers are trained to recognize abuse.

_____ is SMART About Child Abuse
Name of Ministry

Report suspected abuse to ministry supervisor

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M366 (4/18)

SAMPLE POSTER LANGUAGE

_____ is serious about protecting our children, youth, and vulnerable adults from abuse. Our abuse prevention program begins with selecting and screening all volunteers. Our policies and training emphasize the two-adult rule and the rule of three. Finally, ministry volunteers should report any suspected abuse to the ministry supervisor.

S

SELECT AND SCREEN

All volunteers who work with children, youth, or vulnerable adults are screened (application, background investigation, interview).

A

ALWAYS TOGETHER

We follow our written policies and procedures, especially the two-adult rule and the rule of three.

F

FOSTER A CULTURE OF ACCOUNTABILITY

We foster a culture where our leaders and volunteers are accountable to provide solid teaching in a safe environment.

E

EDUCATE

We educate volunteers and members about our policies.

R

REPORT

We report any suspected abuse to the ministry supervisor.

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M366 (4/18)

BACKGROUND SCREENING CHECKLIST

Guiding Principle: All ministry workers require screening—both paid and volunteer

	Yes	No
1. Do you currently have a written child abuse prevention policy for your children's, youth, and vulnerable adult ministry programs?	<input type="checkbox"/>	<input type="checkbox"/>
2. If you currently have a child abuse prevention program, are there elements that need improvement?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you consulted an attorney in the development of a child abuse prevention policy and screening procedure?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you ask volunteers to wait until they are associated with your ministry for at least six months before allowing them involvement with children of any age?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do you screen all employees, including ministerial staff, whether or not they will work with children and youth?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do you screen volunteers who work with children, youth, or vulnerable adults?	<input type="checkbox"/>	<input type="checkbox"/>
7. Does your screening include a written application and personal interview?	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you consistently check employee and volunteer references, including prior church membership?	<input type="checkbox"/>	<input type="checkbox"/>
9. Do you regularly conduct criminal background checks on all employees?	<input type="checkbox"/>	<input type="checkbox"/>
10. Do you conduct personal interviews with each ministry worker on a one- to three-year basis?	<input type="checkbox"/>	<input type="checkbox"/>
11. Do you require all prospective employees to sign a liability release that grants consent for you to contact former employers and to conduct a criminal records check?	<input type="checkbox"/>	<input type="checkbox"/>
12. Do you regularly conduct criminal background checks on volunteers who work with children, youth, or vulnerable adults?	<input type="checkbox"/>	<input type="checkbox"/>
13. Do you request at least two independent references from employees and volunteers?	<input type="checkbox"/>	<input type="checkbox"/>
14. Do you provide regular training for children's and youth ministry workers?	<input type="checkbox"/>	<input type="checkbox"/>
15. Do you have a clearly defined reporting procedure in case an incident of abuse occurs?	<input type="checkbox"/>	<input type="checkbox"/>
16. Are you prepared to respond to potential media inquiries?	<input type="checkbox"/>	<input type="checkbox"/>
17. Do you strictly enforce your current policy or program?	<input type="checkbox"/>	<input type="checkbox"/>
18. Do you have adequate insurance coverage to protect yourself financially if a claim of child abuse occurs?	<input type="checkbox"/>	<input type="checkbox"/>
19. Have you developed and implemented a communication plan to meet your ongoing need to inform the members of your congregation?	<input type="checkbox"/>	<input type="checkbox"/>
20. Do you regularly review your program and make changes when needed?	<input type="checkbox"/>	<input type="checkbox"/>

Completed by: _____ Date: _____

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CHILDREN'S MINISTRY PROCEDURES CHECKLIST

Incorporate the following elements into your written check-in/check-out procedures.

☐ **Introduction**

Your introduction should emphasize the safety and security for all infants and children. It may contain a purpose statement and a belief statement supported by Scripture.

☐ **Entrances and Exits**

Only the main entrance into the child care area should be unlocked. This should be the only entrance or exit for all who come and go, apart from fire exits. Only workers, parents, and properly checked-in children should be allowed in the child care area.

☐ **Supervision**

Follow the Rule of Two or Rule of Three for all classrooms. If a child needs to leave, use additional ministry volunteers so no one is alone with a child and a child is never left alone.

☐ **Food and Drinks**

Workers in the classrooms should not consume coffee or hot beverages without lids. Adults are prohibited from bringing food or beverages into a classroom. Exception: infant formula or breast milk.

☐ **Child Registration**

All children (including visitors) must pre-register to attend. This policy:

- Ensures that children are in the classroom appropriate for their age or level of development.
- Identifies any special needs.
- Provides information, such as an address and phone number.
- Notes the location of the parent/guardian.

If you're not using a computerized system, your registration form should include basic information, such as parents' names, address, phone number, emergency contact, medical and allergy issues, and custody orders. For all adults eligible to check-in and check-out the child, obtain a copy of the driver's license—you'll want to consult this file if a parent loses his or her form of paired identification.

Decide if you'll allow an older sibling to check-in and check-out a child. Your policy should include an age limit, and if the older sibling is required to own a driver's license. If so, ensure that you obtain this information in the registration process.

☐ **Secure Check-in Procedures**

No one will be admitted without an ID tag. Decide on your method of identification. You can use a computerized tag system, matching badges, or a sign-in sheet combined with a pager system. Your method should ensure that each child and parent are uniquely matched, and that the child's name, contact name, and allergy information are easily visible.

Develop a written procedure that is simple to follow for parents and a child/parent identification system that's easy to verify for workers. Require a worker to supervise the process, if it's computerized.

☐ **Secure Check-out Procedures**

All children will be released only to an adult with matching identification. No one will be released without an ID tag. If the tags do not match, the children's area team leader will ask for verification of identity or pastoral staff input.

☐ **Arrival and Departure Times**

Set clear arrival and departure times for parents. Example: Children should check in no sooner than 15 minutes before a service, study group, or event, and check out no later than 15 minutes after the event's conclusion.

(Page 1 of 2)

CHILDREN'S MINISTRY PROCEDURES CHECKLIST

☐ **Custody Issues**

A court order regarding the child, should be noted on the check-out list. Ask the custodial parent to supply a copy of the court document for child's file.

☐ **Worker Identification Policy**

All approved volunteer staff members are required to wear an identification tag or lanyard that clearly identifies them as qualified workers, authorized by the church to work with children.

☐ **Contacting a Parent While Their Child is in Our Care**

If you feel a child requires medical attention, please alert the children's area team leader and use the following steps:

- In an emergency, dial 911, or your local emergency number, first. Contact the parent via the method outlined in the registration process. During Bible study, call the group leader.
- Alert safety and security team at XXX-XXXX.
- If it's a non-life threatening medical issue, prepare the child to leave. Explain any necessary information to the parent. Ask for a safety and security team member to accompany the parent to the hospital.
- If the parent cannot be reached, the child must be transported to the hospital by way of ambulance. A safety team member should stay with the child at all times until the parent arrives. A worker should remain in the child's classroom to alert the parent of the situation.

To round out your child care policy, include procedures for these issues:

- Injury and first aid administration policy
- Medication policy
- Evacuation plan
- Volunteer requirements to serve
- Sanitation procedures
- Discipline policy
- Restroom guidelines
- Personal items for child

CREATING YOUR PROGRAM, POLICIES, AND PROCEDURES CHECKLIST

	Yes	No
1. Do you currently have a written child abuse prevention policy for your children's and youth ministry programs?	<input type="checkbox"/>	<input type="checkbox"/>
2. If you currently have a child abuse prevention program, are there elements that need improvement? Notes:	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you consulted an attorney in the development of a child abuse prevention policy and screening procedure?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you strictly enforce your current policy or program?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do your policies include safeguards from minimizing the risk of abuse?	<input type="checkbox"/>	<input type="checkbox"/>
a. On and off church premises, do you have at least two adults supervise a group of children at all times, whether they are in a room, a vehicle, or other enclosed space—even if only one or two children need care?	<input type="checkbox"/>	<input type="checkbox"/>
b. Do you ensure an adequate number of adult chaperones for all off-premise events, especially those that involve overnights?	<input type="checkbox"/>	<input type="checkbox"/>
c. Do you discourage the use of teenagers as nursery workers (or any other type of child care provider) unless they are screened and are working alongside two adults?	<input type="checkbox"/>	<input type="checkbox"/>
d. Do you use a "claim check" procedure so that children are released only to a parent, guardian, or other authorized person?	<input type="checkbox"/>	<input type="checkbox"/>
e. Do you forbid one-to-one electronic communication between adults and youth?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do you have adequate insurance coverage to protect yourself financially if a claim of child abuse occurs?	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you provide regular training for children's and youth ministry workers?	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you have a clearly defined reporting procedure in case an incident of abuse occurs?	<input type="checkbox"/>	<input type="checkbox"/>
a. Do your children's ministry leaders know the state and federal requirement for reporting child abuse and neglect?	<input type="checkbox"/>	<input type="checkbox"/>
b. Do your staff members and volunteers know how to identify inappropriate behavior and the procedures for reporting such conduct?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are you prepared to respond to potential media inquiries?	<input type="checkbox"/>	<input type="checkbox"/>
10. Have you developed and implemented a communication plan to meet your ongoing need to inform the members of your congregation?	<input type="checkbox"/>	<input type="checkbox"/>
11. Do you regularly review your program and make changes when needed?	<input type="checkbox"/>	<input type="checkbox"/>

Completed by: _____ Date: _____

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M361 (3/18)

ELIMINATE SECLUDED AREAS CHECKLIST

Most likely, your building was designed for worship, education, and safety—and not to prevent child abusers secretive access to children. Gather your building's floorplan or make a quick sketch. Go room to room to identify areas where privacy is unnecessary.

	Yes	No
1. Are unused rooms, closets, and outdoor structures kept locked with limited key access? Be sure to evaluate a garage, baptismal room, library, stairwells, shed, athletic areas, and stage areas.	<input type="checkbox"/>	<input type="checkbox"/>
2. Are church vehicles kept locked at all times, with limited key access?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is coat room activity monitorable?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you have wide-angle security mirrors installed to view areas with limited visibility?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do all rooms (except for bathrooms) have windows?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you removed curtains, blinds, or screens that block the view of all child care areas?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you limited privacy in a nurse's station area?	<input type="checkbox"/>	<input type="checkbox"/>
8. Are diapering areas open and easily visible?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are all angles of your outdoor play areas open and visible to those both inside and outside of the facility?	<input type="checkbox"/>	<input type="checkbox"/>
10. Can you closely monitor enclosed play structures in a classroom or on a playground?	<input type="checkbox"/>	<input type="checkbox"/>
11. Do you restrict access to all buildings?	<input type="checkbox"/>	<input type="checkbox"/>
12. Do you use and monitor security cameras for all entrances?	<input type="checkbox"/>	<input type="checkbox"/>

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CHILD SEXUAL ABUSE STATISTICS

The Issue of Child Sexual Abuse

What is child sexual abuse?

FACT: The definition of child sexual abuse is broader than most people realize.

Often a traumatic experience for children and teens, child sexual abuse is a criminal offense punishable by law in many societies.¹

Child sexual abuse includes:

- any sexual act between an adult and a minor, or between two minors, when one exerts power over the other.¹
- forcing, coercing or persuading a child to engage in any type of sexual act.¹
- non-contact acts such as exhibitionism, exposure to pornography, voyeurism, and communicating in a sexual manner by phone or Internet.¹

What is the magnitude of the problem?

FACT: Child sexual abuse is far more prevalent than most people realize.

- Child sexual abuse is likely the most prevalent health problem children face with the most serious array of consequences.²
- About one in 10 children will be sexually abused before their 18th birthday*.¹
- About one in seven girls and one in 25 boys will be sexually abused before they turn 18*.¹
- This year, there will be about 400,000* babies born in the U.S. that will become victims of child sexual abuse unless we do something to stop it.¹

**Includes contact abuse only*

FACT: Identified incidents of child sexual abuse are declining, although there is no clear indication of a cause.

- The number of identified incidents of child sexual abuse decreased at least 47% from 1993 to 2005-2006.^{3,4}

FACT: Even with declining rates of sexual abuse, the public is not fully aware of the magnitude of the problem.

- The primary reason is that only about 38% of child victims disclose the fact that they have been sexually abused.^{5,6} Some never disclose.^{7,8}
- There are also privacy issues surrounding cases of child sexual abuse. For instance, public police reports do not name the victim, and most media concerns have a policy that precludes naming victims.

FACT: Most people think of adult rape as a crime of great proportion and significance, and are unaware that children are victimized at a much higher rate than adults.

- Nearly 70% of all reported sexual assaults (including assaults on adults) occur to children ages 17 and under.^{9,10} Youths have higher rates of sexual assault victimization than do adults. In 2000, the rate for youths aged 12 to 17 was 2.3 times higher than for adults.⁵³
- 44% of rapes with penetration occur to children under age 18. Victims younger than 12 accounted for 15% of those raped, and another 29% of rape victims were between 12 and 17.^{10,11}

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Who are the perpetrators of child sexual abuse?

FACT: Those who molest children look and act just like everyone else. There are people who have or will sexually abuse children in churches, schools and youth sports leagues.

Abusers can be neighbors, friends and family members. People who sexually abuse children can be found in families, schools, churches, recreation centers, youth sports leagues, and any other place children gather.

Significantly, abusers can be and often are other children.

- About 90% of children who are victims of sexual abuse know their abuser.^{12,13} Only 10% of sexually abused children are abused by a stranger.¹²
- Approximately 30% of children who are sexually abused are abused by family members.^{12,13}
- The younger the victim, the more likely it is that the abuser is a family member. Of those molesting a child under six, 50% were family members. Family members also accounted for 23% of those abusing children ages 12 to 17.⁹
- About 60% of children who are sexually abused are abused by people the family trusts.^{12,13}
- Homosexual individuals are no more likely to sexually abuse children than heterosexual individuals.¹⁵

FACT: Not everyone who sexually abuses children is a pedophile.

Child sexual abuse is perpetrated by a wide range of individuals with diverse motivations. It is impossible to identify specific characteristics that are common to all those who molest children.

- Situational offenders tend to offend at times of stress and begin offending later than pedophilic offenders.
- They also have fewer victims (often family), and have a general preference for adult partners.¹⁶
- Pedophilic offenders often start offending at an early age, and often have a large number of victims (frequently not family members).¹⁶
- 70% of child sex offenders have between one and 9 victims, while 20% have 10 to 40 victims.¹⁴

FACT: As many as 40% of children who are sexually abused are abused by older, or more powerful children.¹²

- The younger the child victim, the more likely it is that the perpetrator is a juvenile. Juveniles are the offenders in 43% of assaults on children under age six. Of these offenders, 14% are under age 12.⁹
- Juveniles who commit sex offenses against other children are more likely than adult sex offenders to offend in groups, to offend at schools, and to have more male victims and younger victims.¹¹
- The number of youth coming to the attention of police for sex offenses increases sharply at age 12 and plateaus after age 14. Early adolescence is the peak age for youth offenses against younger children.¹⁴
- A small number of juvenile offenders — one out of eight — are younger than age 12. Females constitute 7% of juveniles who commit sex offenses.¹⁴

FACT: Most adolescent sex offenders are not sexual predators and will not go on to become adult offenders.

- Most adolescent offenders do not meet the criteria for pedophilia and do not continue to exhibit sexually predatory behaviors.³⁹
- Adolescent sex offenders are more responsive to treatment than adults. They do not appear to continue to re-offend into adulthood, especially when provided with appropriate treatment.²⁹

Risk Factors and Consequences

Under what circumstances does child sexual abuse occur?

FACT: Child sexual abuse often takes place under specific, often surprising circumstances.

It is helpful to know these circumstances because it allows for the development of strategies to avoid child sexual abuse.

- 81% of child sexual abuse incidents for all ages occur in one-perpetrator/one-child circumstances. Six to 11-year-old children are most likely (23%) to be abused in multiple-victim circumstances.⁹
- Most sexual abuse of children occurs in a residence, typically that of the victim or perpetrator – 84% for children under age 12, and 71% for children aged 12 to 17.⁹
- Sexual assaults on children are most likely to occur at 8 a.m., 12 p.m. and between 3 and 4 p.m. For older children, aged 12 to 17, there is also a peak in assaults in the late evening hours.⁹
- One in seven incidents of sexual assault perpetrated by juveniles occurs on school days in the after-school hours between 3 and 7 p.m., with a peak from 3 to 4 p.m.⁹

FACT: Commercial sexual exploitation and internet sex crimes against children are a small and yet significant part of the overall problem.

- In 2006, arrests for online youth victim cases constituted only 1.2% of arrests for all sex crimes against children. There were 615 arrests for online cases vs. 49,345 arrests for all sex crimes against children.¹⁸
- 9% of all 10 to 17 year olds receive unwanted sexual requests while on the Internet.¹⁹
- Over a period of one year, one in 25 youth received an online sexual solicitation where the solicitor tried to make offline contact.²⁰
- 23% of all 10 to 17 year olds experience unwanted exposure to pornography.¹⁹
- Child sexual abuse makes children more vulnerable to sexual exploitation. More than 90% of children who are commercially sexually exploited have been sexually abused in the past.²¹
- About 75% of child pornography victims are living at home when they are photographed. Parents are often responsible.²¹

FACT: Abusers often form relationships with potential victims and their families prior to the abuse. This is called "grooming."

Grooming is a process by which an offender gradually draws a victim into a sexual relationship and maintains that relationship in secrecy. At the same time, the offender may also fill roles within the victim's family that make the offender trusted and valued.

Grooming behaviors can include:

- Special attention, outings, and gifts
- Isolating the child from others
- Filling the child's unmet needs
- Filling needs and roles within the family
- Treating the child as if he or she is older
- Gradually crossing physical boundaries, and becoming increasingly intimate/sexual
- Use of secrecy, blame, and threats to maintain control

What factors increase a child's risk for sexual abuse?

FACT: While no child is immune, there are child and family characteristics that significantly heighten or lower risk of sexual abuse.

The following risk factors are based on reported and identified cases of abuse:

- Family structure is the most important risk factor in child sexual abuse. Children who live with two married

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biological parents are at low risk for abuse. The risk increases when children live with step-parents or a single parent.³

- Children living without either parent (foster children) are 10 times more likely to be sexually abused than children that live with both biological parents. Children who live with a single parent that has a live-in partner are at the highest risk: they are 20 times more likely to be victims of child sexual abuse than children living with both biological parents.³
- Gender is also a major factor in sexual abuse. Females are five times more likely to be abused than males.³⁰ The age of the male being abused also plays a part. 8% of victims aged 12 to 17 are male. 26% of victims under the age of 12 are male.⁹
- Age is a significant factor in sexual abuse. While there is risk for children of all ages, children are most vulnerable to abuse between the ages of seven and 13.³⁰ The median age for reported abuse is nine years old.³¹ However, more than 20% of children are sexually abused before the age of eight.⁹
- Race and ethnicity are an important factor in identified sexual abuse. African American children have almost twice the risk of sexual abuse than white children. Children of Hispanic ethnicity have a slightly greater risk than non-Hispanic white children.³
- The risk for sexual abuse is tripled for children whose parent(s) are not in the labor force.³
- Children in low socioeconomic status households are three times as likely to be identified as a victim of child abuse.³
- Children who live in rural areas are almost two times more likely to be identified as victims of child sexual abuse.³
- Children who witness or are the victim of other crimes are significantly more likely to be sexually abused.³²

FACT: Family and acquaintance child sexual abuse perpetrators have reported that they look for specific characteristics in the children they choose to abuse.

- Perpetrators report that they look for passive, quiet, troubled, lonely children from single parent or broken homes.¹⁷
- Perpetrators frequently seek out children who are particularly trusting. Find new and work proactively to establish a trusting relationship before abusing them.⁵¹ Not infrequently, this extends to establishing a trusting relationship with the victim's family as well.¹⁷

What are the immediate consequences of child sexual abuse?

FACT: Emotional and mental health problems are often the first consequence and sign of child sexual abuse.

- Children who are sexually abused are at significantly greater risk for later posttraumatic stress and other anxiety symptoms depression and suicide attempts.^{7,23,24,35,36,37,38,39,40,41,42,49,50,51,52,53}
- These psychological problems can lead to significant disruptions in normal development and often have a lasting impact, leading to dysfunction and distress well into adulthood.^{35, 42,43,44,45}
- Behavioral problems, including physical aggression, non-compliance, and oppositionality occur frequently among sexually abused children and adolescents.^{7,54,111,112}
- Child sexual abuse has been linked to higher levels of risk behaviors.^{22,47,48}

FACT: Sexual behavior problems and over-sexualized behavior are a very common consequence of child sexual abuse.

Age-inappropriate behavior can be a very important and telling sign that abuse is occurring.

- Children who have been sexually abused have over three times as many sexual behavior problems as children who have not been sexually abused.⁴⁶



- Victims of child sexual abuse are more likely to be sexually promiscuous.^{54,55,56}

FACT: Academic problems in childhood are a common symptom of sexual abuse.

- Sexually abused children tended to perform lower on psychometric tests measuring cognitive ability, academic achievement, and memory assessments when compared to same-age non-sexually abused cohorts.⁶⁰
- Studies indicate that sexual abuse exposure among children and adolescents is associated with high school absentee rates, more grade retention¹, increased need for special education services and difficulty with school adaptation.⁶¹
- 39% of 7 to 12-year-old girls with a history of child sexual abuse had academic difficulties.⁶²
- 7 to 12 year-old girls with a history of child sexual abuse were 50% more likely to display cognitive ability below the 25th percentile.⁶²
- 26% of 7 to 12 year-old girls with a history of child sexual abuse reported that their grades dropped after they were abused and 48% had below-average grades.⁶²
- A history of child sexual abuse significantly increases the chance of dropping out of school.^{35,61,62,63}

FACT: Substance abuse problems beginning in childhood or adolescence are some of the most common consequences of child sexual abuse.

- A number of studies have found that adolescents with a history of child sexual abuse demonstrate a three to fourfold increase in rates of substance abuse/dependence.^{22,23,47,48,64}
- Drug abuse is more common than alcohol abuse for adolescent child sexual abuse victims. Age of onset for non-experimental drug use was 14.4 years old for victims, compared to 15.1 years old for non-victimized youth.⁶⁵
- Adolescents were 2 to 3 times more likely to have an alcohol use/dependence problem than nonvictims.⁶⁵

FACT: Delinquency and crime, often stemming from substance abuse, are more prevalent in adolescents with a history of child sexual abuse.

- Adolescents who were sexually abused have a 3 to 5-fold risk of delinquency.^{23,37,66,67,68,69}
- Behavioral problems, including physical aggression, non-compliance, and oppositionality occur frequently among sexually abused children and adolescents.⁷⁰
- These emotional and behavioral difficulties can lead to delinquency, poor school performance and dropping out of school.^{35,61,62,63}
- Adolescents that reported victimization (i.e., sexual abuse or physical abuse) were more likely to be arrested than their non-abused peers.^{66,67}
- Sexually abused children were nearly twice as likely to run away from home.⁶⁶

FACT: The risk of teen pregnancy is much higher for girls with a history of child sexual abuse.

The increased risk for pregnancy at a young age is likely due to over-sexualized behavior, another common consequence of child sexual abuse.

- Girls who are sexually abused are 2.2 times as likely as non-abused peers to become teen mothers.^{40,54}
- 45% of pregnant teens report a history of child sexual abuse.⁴⁰
- Males who are sexually abused are more likely than their non-abused peers to impregnate a teen. In fact, several studies indicate that the sexual abuse of boys is a stronger risk factor for teen pregnancy than the sexual abuse of girls.^{59,72,83}
- Most sexual abuse incidents reported by pregnant teens occurred well before the incident that resulted in pregnancy. Only 11 to 13% of pregnant girls with a history of child sexual abuse reported that they had

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become pregnant as a direct result of this abuse.⁷²

What are the long-term consequences of child sexual abuse?

Child sexual abuse has lasting consequences for victims. The real tragedy is that it robs children of their potential, setting into motion a chain of events and decisions that affect them throughout their lives.

FACT: Substance abuse problems are a common consequence for adult survivors of child sexual abuse.

- Female adult survivors of child sexual abuse are nearly three times more likely to report substance use problems (40.5% versus 14% in general population).⁷⁴
- Male adult CSA victims are 2.6 times more likely to report substance use problems (65% versus 25% in general population).⁷⁴

FACT: Mental health problems are a common long-term consequence of child sexual abuse.

- Adult women who were sexually abused as a child are more than twice as likely to suffer from depression as women who were not sexually abused.⁷⁵
- Adults with a history of child sexual abuse are more than twice as likely to report a suicide attempt.^{76,77}
- Females who are sexually abused are three times more likely to develop psychiatric disorders than females who are not sexually abused.^{78,79,80}
- Among male survivors, more than 70% seek psychological treatment for issues such as substance abuse, suicidal thoughts and attempted suicide.⁸¹

FACT: Obesity and eating disorders are more common in women who have a history of child sexual abuse.

- – 24 year-old women who were sexually abused as children were four times more likely than their non-abused peers to be diagnosed with an eating disorder.⁸²
- Middle-aged women who were sexually abused as children were twice as likely to be obese when compared with their non-abused peers.⁷⁵

FACT: Child sexual abuse is also associated with physical health problems in adulthood. It is theorized that this is a consequence of the substance abuse, mental health issues and other consequences that survivors of child sexual abuse face.

- Generally, adult victims of child sexual abuse have higher rates of health care utilization and report significantly more health complaints compared to adults without a child sexual abuse history.^{83,84,85} This is true for both self-reported doctor's visits and objective examination of medical records.⁸⁶ These health problems represent a burden both to the survivor and the healthcare system.
- Adult survivors of child sexual abuse are at greater risk of a wide range of conditions that are non-life threatening and are potentially psychosomatic in nature. These include fibromyalgia, severe premenstrual syndrome, chronic headaches, irritable bowel syndrome and a wide range of reproductive and sexual health complaints, including excessive bleeding, amenorrhea, pain during intercourse and menstrual irregularity.^{49,87,88,89}
- Not only do survivors of child sexual abuse have more minor health conditions, they are at greater risk for more serious conditions as well. Adults with a history of child sexual abuse are 30% more likely than their non-abused peers to have a serious medical condition such as diabetes, cancer, heart problems, stroke or hypertension.⁸⁴
- Male sexual abuse survivors have twice the HIV-infection rate of non-abused males. In a study of HIV-infected 12 to 20 year olds, 41% reported a sexual abuse history.^{90,91}



FACT: Adult survivors of child sexual abuse are more likely to become involved in crime, both as a perpetrator and as a victim. This is likely a product of a higher risk for substance abuse problems and associated lifestyle factors.

- Adult survivors are more than twice as likely to be arrested for a property offense than their non-abused peers (9.3% versus 4.4%).⁶⁶
- As adults, child sexual abuse victims were almost twice as likely to be arrested for a violent offense as the general population (20.4% versus 10.7%).⁶⁶
- Males who have been sexually abused are more likely to violently victimize others.⁸¹

Note: Although survivors of child sexual abuse are negatively impacted as a whole, it is important to realize that many individual survivors do not suffer these consequences. Child sexual abuse does not necessarily sentence a victim to an impaired life.

Child sexual abuse has lasting consequences for societies. When the prevalence of child sexual abuse is combined with its economic burden, the results are staggering.

FACT: Child sexual abuse is a public health problem of enormous consequence.

- The CDC recently estimated the lifetime burden of a new substantiated of nonfatal child maltreatment to be \$210,012 per victim. This includes immediate costs, as well as loss of productivity and increased healthcare costs in adulthood.⁹²
- While this estimate is for all forms of child maltreatment, there is evidence that the consequences of child sexual abuse are equivalent or greater than the consequences of other forms of child maltreatment.⁴
- This estimate is comparable to that of many other high profile public health problems, indicating the impact and seriousness of the issue of child maltreatment. For example, the lifetime costs of stroke per person were estimated at \$159,846 (2010 dollars). The total lifetime costs associated with type 2 diabetes were estimated between \$181,000 and \$253,000 (2010 dollars) per case.⁹²

Reporting Child Sexual Abuse

What are the reporting rates for child sexual abuse?

FACT: Only about a third of child sexual abuse incidents/cases are identified, and even fewer are reported.

Researchers estimate that 38% of child victims disclose the fact that they have been sexually abused.^{5,6} Of these, 40% tell a close friend, rather than an adult or authority.⁷ These “friend-to-friend” disclosures do not always result in reports. This means that the vast majority of child sexual abuse incidents are never reported to authorities, though research suggests that disclosure rates to authorities may be increasing.²⁴

- Child protective services agencies investigate about 55% of the child sexual abuse incidents reported to them. The rest are “screened out” for lack of adequate information or for other reasons. Of those reports investigated, only a portion meets the criteria for “substantiated.”³
- Child protective service agencies investigate only 20% of the incidents/children identified and reported by school personnel.³
- School personnel identify 52% of all identified child abuse cases classified as causing harm to the child, more than any other profession or organizational type, including child protective services agencies and the police.³

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- Two-thirds of teachers do not receive specific training in preventing, recognizing or responding to child sexual abuse in either their college coursework or as part of their professional development.²⁵
- 24% of school personnel have never received any oral or written guidelines on the mandated reporting requirements of their state.³
- As many as 25% of child sexual abuse incidents identified by professionals not working specifically in child protection services are not reported, despite a mandated reporting law that requires it.³

FACT: False reports of child sexual abuse made by children are rare.

It is estimated that only 4 to 8% of child sexual abuse reports are fabricated. Most of the fabricated reports are made by adults involved in custody disputes or by adolescents.²⁶

How many child sexual abuse reports result in arrests?

FACT: A large number of those arrested for child sexual assault are convicted and serve time in prison or jail.

While the rate of conviction is high, arrests are made in only 29% of child sexual abuse cases and are 32% more likely to be made in incidents involving older children. For children under six, only 19% of sexual abuse incidents result in arrest.⁹

- Of those charged, about 80% of rape offenders (including rapists of adults) are convicted.²⁷
- An estimated 48% of rape defendants (including rapes of adults) were released from detention prior to the disposition of their case. Only defendants charged with murder had a lower rate of release (24%) than those for whom rape charges were ending.¹¹
- About 14% of those convicted of rape were convicted in a jury trial, but for most defendants (82%), conviction followed a guilty plea. The remaining 4% were convicted following a bench trial.¹¹
- Overall, 87% of convicted rapists (including rapists of adults) were incarcerated, and about 13% received a sentence to probation supervision in the community.¹¹
- For convicted rapists sentenced to prison (not local jails), the average term imposed was just under 14 years. An estimated 2% of convicted rapists received a term of life imprisonment.¹¹
- For each convicted rape offender in a prison or jail, there are nearly 3 rape offenders under probation or parole supervision in the community.¹¹

Fact: Research shows that child sexual abuse perpetrators re-offend at a lower rate than other types of offenders, including those convicted of rape.

- Rapists had a lower rate of re-arrest for a new felony and a lower rate of re-arrest for a violent felony than most categories of probationers with convictions for violence.^{11,28}
- Released rapists were found to be 10.5 times as likely as non-rapists to be re-arrested for rape.¹¹
- Research suggests that incest offenders re-offend at approximately half the rate of “acquaintance” child molesters.²⁸

What do I do if I suspect or discover child sexual abuse?

FACT: Signs that a child is being sexually abused are often present, but they are often indistinguishable from other signs of childhood stress, distress or trauma.

- Direct physical signs of child sexual abuse are not common. However, when physical signs are present, they may include bruising, bleeding, redness and bumps, or scabs around the mouth, genitals, or anus. Urinary tract infections, sexually transmitted diseases, and abnormal vaginal or penile discharge are also warning signs.^{33,34}
- Child sexual abuse victims often exhibit indirect physical signs, such as anxiety,^{33,34} chronic stomach pain and



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headaches.^{35,36,37,38,39,40,41}

- Emotional and behavioral signals are common among sexually abused children. Some of these are “too perfect” behavior, withdrawal, fear, depression, unexplained anger and rebellion.^{33,34,35, 42,43,44,45}
- Some common consequences of trauma include nightmares, bedwetting, falling grades, cruelty to animals, bullying, being bullied, fire setting, runaway, and self-harm of any kind.^{33,34}
- One of the most telling signs that sexual abuse is occurring is sexual behavior and language that is not age-appropriate.^{33,34,46}
- Use of alcohol or drugs at an early age can be a sign of trauma such as child sexual abuse.^{22,23,33,34,47,48}

Note: Child sexual abuse victims may exhibit a wide range of immediate reactions, both in magnitude and form. Resilient children may not suffer serious consequences, whereas other children with the same experience may be highly traumatized. Some victims do not display emotional problems or any other immediate symptom in response to the abuse.

FACT: Child sexual abuse reports should be made to the state’s child protective services agency, the police or both. Visit www.D2L.org/gethelp for more information.



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