

Child Protective Services Law Reporting of Child Abuse

Why do congregations need a child abuse risk management program?

Unfortunately, the problem is real. An increasing number of churches are facing lawsuits and tragedies surrounding children being molested or abused. A single incident of child molestation can devastate a church. In many ways the church needs to be on guard more than anywhere else:

- **People assume they know everyone in the church well, and therefore it is a safe place.** Many people naively think that a situation of abuse “would never happen in our church.” This is unwise and untrue.
- **We need workers.** The church is constantly in search of people who will volunteer to serve different needs in the church. This puts many churches in a vulnerable situation. The standards for child and youth workers must be set and held high.
- **Churches might actually be a perfect place for sexual predators to dwell.** This applies to known sexual predators and unsuspected abusers. Where else can you find so many children and such a trusting environment? Kids trust church. Moms and Dads trust church. Unfortunately, in churches it is more common to ignore a sense that a person may be a risk than to question their character or motives.
- **The impact is huge.** Even one incident of child molestation can divide or devastate a congregation. Parents and members are forced to ask questions they never wanted to ask. Leaders face tremendous blame. Children and youth feel victimized and negative news coverage intrudes. Add to all this the severe emotional trauma to the victim and the victim’s family and the future of effective ministry can be completely undermined.

Adapted from Capital Christian Fellowship, A Risk Management Plan for Capital Christian Fellowship to protect against Child Sexual Abuse, August 2007.

Are you a mandated reporter in the state of Pennsylvania?

If you are an adult (18+) who routinely interacts or has direct contact with children (under 18) in the course of your paid or unpaid role as an integral part of a regularly scheduled program, activity or service or who supervises those who do have direct contact, then you are a mandated reporter.

When does a mandated reporter file a report?

1. When you have “reasonable cause” to suspect a child has been abused. “Reasonable cause” is defined as a situation in which any other “reasonable” person would have made the report.
2. When a child discloses to you, or you learn from a third party, that an identifiable child has been abused by anyone, anywhere.
3. When a person 14 or older makes a disclosure to you that he or she has abused a child.

As a mandated reporter, **you are not to investigate** to be certain abuse has occurred. As a mandated reporter, your legal obligation is only to report.

How do I make a report?

1. **Report Out:** Immediately file a report at www.compass.state.pa.us/CWIS/Public/Home the PA Department of Human Services Child Welfare Portal **OR** call ChildLine at 1-800-932-0313.
2. **Report Up:** Inform the person your Child Protection Policy identifies that you have made a report.
3. If you chose to call ChildLine rather than to file a report electronically, then ask the person to whom you made the report if you should also file the paper form CY-47 with your local Child Protective Services agency within 48 hours.

What if I am not a mandated reporter but am aware of an abuse situation? Anyone can file a report of child abuse. Mandated reporters are just legally required to do so. If you are not a mandated reporter, you are not required to file any paperwork or to inform anyone that you filed a child-abuse report.

Special Note to Credentialed Leaders Regarding Privileged Confidential Communications: In situations involving child abuse, there is no general rule in Pennsylvania that communications between a mandated reporter and a patient or client of that mandated reporter are privileged. The Child Protective Services Law does preserve a very narrow existing privilege relating to clergy “*who while in the course of his [or her] duties has acquired information from any person secretly and in confidence.*” Pennsylvania courts have interpreted the clergy-communicant privilege to apply only to confidential communications between a communicant and a member of the clergy in his or her role as confessor or spiritual counselor. Lancaster Conference advises pastors to state clearly that they intend to report situations of child abuse learned about in any setting, including pastoral counseling settings, so as to dismantle any expectation of confidentiality about abuse. Lancaster Conference also strongly advises any pastor who learns of child abuse in his or her role as confessor or spiritual counselor and who considers invoking the privilege on the part of the communicant to immediately consult legal counsel.

This information is not legal advice, and should not be treated as such. If you have questions about any legal matter, you should consult your attorney or other legal professional.

Resources suggested by the authors

- Department of Public Welfare, Commonwealth of Pennsylvania, *The child protective services law: Title 23 Pa. C.S. A. Chapter 63*, Harrisburg, PA, 2014.
- Hammar, Richard R., *Reducing the Risk of Child Sexual Abuse in Your Church*, Matthews, NC: Christian Ministry Resources, 1993.
- Klipowicz, Steven W., *Reducing the Risk of Child Sexual Abuse training manual*, Matthews, NC: Christian Ministry Resources, 1993.
- Parker, Mary, ed., *Safe Place: Guidelines for Creating an Abuse-Free Environment*, Christian Publications, Inc., 2009.
- Zarra, Ernest J., *It Should Never Happen Here: A Guide for Minimizing the Risk of Child Abuse in Ministry*, Grand Rapids, MI: Baker Books, 1997.
- SafeChurch, *Movement Building to End Child Sexual Abuse: Featuring Allies from Faith Communities Speaking Out to Protect Children*, DVD media, Samaritan Counseling Center, Lancaster, PA, 2015.

Adapted from Growing Leaders, November 2007, page 3.