

The Board of Ordained Ministry of the
California-Pacific Annual Conference of the United Methodist Church:
Policy on Mandatory Reporting

In general, clergypersons are privileged with clergy-congregant confidentiality, allowing congregants to speak freely with or confess to a clergyperson.

In some cases, however, when the clergyperson learns that abusive or harmful acts have been committed, or hears someone threaten to commit such acts, the clergyperson becomes a mandatory reporter. In other words, the clergyperson is then legally or morally obligated to convey knowledge of actual or potential abuse or physical harm to the proper authorities.

To protect congregants and others in this way is also, of course, the Christian duty of the pastor, who is called to shepherd God's people toward lives free from violence and harm (Jn. 10). The California-Pacific Annual Conference's policy is that clergypersons consider themselves to be mandatory reporters when they are made aware of:

- (1) **Acts of physical harm to another person.** If an individual has physically harmed or threatens to harm another person, such as a spouse, the clergyperson must report this information to the proper authorities.
- (2) **Acts of physical harm to one's self.** If an individual threatens to harm or kill him or herself, the clergyperson must report this information to the proper authorities.
- (3) **Child abuse, molestation or neglect.** Child abuse and neglect includes: physical abuse, sexual abuse (including both sexual assault and sexual exploitation), willful cruelty or unjustified punishment, unlawful corporal punishment or injury, and neglect (including both acts and omissions). If a minor verbalizes that he or she has been physically or verbally abused, neglected, or sexually molested, the clergyperson must report this information to the proper authorities. The same applies if an adult verbalizes that he or she has committed such abuse or threatens to do so, or knows of another person who has conducted such abuse. Further, the clergyperson must report if the clergy has a "reasonable suspicion" there has been abuse or neglect. "Reasonable suspicion" means it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred.
- (4) **Elder abuse.** Elder abuse includes: physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment resulting in physical harm or pain or mental suffering. It also includes the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or

mental suffering. If a senior adult verbalizes that he or she has been verbally or physically abused, or if an individual admits to abusing a senior, or threatens to do so, or knows of another person who has conducted such abuse, the clergyperson must report this information to the proper authorities.

Please note that the California Pacific Annual Conference (Cal-Pac)'s Board of Ordained Ministry has adopted more stringent procedures than the laws of California and other jurisdictions may require, for the sake of protecting congregants and others. For example, where California law allows clergy discretion in reporting abuses in certain situations, Cal-Pac expects clergy to consider themselves mandated reporters in the four areas presented here.

Please review the information below regarding the 4 mandatory reporting situations listed above. The following quotations are selected from the law review, *No Sanctuary from the Law: Legal Issues Facing Clergy*, from the *Loyola of Los Angeles Law Review*, 11-1-1996, by Arthur Gross Schaefer Darren Levine.

<http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=2021&context=llr>

In regards to (1) acts of physical harm to self or (2) to another person:

“...most states require psychiatrists, psychologists, and social workers to **report to the authorities when their clients have threatened acts of physical harm to themselves or to a third person.** For example, the well-known Tarasoff precedent requires all California professional counselors to report any client who has threatened to inflict bodily harm on another.” p. 180.

“The clergyperson must take action when they have "reasonable" belief that crime is being committed. **The moment that a hunch becomes a reasonable belief, the clergyperson should initiate the reporting procedure devised by their legal counselors.**” p. 181.

In regards to (3) acts of child abuse or molestation:

“Many states believe that there is a compelling government interest in protecting children that outweighs free speech and free exercise of religion. For this reason alone, **most states require that professionals report on behalf of the victimized child when made aware of child molestation;**” p. 181

“Dealing with an incident or allegation of child molestation is an unfortunate but very real situation. It is natural to want to address the situation quickly and quietly because reputations are at stake; however, such haste often creates further problems. Most importantly, the clergyperson should treat every complaint as serious until proven otherwise. When made aware of a potential child molestation case, a clergyperson should immediately contact an attorney who is knowledgeable about the reporting requirements. Next, the clergyperson should contact the appropriate state agency that receives reports of

child abuse. Clergy should cover these grounds first before raising the issue with the alleged perpetrator. The clergyperson must maintain the confidentiality of the parties by limiting the number of people who are informed of the situation.” p. 183

In regards to acts of (4) elder abuse:

“It is now well established that child abuse must be reported to a state agency. But what about reporting **spousal or elder abuse?** These are serious crimes as well. Each clergyperson must answer this moral question and decide in the face of potentially serious legal ramifications. This Article contends **that regardless of protected communication, the clergyperson has a moral obligation to report such specific acts of violence to the proper authorities in order to protect the victims.** pp. 182-183

When to Report

The clergyperson’s report to proper authorities must be made immediately, or as soon as it can be made safely. Reporting the information to another person is not a substitute for making a mandated report to the appropriate agency.

In cases of child abuse, for example, mandated reporters must report to a county child welfare department or to local law enforcement (police or sheriff’s department) immediately by **phone**. In California, a written report must then be sent within 36 hours by fax, or it may be sent by electronic submission, if a secure system has been made available for that purpose in your county. Written reports (in California) must be submitted on the California Suspected Child Abuse Report Form 8572. This form can be downloaded at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf.

Where to Report

Type of Abuse	Where to Report
Physical Harm to Another Person	Local Authorities
Physical Harm to One’s Self	Local Authorities
Child Abuse or Neglect	CA: County Child Welfare Dept. or the Local Police/Sheriff’s Dept. HI: Dept. of Human Services, Child Welfare Services (800) 494-3991 Oahu: 832-5300 Am. Samoa: Local Authorities Guam: Child Protective Services or the Guam Police Dept. Northern Marianas Islands: Dept. of Public Safety

Elder Abuse	CA: Local Police/Sheriff's Dept., or Adult Protective Services Agency: (888) 436-3600 HI: Hawaii Adult Abuse Reporting Hotline Oahu: (808) 832-5115 Maui, Molokai & Lanai: (808) 243-5151 Kauai: (808) 241-3432 East HI: (808) 933-8820 West HI: (808) 327-6280 Am. Samoa: Local Authorities Guam: Dept. of Public Health, Adult Protective Services Unit – (671) 475-0268 [After hours (671) 646-4455] Northern Marianas Islands: Local Authorities
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