

Procedure B for Policy 3610

EMPLOYEE / VOLUNTEER GUIDE

Diocesan Guidelines on Reporting Incidents of Child Abuse - P3610

I. 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.

II. Definitions

For the purposes of this policy, the following definitions shall apply.

- A. "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.
- B. "CPS" means a county child protection service agency to which child abuse or neglect may be reported. A list of county CPS offices located within the Diocese of Fort Wayne-South Bend is provided at the end of these Guidelines.
- C. 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 these Guidelines. 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.

- D. “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.
- E. 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.
- F. 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.
- G. For purposes of these guidelines, “direct supervisor” means:
 - 1. for parish school employees and volunteers, their school principal;
 - 2. for non-school employees and volunteers in a parish, their parish pastor, DRE, or Youth Ministry leader, as applicable;
 - 3. for all high school employees and volunteers, their school principal;
 - 4. for Diocesan agency or department employees, their agency or department administrator; and
 - 5. for chancery employees and volunteers, the Chief Financial Officer for those in the finance office and a Vicar General for all others.

III. Policy

A. Reporting Incidents

Indiana law requires that all persons, without exception, make an immediate oral report to a local law enforcement agency or CPS office 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:

1. All priests, deacons and other religious personnel,
2. All school and parish personnel, paid and volunteer (including counselors); and
3. 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.

When 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 local CPS 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 CPS or law enforcement agency. The direct supervisor then also becomes personally responsible to report, or to cause a report to be made, to the local CPS 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.

B. 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

C. Report Confidentiality

The identities of persons making child abuse or neglect reports to the CPS 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.

D. 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.

E. Reporting Immunities

Any person who has reason to believe a child is a victim of abuse or neglect and reports to CPS 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 CPS 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 CPS 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 CPS 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 CPS 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.

F. 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.

G. 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.

IV. 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 county CPS 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.

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| Adams County | Adams County Department of Public Welfare
804 Mercer Avenue, P. O. Box 227
Decatur, Indiana 46733
(260) 724-9169 |
| | Adams County Sheriff's Department
313 South 1st Street, P.O. Box 608
Decatur, Indiana 46733
(260) 724-5345 |
| Allen County | Child Protection Service
Division of Family & Children
201 E. Rudisill Boulevard
Fort Wayne, Indiana 46806
(260) 449-7138 |
| | Adult Protection Service (Age 18 and older)
227 East Washington
Fort Wayne, Indiana 46802
(260) 422-6441 |
| | Allen County Sheriff's Department
101 Courthouse
715 South Calhoun Street
Fort Wayne, Indiana 46802
(260) 449-3000 |

DeKalb County Welfare Department
 Courthouse
 Auburn, Indiana 46706
 (260) 925-2810

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

Elkhart County Child Protection Service
 608 Oakland Avenue
 Elkhart, Indiana 46516
 (574) 522-6365 or (574) 293-6551

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

Huntington County Department of Public Welfare
 Courthouse, Room 209
 Huntington, Indiana 46750
 (260) 356-4420 or (260) 356-3224

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

Kosciusko County Welfare Department
 205 North Lake
 Warsaw, Indiana 46580
 (574) 267-8108

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

LaGrange County Welfare Department
114 West Michigan Street
LaGrange, Indiana 46761
(260) 463-3451

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

Marshall County Welfare Department
112 West Jefferson
Plymouth, Indiana 46563
(574) 935-8550

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

Noble County Child Protective Services
Noble County Welfare Department
Route 3, Box 129
Albion, Indiana 46701
(260) 636-2021

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

St. Joseph County Child Protective Services
St. Joseph County Welfare Department
P. O. Box 4638
South Bend, Indiana 46634
(574) 236-5322

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

Steuben County	Welfare Department Child Protection Service Courthouse Annex Angola, Indiana 46703 (260) 665-3713
	Steuben County Sheriff's Department 206 West Martha Street Angola, Indiana 46703 (260) 668-1000 Ext. 4000
Wabash County	Department of Public Welfare 31 West Main Street Wabash, Indiana 46992 (260) 563-8471
	Wabash County Sheriff's Department 79 West Main Street Wabash, Indiana 46992 (260) 563-8891
Wells County	Department of Public Welfare P. O. Box 332 Bluffton, Indiana 46714 (260) 824-3530
	Wells County Sheriff's Department 1615 West Western Avenue Bluffton, Indiana 46714 (260) 824-3426
Whitley County	Department of Public Welfare 115 South Line Street Columbia City, Indiana 46725 (260) 244-6331
	Whitley County Sheriff's Department 101 West Market Street Columbia City, Indiana 46725 (260) 244-6410