

II. Reporting of Abuse

II. Incident Investigation and Reporting

Because of the serious nature of incidents of alleged or suspected child abuse for the victim, the family of the victim, the accused and the Archdiocese and its employees, volunteers, religious, priests, deacons and the community, the investigation and reporting of such incidents must be conducted in a manner which gives proper protection to all involved. The investigation must be carried out in a way which: (i) will best lead to determining the facts, (ii) will fulfill the statutory obligation to report incidents of suspected child abuse, and (iii) will assist legal counsel in the preparation for the defense of potential litigation which may arise from the incident.

In the investigation and reporting of incidents of alleged or suspected abuse, pastoral concerns should be addressed through sensitivity to all involved and through the maintenance of confidentiality of information received. Based on the foregoing, the following Guidelines have been developed.

II.1. Statutory legal obligation to report child abuse

Sections 210.110 through 210.165 of the Revised Statutes of Missouri contain the law regarding Child Abuse and Neglect in Missouri. The following is a summary of the reporting requirements and applicable definitions.

II.2. Definitions:

“Child” means any person less than 18 years of age.

“Abuse” means any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means. See appendix 11 for Revised Missouri Statutes on Child Protection and Reformation.

“Neglect” means failure by anyone responsible for the care, custody and control of a child to provide the proper or necessary support, education as required by law, nutrition or medical, surgical or other care necessary for the child’s well being. This also includes any person “exercising supervision” over a child for any part of a 24-hour day.

II.3. Who must report:

Every person with responsibility for the care of children is required to make a report. Generally, this covers anyone dealing with the care or supervision of children. Specifically, it covers every teacher, principal, other school official, day care center worker, childcare worker, social worker, nurse and psychologist (in addition to other health care personnel). Priests and deacons are also mandated reporters. However, they are not required to report based on privileged information they receive in their professional capacity as priests or deacons. Privileged information in this context includes spiritual counseling, spiritual direction and confession.

II.4. What requires a report:

A person is required to report when he/she has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

II.5. To whom must the report be made:

A staff member, such as a teacher, day care worker, or social worker must report to the person immediately in charge (e.g. the principal, pastor or agency director) when such staff member learns of abuse or neglect in his/her staff or professional position. The person in charge then becomes responsible for further internal reporting in accordance with these Guidelines and is responsible for making a report to the Missouri Division of Family Services if indicated by the circumstances. A person who makes a report of suspected child abuse or neglect to his or her supervisor has fulfilled his or her obligation to report. Anyone else required to report (including a teacher, social worker, etc., learning of abuse or neglect outside of his/her staff or professional position) must report directly to the Missouri Division of Family Services. Reports to the Missouri Division of Family Services may be made by calling the Child Abuse and Neglect Hotline at **1-800-392-3738 (Within Missouri) or 1.573.751.3448 (For Outside Missouri)**.

II.6. When must report be made:

The report must be made to the Division of Family Services by the person legally responsible for making the report immediately upon receiving a report of child abuse, or other information regarding child abuse or neglect which gives him/her reasonable cause to suspect that a child has been or may be subjected to abuse. While the statute gives no time limit in its provisions, stating only that the report must be made immediately, the obligation to report does not arise until there is reasonable cause to suspect abuse or neglect. Some initial investigation may be required to determine whether such reasonable cause exists and, accordingly, there may be a time period between learning of suspected abuse and making a decision whether to make a report. However, when reasonable cause to suspect abuse has been established, the report must be made immediately.

II.7. Failure to Report:

Failure to report suspected child abuse or neglect to the Division of Family Services by a person required to do so, immediately upon establishing that there is reasonable cause to suspect child abuse or neglect, is a class A misdemeanor.

II.8. Process for investigating incidents of alleged or suspected abuse and reporting incidents of suspected abuse.

- Child Abuse That Is Alleged to have Occurred in a School, Parish or Agency (SPA) within the Archdiocese of St. Louis Archdiocese

II.8.1. In the case of abuse within an SPA, abuse by an employee, agent or volunteer of an SPA, whether lay, religious or clergy, or abuse by a priest:

II.8.2. The person observing or learning of abuse or suspected abuse shall report the incident to his/her supervisor within the SPA with a report ultimately being made to the person in charge of the SPA.

Exceptions:

a) If the person learning of the incident is in charge within the SPA, then no further report within the SPA is needed.

b) If the person suspected or accused of abuse is the person in charge within the SPA, then no report is made within the SPA, but the report should be made to the Receiver of the Report as defined below.

II.8.3. The parent(s) or legal guardian(s) of a victim of alleged child abuse by an employee, agent or volunteer of an SPA should be informed promptly of the alleged incident of abuse.

II.8.4. The person in charge within the SPA shall immediately report to the person in charge of the responsible agency or his/her designee (hereinafter referred to as the "Receiver of the Report"). The Receiver of the Report is the person ultimately receiving the report in the following examples:

a) School: In the case of an elementary or secondary school, or parish school of religion, reports shall be made to the principal or administrator who shall report to the pastor (if a parish school). Then the pastor, principal or administrator, as determined among them, shall report to the superintendent of education or his/her designee.

b) Parish: In the case of a parish incident not related to a school, the pastor shall report to the Vicar General who has jurisdiction over the parish.

c) Agency: In the case of an agency of the Archdiocese, the person in charge shall report to the director of the agency, if a person other than himself/herself, or to his/her designee as determined by each agency.

d) Clergy: In the case of an incident involving clergy, in addition to any report which may be required above, a report shall be made to the Vicar for priests. If the incident occurred in connection with an SPA, the Receiver of the Report shall be determined as above. Otherwise, the Vicar General shall be deemed to be the Receiver of the Report.

II.8.5. The Receiver of the Report shall immediately contact Archdiocesan legal counsel and the Episcopal Vicar for Child and Youth Protection. All reports prior to this stage shall be verbal reports made as soon as practical. Legal counsel may request written summaries from the various persons learning of incidents of abuse, or reporting as required herein, as may be needed under the circumstances.

II.8.6. The Receiver of the Report, in consultation with legal counsel and with the person from whom the report was received and/or others, as deemed appropriate, after having reviewed the matter, makes a decision:

- a) to report or cause a report to be made to the Division of Family Services (“DFS”),
- b) to conduct further investigation either with a report having been made to DFS or without having found cause to make a report at this stage,
- c) to close the matter on the basis that there is not cause to proceed,
- d) to take action regarding the alleged abuser. This should be done in conjunction with the employer or supervisor of the alleged abuser so that employee’s rights are preserved.
- e) to assist the alleged victim and his/her family in obtaining counseling or other appropriate assistance.

II.8.7. If further consultation or investigation was undertaken pursuant to Section 5.2.1.5. (c), then after such consultation or investigation, the Receiver of the Report, in consultation with legal counsel and (i) the Child Safety Committee, (ii) the person from whom the report was received and/or (iii) others, as deemed appropriate to the circumstances, will make a determination of what action will be taken in the matter which may include one or more of the following:

- a) closing the matter with no further action, maintaining documentation,
- b) making a report or causing a report to be made to the DFS,
- c) terminating, suspending or taking other action regarding the alleged abuser, (as noted above, this should be done in conjunction with the employer or supervisor of the alleged abuser), and
- d) assisting the alleged victim and the family of the alleged victim.

II.8.8. All written reports documenting information and investigations related to incidents of alleged or suspected abuse or neglect which are made pursuant to this Section 5.2.1. shall be prepared under the direction of legal counsel for the Archdiocese in order to prepare for the defense of any litigation that may arise from such incidents.

➤ Child Abuse or Neglect That Is Alleged to Have Occurred Somewhere other than SPA of the Archdiocese

II.8.9. In the case of alleged or suspected incidents of abuse by a person who is not an employee, agent or volunteer of an SPA, or a priest or deacon, and which did not occur on the premises of or in connection with an SPA, but which a person learned of in his/her capacity as an employee or staff member of an SPA:

II.8.10. The person observing or learning of the abuse or suspected abuse shall report the abuse to his/her supervisor within the SPA.

II.8.11. The supervisor within the SPA (e.g. the principal, school administrator, pastor or agency director, as appropriate to the SPA) shall review the matter and, if required, make a report to the DFS. Consideration should be given to offering assistance to the alleged victim and his/her family in obtaining counseling or other appropriate assistance.

II.8.12. All employees and agents of the Archdiocese and its various agencies are required to cooperate fully in the investigation of incidents of alleged or suspected child abuse.

II.8.13. Documentation of reports of child abuse, the investigation of such reports and the disposition of the reports and investigations should be maintained in a secure and confidential place. Documentation should be limited to facts observed or reported and should not contain opinions or speculation.

II.8.14. All information received in conjunction with investigations of incidents of alleged or suspected child abuse shall be kept confidential by any person obtaining or receiving such information.

II.8.15. The Archdiocese has made a commitment to post the Missouri Division of Family Services Child Abuse Hotline telephone number in all workplace areas of the Archdiocese. The Hotline posting sign can be obtained from the Save Environment Office at 314.792.7271:

**MISSOURI DIVISION OF FAMILY SERVICES
CHILD ABUSE HOTLINE NUMBER
1.800.392.3738 (For Missouri Residents)
1.573.751.3448 (For Outside Missouri)**

For reporting procedures and other information related to reported incidents of suspected abuse, please refer to the Archdiocese's Policies, Procedures and Guidelines on Child Abuse.

II.8.16. All SPA in the Archdiocese should make the following information readily available.

TO REPORT OLD OR CURRENT ALLEGATIONS OF SEXUAL ABUSE BY A MEMBER OF THE CLERGY OR BY LAY EMPLOYEES OR VOLUNTEERS OF THE ARCHDIOCESE CONTACT THE ARCHDIOCESE'S OFFICE OF PROTECTION FOR CHILDREN AND YOUTH AT 314.792.7704