

What You Need to Know About Church Risk and Child Abuse Reporting

In 2012, there were 3.5 million reports of child abuse in the U.S. Collectively, the reports involved **6 million children**. Although churches have a tremendous opportunity to protect and nurture innocent lives, many church leaders remain confused about their responsibility to report alleged incidents. Not reporting abuse can lead to a child's unnecessary continued suffering. Several factors contribute to the problem:

- Ignorance of the law. As laws change, it can feel overwhelming to sift through new information.
- Fear of being sued for unintentionally filing a false report when you are not absolutely certain the abuse occurred. Limited immunity from liability usually protects reporters, as we'll discuss later.
- Reporting the abuse to someone else at church, perhaps the senior pastor, rather than reporting it to the authorities. For mandatory reporters, this doesn't go far enough in most states.
- Fear one's identity will be revealed. When you report abuse to your state hotline, you are assured of anonymity.

Here are answers to some of the most common questions church leaders ask:

Do all states require child abuse reporting?

All states require child abuse reporting from mandatory reporters. Many people mistakenly think you must have actual knowledge of abuse in order to report. Having **reasonable suspicion** of abuse is enough reason to report.

Who is a mandatory reporter?

In addition to doctors, teachers, and childcare workers, many states now consider **everyone** a mandatory reporter. It is imperative to know whether or not you are a mandatory reporter in your state.

Learn your state's requirements at www.childwelfare.gov.

For ministers: [Clergy as Mandatory Reporters of Child Abuse and Neglect](#).

For all other individuals: [Mandatory Reporters of Child Abuse and Neglect](#).

What is reportable child abuse?

Reportable child abuse includes sexual abuse, physical abuse, emotional abuse, and neglect. Neglect is the most common type of abuse, involved in almost 80% of reports.

What is the impact of state child abuse reporting laws on ministers?

Ministers often receive information about child abuse because of their roles as spiritual advisors. Because of their exposure to such information, it's essential for ministers to understand their **child abuse reporting duties** under state law. It may be tempting to treat the abuse as an internal matter of church discipline. However, that response is not

enough if you are a mandatory reporter. Depending on the state, mandatory reporters may also include church staff and volunteers. If so, simply reporting child abuse to the senior pastor of the church **does not relieve these individuals** of their duty to report. A few states will allow a church to designate a staff member, such as the lead pastor, to whom abuse can be reported in lieu of calling the hotline. In most states, however, this does not relieve a mandatory reporter of the duty to report to the state.

How does the clergy-penitent privilege apply?

Thirty-two states have enacted laws excusing clergy from the duty to report information obtained in the course of a privileged conversation between the minister and an individual seeking spiritual advice. In these states, ministers would not be required by law to report child abuse, even if they are a mandatory reporter. But caution must be exercised. First, make sure you thoroughly understand your state's clergy-penitent privilege statute. You may need to seek legal advice to know if the statute applies to the situation. Second, even if the privilege excuses you from reporting, consider the sleep test. It's simple: Will you be able to sleep at night if you don't report the abuse?

How do I report child abuse?

Call the child abuse hotline in your state. [Find your state's hotline here.](#)

Several states also allow individuals to report child abuse to a law enforcement officer directly.

What are the risks of not reporting?

If you are a mandatory reporter, failing to report child abuse will expose you to a criminal penalty (usually a misdemeanor) under state law. In some states, mandatory child abuse reporters are also subject to civil liability for failing to report.

It's important to note that every state supplies mandatory reporters with *limited liability immunity* if the abuse report is never substantiated. This protects you from being sued for a report made in good faith, even if the allegations were false.

How to Respond to Allegations of Child Abuse

When presented with information about potential child abuse, answering the following questions will help you respond properly, as you strive to protect the victim, your church, and yourself:

1. Am I a mandatory or permissive reporter under state law? [Find out here.](#)
2. Do the allegations constitute child abuse as defined under state law?
3. Do I have reasonable cause to believe abuse has occurred?
4. Does the clergy-penitent privilege protect me from disclosing this information?
5. Did the alleged abuse involve pedophilic behavior (sexual contact with a pre-adolescent child)?
6. Do I have any risk of civil liability under state law if I choose not to report the abuse?
7. Should I discuss the available evidence with the state agency that receives child abuse reports to determine whether the agency believes that a report should be filed?

8. Should I try to persuade the informant to report the abuse?
9. Can child abuse be reported to law enforcement officials in my state?

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