

GUIDELINES ON REPORTING INCIDENTS OF CHILD ABUSE OR NEGLECT

Purpose

The Diocese of Fort Wayne-South Bend shares the conviction of Indiana legal authorities, all concerned adults, whether or not they are parents, and the Church that every effort should and must be made to report child abuse or neglect to appropriate authorities. Incidents of the physical, mental or sexual abuse or neglect of children, unfortunately, occur with regularity throughout our society. Very often the victims of this abuse are too young to relate to others the fact of occurrence or are too frightened or ashamed to reveal the identities of those responsible for the abuse or neglect. Therefore, only when concerned individuals report those facts which give them reason to believe an incident of child abuse or neglect has occurred can this distressing problem be brought forward for legal redress, as well as psychological assistance and spiritual rehabilitation. This diocesan policy on reporting child abuse or neglect is intended to promote awareness of the laws of the State of Indiana already in effect for all and thus enhance our pastoral awareness of, and response to, this grave problem.

Definitions

1. "Diocese" means the Diocese of Fort Wayne-South Bend. As used in these Guidelines, the Diocese includes all Diocesan offices, parishes, schools, agencies, programs, and departments.
2. "DCS" means the Indiana Department of Child Services, the agency to which child abuse or neglect may be reported.
3. For purposes of this policy, "local law enforcement agency" means a local town or city police department, county sheriff's department or Indiana State Police post. A list of county sheriff's department offices located within the Diocese of Fort Wayne-South Bend to which reports of child abuse or neglect may be made is provided at the end of this Policy. Local town or city police departments and Indiana State Police posts are not listed, but may be contacted in order to make a required report.
4. "Employee" as used in these Guidelines means any Diocesan clergy or religious, any person employed by the Diocese, and any person acting as a volunteer, in any capacity, for the Diocese.
5. For purposes of this policy, "child abuse or neglect" refers to any physical, mental or sexual abuse or neglect of a child under 18 years of age. This includes children who suffer physical and/or mental abuse by the acts or omissions of their parents, guardians, custodians or others. It also refers to children who are victims of certain sex offenses perpetrated by anyone.
6. For purposes of this policy, "reason to believe" means information which, if presented

to individuals of similar background and training, would cause those individuals to believe that a child may have been abused or neglected.

7. For purposes of this policy, “direct supervisor” means:

- for parish school employees and volunteers, their school principal;
- for non-school employees and volunteers in a parish, their parish pastor, DRE, or Youth Ministry leader, as applicable;
- for all high school employees and volunteers, their school principal;
- for Diocesan agency or department employees, their agency or department administrator; and
- for chancery employees and volunteers, the Chief Financial Officer for those in the finance office and a Vicar General for all others.

Policy

1. Reporting Incidents

Indiana law requires that all persons, without exception, make an immediate oral report to a local law enforcement agency or DCS if that person has “reason to believe” that a child may be a victim of child abuse or neglect (unless that person knows a report of the incident has already been made). This duty applies to all diocesan personnel:

- All priests, deacons and other religious personnel,
- All school and parish personnel, paid and volunteer (including counselors); and
- All other employees and volunteers of the diocese or any of its affiliated organizations.

The diocese expects and requires that all of its priests, deacons, employees and volunteers, especially those who work in diocesan programs that are directly and immediately involved with children, recognize and report child abuse and neglect in accordance with Indiana law.

Where a person suspects that a child may be a victim of abuse or neglect, but is unsure whether he or she has sufficient “reason to believe” to make a report, that person should always err on the side of caution and report. The key is to report rather than not report.

Any persons required to make a report to the DCS or law enforcement agency in their capacity as diocesan employees or volunteers are also required to notify immediately their direct supervisor concerning their report to the DCS or law enforcement agency.

The direct supervisor then also becomes personally responsible to report, or to cause a report to be made, to the DCS or law enforcement. If the direct supervisor of the individual making the initial report is unavailable or if the individual feels the direct supervisor is not the appropriate party to contact, the employee/volunteer should immediately notify a Vicar General of the report. The phone number at the Fort Wayne Chancery is (260) 422-4611.

2. Possible Indicators of Child Abuse or Neglect

Many children who are not abused or neglected may exhibit one or more of these indicators from time to time. Children who have many of these signs or symptoms, however, may have a problem that should be reported.

In viewing possible indicators of child abuse, it is always important to distinguish between physical contact and emotional attachment which is nurturing and supportive and that which exploits a child.

Emotional Abuse

Be alert for a child who:

- has a poor self-image
- has slow physical, mental or emotional growth
- is extremely passive or aggressive
- is terrified or extremely nervous if parents are contacted
- is afraid of going home
- has speech problems
- has a habit of biting or rocking
- attempts suicide

Physical Abuse

Be alert for a child who:

- has unexplained injuries or burns
- does not want to tell you how an injury occurred
- explains an injury differently than do other members of family
- has serious injuries that are left untreated
- fears going home
- has bald spots (a sign of hair pulling)
- wears clothing that covers arms and legs, even in warm weather
- refuses to undress for gym class
- is overly aggressive or withdrawn

Sexual Abuse

Be alert for a child who:

- has difficulty walking or sitting
- has pain or itching around genitals
- has unusual knowledge of or interest in sex
- is extremely moody
- has poor peer relationships, especially with opposite sex
- has a sudden onset of behavior problems
- is unwilling to change or participate in physical education class
- fears going home

Physical Neglect

Be alert for a child who:

- wears clothes that are unusually dirty, the wrong size or torn
- has poor hygiene
- seems to be underfed and is always hungry
- has unattended medical needs
- begs or steals food
- is often absent or late
- consistently lacks supervision, especially for dangerous activities or for long periods of time
- has drug or alcohol problems

3. Report Confidentiality

The identities of persons making child abuse or neglect reports to the DCS or local law enforcement are confidential and only made available to individuals legally authorized to obtain such information. Persons making reports may be required to testify at judicial proceedings if court action becomes necessary.

4. Privileged Communications Waived

Indiana law provides that what is generally considered as “privileged communication” between a husband and a wife, a health care provider and patient, or a school guidance counselor and student, is not grounds for failing to make the required reports concerning child abuse or neglect. Priests must also make reports unless the information formulating the reason to believe was gained within the Sacrament of Reconciliation. In such cases, priests may urge the individual providing the information to make a report or to provide the information to another person who may then make the report.

5. Reporting Immunities

Any person who has reason to believe a child is a victim of abuse or neglect and reports to DCS or law enforcement, or a person who cooperates in a judicial proceeding resulting from such a report, is presumed to have acted in good faith and, therefore, is immune from civil or criminal liability. Such liability will only become a factor if it can be shown the person acted maliciously or in bad faith. One must remember, however, this immunity is only available to those making the statutorily required reports to a DCS or law enforcement agency and/or their direct supervisor. Legal actions for damages may still be available if a person disseminates information to other, additional parties.

Therefore, a person should only make the report to the statutorily designated parties to insure retention of the statutory immunity protection.

Another important point a person reporting child abuse or neglect must remember is that his or her duty is a duty to report only. Once someone reports to DCS or local law enforcement and, if applicable, a direct supervisor or Vicar General, his or her duty under the statute ends. Although the person reporting may have to cooperate in a DCS or other public authority's investigation, or may have to testify at judicial proceedings, he or she should not conduct a personal investigation. Investigating is the responsibility of DCS or law enforcement authorities. In fact, an unauthorized person who conducts his or her own investigation risks civil liability for invasion of privacy or defamation.

6. Purpose of Reporting

Protective service agencies are charged with the responsibility of protecting children and preserving family life. Their goal is to help families cope with the problems that cause child abuse, not to separate children from their parents.

7. Penalty for Not Reporting

Persons who knowingly fail to make a required report of child abuse or neglect commit a Class B misdemeanor (I.C. 31-33-22-1). Therefore, a person should always err on the side of reporting, as opposed to not reporting. A person having "reason to believe" a child is a victim of child abuse or neglect must make the immediate oral report to shield himself or herself from civil or criminal liability, and must inform his or her direct supervisor or a Vicar General, if applicable.

DIOCESAN COOPERATION WITH CIVIL AUTHORITIES

Any civil investigations of suspected incidents of child abuse or neglect will be accorded the complete and willing assistance of the appropriate Diocesan personnel. All necessary action will be taken to ensure the fair treatment of any Diocesan employee accused of child abuse or neglect. Pastoral counseling and guidance will be made available to any accused individual in an effort to support them through any investigatory period. Additional pastoral counseling will continue at the individual's request regardless of the

outcome of the civil investigation. Everything will also be done to see that any child who is abused or neglected receives appropriate assistance and counseling.

The following is a list of DCS and sheriff's department offices located within the Diocese to which child abuse or neglect may be reported. Local town or city police departments or Indiana State Police Posts are not listed, but may be contacted in order to make a required report.

The Indiana Department of Child Services has a Child Abuse Hotline

To report child abuse or neglect to DCS, call 1 (800) 800-5556.

The hotline serves as the central reporting center for all allegations of child abuse or neglect in the State of Indiana. It is available 24 hours a day, 7 days a week, 365 days a year.

County Sheriff's Offices within the Diocese

Adams County
Adams County Sheriff's Department
313 South 1st Street, P.O. Box 608
Decatur, Indiana 46733
(260) 724-5345

Allen County
Allen County Sheriff's Department
101 Courthouse
715 South Calhoun Street
Fort Wayne, Indiana 46802
(260) 449-3000

DeKalb County
DeKalb County Sheriff's Department
215 East 8th Street
Auburn, Indiana 46706
(260) 925-3365

Elkhart County
Elkhart County Sheriff's Department
111 North 3rd Street
Goshen, Indiana 46526
(574) 533-4151

Huntington County
Huntington County Sheriff's Department
332 East State Street
Huntington, Indiana 46750
(260) 356-8316

Kosciusko County
Kosciusko County Sheriff's Department
221 West Main Street
Warsaw, Indiana 46580
(574) 267-5667

LaGrange County
LaGrange County Sheriff's Department
0875 South State Road 9
LaGrange, Indiana 46761
(260) 463-7491

Marshall County
Marshall County Sheriff's Department
210 West Madison Street
Plymouth, Indiana 46563
(574) 936-3187

Noble County
Noble County Sheriff's Department
210 South 7th Street, P.O. Box 22
Albion, Indiana 46701
(260) 636-2182

St. Joseph County
St. Joseph County Sheriff's Department
401 West Sample Street
South Bend, Indiana 46601
(574) 235-9611

Steuben County
Steuben County Sheriff's Department
206 West Martha Street
Angola, Indiana 46703
(260) 668-1000 Ext. 4000

Wabash County
Wabash County Sheriff's Department
79 West Main Street
Wabash, Indiana 46992
(260) 563-8891

Wells County
Wells County Sheriff's Department
1615 West Western Avenue
Bluffton, Indiana 46714
(260) 824-3426

Whitley County
Whitley County Sheriff's Department
101 West Market Street
Columbia City, Indiana 46725|
(260) 244-6410