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WE'VE MADE A REPORT — NOW WHAT?

What to expect from child
protection agencies

Presented by:
Love & Norris & MinistrySafe



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What to expect from child protection agencies

By Gregory Love & Kimberlee Norris

Child sexual abuse continues to present a compelling concern to the Church.

An understanding of mandatory reporting requirements is critical for ministry leaders. If every allegation of child sexual abuse is simply reported by church leaders to appropriate authorities, *the resulting positive impact will be immeasurable.*

Every state has reporting requirements mandating reports of abuse and neglect of vulnerable populations, specifically children and minors. Every state reporting statute lists 'mandated reporters' — those individuals who are *required* to report, typically listed by licensure or profession; in some states, *every adult* is required to report. In many states, clergy are named mandatory reporters, and failure to report is not simply a failure of leadership; *it's a crime.*

The purpose of reporting laws is to identify children in crisis situations and address each circumstance. Depending on the facts, some reports are referred to law enforcement authorities to investigate and, where appropriate, initiate criminal prosecution.

BARRIERS TO REPORTING ABUSE

Reporting child sexual abuse remains a significant stumbling block for the Church, and sexual abuse continues to be drastically underreported. Why is this so? In general, ministry leaders must understand mandatory reporting requirements, understand how child sexual abuse manifests in ministry environments, and have the courage to *act* in deeply difficult circumstances.

In some cases, ministry leaders struggle with the thought: *What if I'm wrong? What if I make this report that impacts this person's life ... and I'm wrong?* Here's the reality: by creating very broad reporting obligations and requiring that reasonable suspicions of abuse be reported, each state legislature has decided that the safety and welfare of the child outweigh the inconvenience to an adult (or another child, in peer-to-peer sexual abuse scenarios).



Circumstances giving rise to a need to report are rarely convenient or unemotional. Sexual abuse allegations commonly involve behavior that is *difficult* to believe about an individual who is *difficult to suspect*. Almost without exception, abusers 'groom the gatekeepers' in ministry environments, working diligently to have those around them believe they are responsible, trustworthy individuals. Keep in mind: *false allegations are rare*. Studies indicate that only 2%-3% of all sexual abuse allegations are false; the majority of outcries are truthful and factual.

FEAR OF THE PROCESS

Another reason some ministry leaders fail to report is fear-based: fear of what will happen after a report is made. Common questions include:

- *I made a report in the past and never heard back — I wonder if anything actually happened?*
- *If I make a report to authorities, will someone come and take the child away?*
- *If I make a report, will the parents know it was me who reported?*
- *Can my identity be protected?*

Each question above highlights uncertainty about the reporting process, which creates hesitation to initiate communication with the authorities. This article addresses what happens *after* a report is made to Child Protective Services or law enforcement. In our experience, ministry leaders are more likely to report child abuse and neglect when they better understand what happens 'behind the curtain' once a report is made.

EXPLAINING THE PROCESS

Reporting laws and processes vary from state to state, but there are common denominators in how reports are received and processed.

Suspicion of abuse or neglect

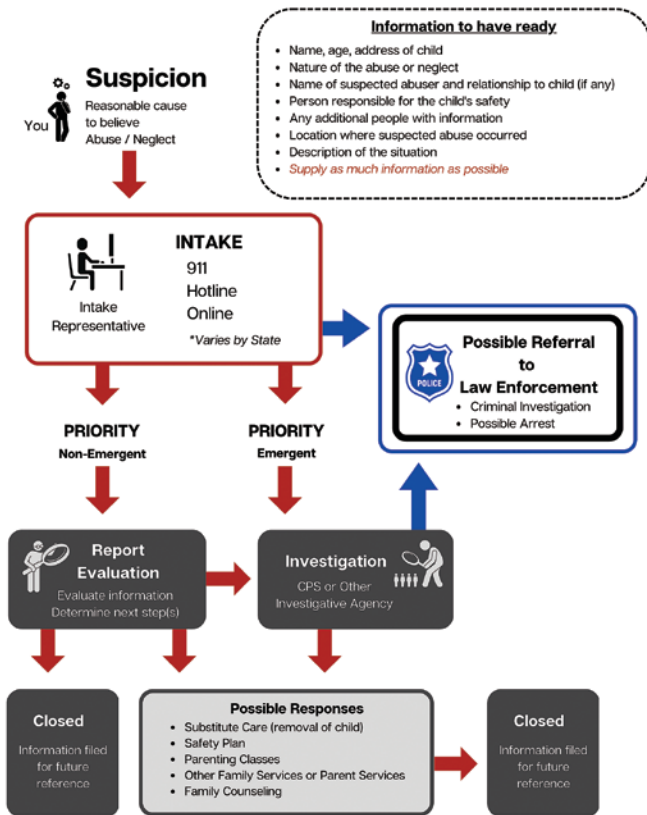
When a ministry leader reasonably suspects or receives an allegation of child abuse or neglect, a report to the authorities is the immediate next step. Some states require that the report occur within 24 hours; others require the report 'in a timely manner'. In any event, assume that the clock is ticking.

'Reasonable suspicion' of abuse or neglect

Note that the threshold triggering a mandatory report is a *reasonable suspicion* (of child abuse or neglect), rather than actual knowledge or admitted bad behavior on the part of the abuser. Ministry leaders should not attempt to prove the existence of abuse or undertake an investigation as a condition of reporting.

Information flow

The following diagram illustrates the flow of information from an initial report to the close of the file. Reporting processes vary from state to state; the diagram below illustrates a *simplified* description of the basic steps in any jurisdiction.



INTAKE SYSTEM

Every state has an intake system with intake representatives trained to receive reports of child abuse and neglect, whether the report is made orally or online. The intake representative expects to receive as much of the following information as possible:

- Name, age and address of the child
- Nature of the abuse or neglect
- Name of person suspected of abusing or neglecting the child
- The relationship (if any) between the abuser and the child
- Person(s) responsible for the child's safety/protection
- Contact information for additional individuals with information
- Location where suspected abuse occurred
- Description of the situation
- Existing injuries, if any, and any medical or behavioral issues
- Any other information known or deemed important

The reporting process varies from state to state — hotlines, online reporting or simply dialing 911 — and might include additional requirements, depending on the profession or licensure of the reporter. The intake representative commonly requests the above-listed

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When an allegation of abuse is brought to a ministry leader's attention months, years or even decades after the fact, some ministries have failed to report simply because the allegation is old or involves individuals no longer involved or employed at the church. Be prepared to report historical allegations, unless it can be verified that someone in the ministry *previously* reported.

information, and will likely prompt the caller for data or request it be gathered. *The intake representative will not instruct you to investigate or provide PROOF of the suspected abuse or neglect.*

REPORT EVALUATION

What occurs after this report can vary. Many states use a *scale of safety* to determine where and to whom the reported information is routed — and how quickly. Based on the reported information, the report will be prioritized or classified based on whether the child is in imminent danger (i.e., the abuse is violent or ongoing, the abuser is an authority figure in the child's home, or an immediate risk of abduction or retaliation exists).

Is the child in imminent danger?

The first and fundamental issue relates to the immediate safety of the child in question. The intake representative will quickly assess whether the facts justify immediate removal of the child (and other children), or *removal of the alleged abuser*. A child deemed in imminent danger is considered a High Priority or Priority 1, which might also result in an immediate referral to law enforcement.

Will the child be removed from the home?

The majority of reports of child abuse and neglect do not invoke Priority 1 status, which might give rise to the removal of the child. In fact, removal is rare. Nonetheless, the purpose of the system is *protection* ➡

of the child. As depicted in the illustration above, a Priority 1 matter will immediately trigger a CPS Investigation (see below),¹ and possible referral to law enforcement for corresponding criminal investigation. *Fact patterns not considered Priority 1 are not considered insignificant. Rather, CPS has more time to evaluate the information without the risk of imminent harm to the child during the evaluation process.*

CPS INVESTIGATION

Depending on the facts reported, an investigation might be opened. Each investigation will be framed by facts reported and subsequent information received or confirmed. What follows is not meant as a comprehensive or chronological description of the investigative process, but a general outline of the common elements of the investigation.

If a report is not deemed Priority 1 or otherwise urgent following the original intake, it might become urgent if merited by additional information gathered in the case evaluation process.

Interviewing the child

It is common for CPS to interview the child. Depending on the child's age and facts reported, this interview might occur in the child's home, at school, or in the child advocacy center.

Protection of the child

If the CPS Investigator believes the child (or other children) is at risk, steps will be taken to ensure the protection of the child(ren), which might include a safety plan, removal of the child(ren), or removal of a potentially dangerous adult or aggressor child from the home. If the abuse occurred at school, for example, steps might be taken to have a potentially dangerous adult or child removed from the school, pending the conclusion of the investigation.

Possible responses

The CPS investigation is limited to the circumstances of the child's experience, including possible pathways forward meant to safeguard the child's safety and well-being. If the investigator concludes that the problem is the home environment or family dysfunction, CPS (or a related agency) might recommend or require a *safety plan*, which may include family services, anger management and other parenting courses, counseling or substitute care.

Referral to law enforcement

The purpose of any CPS investigation is to safeguard the health and well-being of the child, *not the prosecution of the alleged wrongdoer*. Any investigation of criminal behavior is performed by law enforcement (i.e., Crimes Against Children departments or detectives, criminal forensic investigators, sheriff's office or other criminal justice organization). Depending on the facts, CPS might refer a report to law enforcement for investigation and possible prosecution.

FUTURE VALUE OF THE REPORT

All reports are valuable, but not all reports are *actionable*.

When an allegation of abuse is brought to a ministry leader's attention months, years or even decades after the fact, some ministries have failed to report simply because the allegation is old or involves individuals no longer involved with or employed at the church. Be prepared to report historical allegations, unless it can be verified that someone in the ministry *previously* reported.

The passage of time might mean the criminal statute of limitation has run out, such that the bad actor cannot be criminally prosecuted, but that evaluation is up to criminal law enforcement authorities. Reporting has value regardless: it affirms the victim, creates accountability, puts the alleged abuser's name in the criminal investigation system, and

illustrates transparency on the part of the ministry. This is particularly important when the alleged abuser served as a ministry leader, employee, staff member or volunteer.

The guiding principle is this: *when in doubt — REPORT.*

WILL MY IDENTITY BE KEPT CONFIDENTIAL?

Often the reporter is a relative, family friend, neighbor or has a role in the child's life, and is justifiably concerned about whether his or her identity will be disclosed if an investigation is initiated. Due to this reality, and to encourage reporting, some states allow anonymous reporting.

Anonymous reporting

While some states allow the reporter to remain anonymous, even to the intake representative, many states do not. From a ministry standpoint, anonymous reports are not recommended, particularly if the alleged bad actor is serving as a church staff member or volunteer. The identity of the reporter is important for follow-up if an investigation is initiated.

Best Practice: *As a matter of policy, ministries should require reporting as a condition of service, and anonymous reporting should be discouraged, if not precluded.*

Confidentiality of reporter identity

As a general rule, state reporting systems *encourage* the reporting of child abuse and neglect. The majority of states prioritize confidentiality of the reporter's identity with very defined parameters for protecting identity, while others simply 'do their best' to keep reporter identity confidential.

Typically, the reporter's identity is disclosed only to law enforcement in the context of a criminal investigation. In some cases, the reporting person's licensure status (i.e., Education Agency, Nursing Board, or other licensing body) might negate any expectation of privacy or confidentiality.

Best Practice: *AFTER the report has occurred, informing the child's parent or caregiver may occur ONLY if the child is not thereby endangered by doing so. For example, if a child says she was molested by her mother's boyfriend who lives in the home, do not inform the child's mother: doing so might endanger the child. When in doubt, err on the side of protecting the child.*

SUMMARY — KNOWLEDGE DISPELS FEAR

In many cases, ministry leaders fail to report suspicions or allegations of child abuse due to fear: fear of what will happen *after* a report is made. Ministry leaders are more likely to report when they better understand mandatory reporting requirements and the reporting process: what occurs 'behind the curtain'. If *every* reasonable suspicion or allegation of child sexual abuse is simply reported by church leaders to appropriate authorities, the Church *and* its children are better protected. **CE**

Child Protective Services (CPS) is a common description or departmental designation for the state or local agency or governmental department tasked with processing reports of child abuse and neglect, including intake, evaluation and investigation. The departmental name and delegation of responsibilities varies from state to state. For example, a report of child abuse or neglect in Oklahoma is processed by the Department of Human Services (DHS).

Kimberlee Norris and Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris [<https://www.lovenorris.com>] and founders of MinistrySafe [<https://ministrysafe.com>], providing child sexual abuse expertise to ministries worldwide. After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on 'Preventing Sexual Abuse in Ministry Contexts' as Visiting Faculty at Dallas Theological Seminary.