



## How to Respond to Suspected Sexual Abuse of Minors or Dependent Adults by Clergy or Church Representatives (Lay Employees and Volunteers)

*The National Charter for The Protection of Children and Youth People as well as the Diocese of Orange  
Promise to Protect and Pledge to Promote Healing for Victims of Sexual Abuse*

### MANDATORY REPORTERS & NON-MANDATORY REPORTERS

#### Liability for Mandated Reporters

A mandated reporter who fails to make a required report of child abuse is guilty of a misdemeanor punishable by up to six months in jail or by a \$1,000 fine or by both a fine and imprisonment. (P.C. 11166 (c)). If however, death or great bodily injury happens to the child as a result of the abuse, the mandated reporter is guilty of a misdemeanor punishable by not more than one year in a county jail, by a fine not to exceed five thousand dollars (\$5,000), or by both. (P.C. 11166.01 (b)). He or she may also be found civilly liable for damages, especially if the child-victim or another child is further victimized because of the failure to report.

#### Definitions of Dependent Adult

A dependent adult is defined as a person who, because of emotional, mental or physical impairment is unable or unlikely to report sexual misconduct unless assisted. Also an adult may be considered dependent when that person stands in a position of lesser authority or status to the offender, and by reason of such lack of authority or status, is unable or unlikely to report sexual misconduct.

## MANDATORY REPORTERS

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Mandatory Reporters (MR) are legally required to report suspicion of sexual abuse of minors or suspicion of sexual abuse of dependent adults immediately or as soon as possible. After placing the call you have 36 hours to file a written report. Failure to report can result in criminal and civil legal action. See important information of Liability for MR and definition of dependent adults on page # 1 of this protocol.

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- Listen compassionately to the alleged victim. Do not make any judgment about the incident and do not make any offer of assistance or schedule further meetings without the presence of the Assistance Ministry Coordinator (AMC) of the Diocese of Orange. Only collect information needed to report the incident as outlined below.
- **Remember:** There is to be NO investigation by you or anyone else at the parish/school/diocesan level. Please get the facts of the incident as outlined below.
- Get the facts of the incident such as: the nature of the suspected abuse, age of the alleged victim, name(s), address(es), phone numbers, of the alleged victim and alleged offender, the person making the report and witnesses (if available)

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- If the alleged victim is a Minor, and the alleged offender is NOT a Clergy member or diocesan personnel immediately report the incident to: Local law enforcement agency where the incident happened. When you call to report ask for the name/phone number of the person taking the report, and case number.
- If the alleged victim is a dependent adult, immediately report suspicion of abuse of an elder, emotional, mental, or physical impaired adult to local Law Enforcement where the incident happened. If the dependent adult is over 65, report suspicion of abuse to: Adult Protective Services at (800) 451-5155 and file a report.
- If the alleged victim is a Minor and the alleged offender involves clergy, or diocesan personnel (employee or volunteer), immediately report the incident to the local law enforcement agency where the incident happened. Also report the information immediately to **the Assistance Ministry Coordinator for the Diocese of Orange at (800) 364-3064** who will in turn contact the appropriate people at the Diocese of Orange, or any other diocese or religious order as appropriate. Also, the AMC will offer pastoral outreach for the alleged victim, if appropriate. Consider asking the person or persons making the allegation to join with you when you call in the report, if appropriate.
- If the alleged victim is an adult, encourage him or her to file a report with Law Enforcement as well as encourage them to place a call to the diocesan reporting line (800) 364-3064.
- Reporting to CPS and/or local government authorities is mandatory; reporting to the Diocese of Orange does not take away the legal requirement for reporting to local authority and CPS as indicated above. Cooperate fully with the law enforcement agency, CPS, and/or APS.

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### **DOCUMENTS:**

- When filing a report with CPS: Complete the “Suspected Child Abuse Report.” Refer to the “Suspected Child Abuse Report” form. (Form SS8572) available at <http://ag.ca.gov/childabuse/forms.php> and on the RCBO Extranet.
- When filing a report with APS: Complete the Adult Protective Services Report available at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/SOC341.pdf>
- Mail the report to the address you received from the person you called when making the report by telephone. This must be done within 36 hours of your call.
- Fax to Assistance Ministry Coordinator, Dioceses of Orange, immediately at (714) 282-4277 and follow up with a copy by mail. Please indicate on the face sheet & on the envelope Attention AMC, Confidential and Urgent Attention Required.
- If the CPS or law enforcement agency declines to take the report over the phone, get the name and badge number of the person to whom you are speaking.
  - Write this information along with the note “declined to take report” and the date and time of the call.
  - Fax to Assistance Ministry Coordinator, Dioceses of Orange, immediately at (714) 282-4277 and follow up with a copy by mail. Please indicate on the face sheet & on the envelope: Attention AMC, Confidential and Urgent Attention Required.

## NON-MANDATORY REPORTERS

Non-Mandatory Reporters are not legally required to report allegations to CPS, APS or local law enforcement agency. However, you should immediately report the information to **your supervisor and the Assistance Ministry Coordinator for the Diocese of Orange at (800) 364-3064** to make a report and to arrange for pastoral outreach for the alleged victim, if appropriate. If Non-mandated reporters want to make the report directly to CPS, APS and/or local law enforcement agency they are protected by anonymity. Lastly, please follow the procedure for mandatory reporters as described in box # 2, # 3 and # 4 on this page.

*Revised July 10,2017*