

REPORTING CHILD AND DEPENDENT ADULT ABUSE OR DOMESTIC VIOLENCE POLICY

[Large church example that needs to be modified to fit a specific church (Our Church)]

PURPOSE OF POLICY:

- A. To insure that Our Church is able to provide an appropriate pastoral response to reported or suspected acts of violence, neglect, exploitation or abandonment of any staff, church member or attendee;
- B. To reduce or eliminate any civil liability of Our Church after a reported incident of violence, neglect, exploitation or abandonment of children, dependent adults, staff, members or visitors to our campus;
- C. To provide a system for Our Church, its staff and volunteers to comply with federal and state regulations for mandatory reporters.

DEFINITIONS:

The definitions given are intended for clarification of this policy only and are not necessarily legal or legislative definitions.

- A. “Child abuse” is the improper treatment of a minor which may result in physical or emotional harm to the child. It includes but is not limited to physical abuse, physical neglect, sexual abuse and exploitation, emotional abuse, emotional deprivation, inadequate supervision, and any other act or omission which may result in physical or emotional harm to the child. For a complete definition of “child abuse” see the California Penal Code Sections 11165.1 through 11165.6 attached to and made a part of this policy.
- B. A “minor” is a child between birth and the 18th birthday.
- C. A “child care custodian”, for the purposes of this policy, is an employee of _____ Church whose duties require direct contact and supervision of children.
- D. A “clergy member”, for the purposes of this policy, is a pastor or similar functionary of _____ Church.
- E. A “health practitioner”, for the purposes of this policy, is a physician, psychiatrist, psychologist, licensed nurse, dentist, marriage and family counselor, or child counselor.
- F. A “dependent adult”, for the purposes of this policy:
 - 1. is someone who is 18 years of age or older; and
 - 2. is wholly or partially dependent upon one or more other persons for emotional, financial, and/or physical care or support; and
 - 3. has not established financial independence; and
 - 4. would be in danger if care or support is withdrawn.
- G. “Exploitation”, as used in this policy, refers to either sexual exploitation or financial exploitation.
 - 1. Financial Exploitation refers to activities that take financial advantage of a person, including:

- cashing the victim’s pension checks and keeping the money;
 - forging the victim’s signature;
 - misusing a power of attorney;
 - coercing the victim to sign a will or a deed to property;
 - outright stealing.
2. The sexual exploitation of children and young people under 18, or dependent adults, involves exploitative situations and relationships where the exploited individual (or a third person or persons) receives ‘something’ (e.g. gifts, money, accommodation, drugs, alcohol, affection) as a result of performing, and/or others performing on them, sexual activities. Sexual exploitation can occur through use of technology without the individual’s immediate recognition, for example the persuasion to post sexual images on the internet/mobile phones.

H. A “Safe Haven Advisor” refers to those individuals designated by the _____ as being responsible for the collection of reports of incidents or suspected incidents of abuse, neglect, exploitation or abandonment of children, dependent adults, or domestic partners of those who may be on staff, attend, or visit Our Church.

GENERAL INFORMATION:

A. This policy is intended to interpret the requirements of the Child Abuse and Neglect Reporting Act (Sections 11164-11174.3 of the California Penal Code), The California Domestic Violence & Mandatory Reporting Laws (Sections 11160-11163.2 of the California Penal Code), and Elder Abuse and Dependent Adult Civil Protection Act (Sections 15600-15630 of the Welfare and Institutions Code). While care has been given to accurately interpret the requirements of these Acts and to apply them to the activities of _____ Church, the California Penal Code and Welfare and Institutions Code will serve as the final authority where differences may occur.

POLICY/ PROCEDURE:

- A. All volunteers of Our Church who are involved with minors and all paid staff whose duties do not require direct contact and supervision of minors, except as otherwise stated, shall immediately make a brief confidential report to the appropriate designated individual listed below of any known or suspected instance of child or dependent adult abuse, neglect, exploitation or abandonment, of which they have knowledge or observe within the scope of their duties. Furthermore, all volunteers or paid church staff members of Our Church shall immediately make a brief confidential report to the appropriate designated individual listed below of any known or suspected act of abuse by a domestic partner of any person on staff, attending or visiting Our Church.
- B. The department heads and/or paid church staff who are designated to receive reports of suspected child abuse, domestic violence, or dependent care abuse from volunteers are (non-exclusive list of possible titles):

Director of Operations
 Early Childhood Director or assistant
 Children’s Director
 Junior High Director

High School Director
Executive Director of _____
Any Pastor
Any member of the Safe Haven Advisors

- C. Any child care custodian, health practitioner or clergy member (a.k.a. authorized individual) or member of the Safe Haven Advisors who has knowledge of or observes a child whom he/she knows or reasonably suspects has been the victim of child abuse, shall immediately, upon suspicion and/or in conjunction with the initial reporter, gather information to complete the Suspected Child Abuse Report form, which can be obtained from _____. Any volunteer or paid church staff member who has knowledge of or observes a dependent adult whom he/she knows or reasonably suspects has been the victim of dependent adult care abuse, shall immediately, upon suspicion and/or in conjunction with the initial reporter, gather information to complete the Suspected Dependent Care / Domestic Partner Abuse Report form, which can be obtained from the _____.
- D. Once the information for the report is collected, the reporter shall contact
1. The department head and/or paid church staff member overseeing the area that includes the subject of the report;
 2. A member of the Safe Haven Advisors, as designated by the _____.

A determination must be made by the Safe Haven Advisor if the report falls within the state's requirement for mandatory reporting, either under the Child Abuse Reporting Act or the Dependent Adult Reporting Act.

If the report is deemed to fall under either mandatory reporting statute, Safe Haven will make the appropriate phone report to the jurisdictionally appropriate agency. Safe Haven will also follow up within 36 hours to provide the notified agency with the required written report.

E. Emergency Reporting:

1. The Safe Haven Advisor or any of the department directors or paid church staff members who receives a report of child abuse, dependent adult abuse or domestic violence shall immediately call the police department's 911 emergency line when one or more the following circumstances exist:
 - a. A child, dependent adult, or domestic partner requests immediate protection
 - b. A child, dependent adult, or domestic partner requests that the police be contacted
 - c. A child, dependent adult, or domestic partner expresses an overwhelming fear or anxiety about returning home with the person who brought them (may be in conjunction with other evidence of child abuse)
 - d. Physical signs that may indicate life threatening abuse (e.g., severe bruising, signs of attempted strangulation, cut or stab wounds)
 - e. Reports of sexual abuse and the perpetrator is a member of the household.
- F. The reporting duties are individual and no supervisor or member of the Safe Haven Advisors may impede or inhibit the reporting duties. No person making a report shall be subject to any sanction for making the report. If the volunteer or paid staff member who becomes aware of such acts of abuse,

neglect, exploitation or abandonment believes that the filing of a report may be impeded by the described reporting process, they must file the initial telephonic report to the local police department, Department of Child Protective Service, or Department of Adult Protective Services immediately, and follow up with a written report within 36 hours.

- G. As stated in the Pastoral Care Policy, pastors are required to report suspected child abuse or dependent care abuse to the appropriate authorities and are required to inform counselees of that requirement. Furthermore, pastors are encouraged to report acts of Domestic Violence to a member of the Safe Haven Advisors. Therefore, any information shared by a counselee during a counseling session, including penitential communication, that is related to child abuse or dependent adult abuse must be reported as stated in paragraphs D through F above.
- H. Anyone covered by this policy who acquires knowledge or reasonable suspicion, through any means, that an illegal or criminal act is about to be committed, shall immediately report such information to the appropriate law enforcement authorities.
- I. Any individual who works with minors as a volunteer or an employee of the church, and of whom it is learned that he/she is presently or has previously been involved in child abuse, shall immediately notify the affected Director and/or a member of the Safe Haven Advisors. The volunteer or employee shall be immediately removed from the ministry position in which he/she is working. In a situation where the knowledge of this involvement is learned by a clergy member through a penitential communication, the individual will be given the option of resigning from the position. If that option is not taken, the individual will still be removed from the position.
- J. Any individual who becomes an employee of _____ Church as a child care custodian, health practitioner or clergy member shall, as a prerequisite to that employment, sign a statement to the effect that he/she has knowledge of the provisions of this policy and the referred sections of the California Penal Code and the Welfare and Institutions Code, and will comply with those provisions.
- K. Initial and ongoing training must be provided for all volunteers who work with minors to acquaint them with the parts of this policy that apply to them, to their role and responsibility in this process, and to the signs of possible child abuse, dependent care abuse, and domestic violence. This training must be done when the individual begins his/her service as a volunteer with minors and no less than annually thereafter. Similarly, all staff who work with minors and all other pastoral staff must receive initial and ongoing training.

These samples are provided as input to assist you in developing procedures, but are not a substitute for considering the risks at your church and establishing your own policies and procedures to reduce those risks to acceptable levels. Transformation Ministries provides these as a convenience for its churches but directly states to you, the user that Transformation Ministries is not providing these to you as legal advice or even a substitute for legal advice. Use of these samples is at your own risk. Laws change and best practices change, sometimes rapidly. It is your church's responsibility to stay abreast of changes in laws and best practices. It is recommended you always consult with your attorney and/or CPA as part of the process of developing your policies and procedures.