

What Pastors Should Do After Learning About an Allegation of Child Abuse

Clergy who learn of allegations of child abuse should consult with a local attorney and carefully consider the following questions and action steps:

Am I a mandatory or a permissive reporter under state law?

- If the allegations are true, do they constitute child abuse as defined under state law? In some states the definition of child abuse is limited to abuse inflicted by a parent or person responsible for a child's care.
- Do I have reasonable cause to believe that abuse has occurred? Be sure to interpret this broadly. An alleged offender's denial of any wrongdoing does not preclude reasonable cause. Remember, offenders typically deny wrongdoing.
- Did I receive the information in the course of spiritual counseling? If so, does the clergy-penitent privilege protect me from disclosing this information? In some states, it does, but this does not mean that the abuse should not be reported.
- Do I have any risk of civil liability under state law if I choose not to report the abuse? It is possible that abuse victims will be permitted to sue clergy who fail to report if their injuries are aggravated and perpetuated because of the failure to report.
- Do I have any risk of criminal liability under state law if I choose not to report the abuse?
- If you report by telephone, be sure to obtain the name of the agent you spoke with, and make a telephone memorandum with the agent's name, date, and time of the call, and a summary of the conversation.
- Note the time you have under your state's reporting law to make a report. In many states, a report must be made "immediately." Criminal charges may ensue if a report is not made within the limits prescribed by law.
- Always err on the side of reporting.
- Seek legal counsel for assistance with any reporting issues.

—Richard R. Hammar

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Excerpt from: *Congress Enacts New Requirements for Child Abuse Prevention*