



Mandated Reporting for Child Abuse

Revised 10/2020

Purpose

This document specifies the pastoral team's process for responding to instances of suspected child abuse. Compliance with this policy will ensure the pastoral team fulfills its obligations to both the church and the state. More importantly, compliance to this policy will help the pastoral team seek the welfare of children, justice for crimes committed against children, and the protection of the innocent from false accusations.

The members of the pastoral team recognize they are not experts in this field and must (when appropriate) involve qualified investigators. God has provided resources outside the church that are to be utilized in our effort to protect children and guard the reputation of the gospel and the church.

California Mandated Reporting Requirements

Under California law, all ordained clergy are mandated reporters. Pastoral team ¹ members have certain legal responsibilities in cases of suspected child abuse. Read the following from the Orange County Social Services Agency website: ²

While everyone should report suspected child abuse, The California Penal Code provides that it is a crime for certain professionals and laypersons who have a special working relationship of contact with children not to report suspected child abuse to the proper authorities. These professionals and laypersons shall report the known or suspected child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

California Penal Code 11172, subdivision (e) gives mandated reporters who report suspected cases of child abuse absolute immunity, both civilly and criminally, for making such reports. However, any person who fails to report an instance of child abuse as required by the Child Abuse Reporting Act is guilty of a misdemeanor with a punishment not to exceed six months or \$1,000 or both.

For Mandated Reporters who suspect child abuse or neglect, your call is required by law (PC 11166).

A Mandated Reporter must call 7149401000 or 8002074464, prior to submitting a written report. The followup written report should be faxed to (714) 9380289, mailed or submitted electronically via the mandated reporter webpage. ³

¹ <http://ssa.ocgov.com/abuse/child/mandated/definitions> ² <http://ssa.ocgov.com/abuse/child/mandated/> (Accessed 08/2019.)

³ <http://ssa.ocgov.com/abuse/child/mandated/forms>



Defining Child Abuse

Child abuse falls under these four categories: ⁴

- Physical Abuse Serious physical harm inflicted non-accidentally by the child's parent or guardian.
- Neglect Failure or inability of parent or guardian to adequately supervise or protect the child. Willful or negligent failure of a parent or guardian to provide adequate food, clothing, and/or shelter.
- Sexual Abuse Sexual assault or sexual exploitation of a minor. The perpetrator may be an adult or another minor.
- Emotional Abuse Serious emotional damage evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

Steps for Responding to Suspected Child Abuse

When a pastor is made aware of a potential instance of child abuse, he will follow these steps:

1. If the child/children is/are in imminent danger, take immediate action to protect them. Involve law enforcement by calling 911.
2. If the child/children is/are not in imminent danger, notify at least one other member of the pastoral team, if possible, and ask for assistance where needed. ⁵
3. Using the "Mandated Reporting" online form, begin recording a timeline of events. Update this as events occur.
4. Using the "Mandated Reporting" online form, determine if there is a *reasonable suspicion* of child abuse. ⁶
5. If it is determined that there is reasonable suspicion of child abuse, call the Orange County Child Protective Services hotline at (714) 9401000 or (800) 2074464 to make the initial report. *This call must be made as soon as practically possible.* The mandated reporter is not required or encouraged to notify the suspect(s) before making this call.
6. Submit a followup written report within 36 hours of receiving initial information regarding suspected child abuse. Forms and submission instructions are available here: <http://ssa.ocgov.com/abuse/child/mandated/forms> .
(Steps continued below)

⁴ For detailed definitions, refer to the California section of the Child Welfare Information Gateway's publication "Definitions of Child Abuse and Neglect." ⁵ "When two or more persons, who are required to report, jointly have 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 designated to report has failed to do so shall thereafter make the report." (California P.C. 11166 [h]) ⁶ Legally speaking, clergy members only need reasonable suspicion rather than hard evidence or proof to report suspected child abuse. Judging what constitutes a "reasonable suspicion" can be difficult. In the absence of clear physical signs or verbal reports of abuse, clergy must rely on their knowledge of child abuse indicators and experience interacting with children and families to determine when a report should be made. (Adapted from California Department of Social Services online training: <http://clergy.mandatedreporterca.com/lesson1/lesson1.htm> . Accessed 08/2019.)



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7. Contact the pastoral team to determine a plan for follow-up and care of 1) the victim(s) and their family and 2) the suspect(s) and their family.
8. If any suspect is a current employee or volunteer, the pastoral team will suspend them until the investigation by law enforcement is completed.

Related Resources and Contact Information

- Orange County Social Services Agency
 - (714) 9401000 or (800) 2074464
 - <http://ssa.ocgov.com/>
- City of Santa Ana Police Department
 - 714- 245-8665 (nonemergency)
 - <https://www.ci.santa-ana.ca.us/pd>
- Child Welfare Information Gateway: <https://www.childwelfare.gov/>
- California Department of Social Services Clergy Online Training: <http://mandatedreporter.ca.com/training/clergy.htm>