Mandatory Reporting

Under What Conditions Must You Mandatorily Report Incidents?

By Dr. Robert Tippie, M.Div, PhD
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In most States in the United States, certain individuals are called “mandatory reporters.” When certain extremely negative events happen to their clients, those case workers have no choice by law other than to report the incident to the proper Law Enforcement Agency. It is not an option.

In the past, many pastors were not considered mandatory reporters. This was especially true of Roman Catholic priests who heard negative and often catastrophic information during confessionals. The Roman Catholic Confessional was considered a “sacred” place where anyone who had committed anything could confess their sins to God through the priest.

The lines are blurring now. This is most especially true in the Protestant denominations wherein there are no real confessionals. State-by-State regulations regarding mandatory reporting are changing. Simply because you are a pastor you should not assume that you do not have to report some specific incidents that you hear during counseling sessions. These are especially related to child abuse and child sexual abuse.

The individual who is considered as a “mandatory reporter” and does not fulfill his or her duty to report an incident may be fined, they may lose their license to practice ministry in that State, they may also face jail time. This is not an issue to take lightly.

My guess is that you, as a pastoral agent do not have any clue when and where you must report specific incidents to specific authorities – even if that reporting is against your desire, against the desires of the church, and against the desires of the family or families involved. It doesn’t matter. If you are a mandatory reporter and you fail to fulfill your obligation to report there will be gravely serious results.

What might those consequences be? You may lose your license to pastor. You will probably be sued civilly by the families involved. Your church will undoubtedly be sued for mega-bucks. There may be criminal charges. Now ask yourself: Is it worth it not to report an incident when the law mandates that you do so?

Now, for the “burning” question: What do you have to report? Well, that is not as easy to answer as it might seem. Most States determine what has to be reported. They also determine who is considered a “mandatory reporter.” In some States, pastors are not mandatory reports on all cases. Most cases, however, involving abuse of a child in any way involves mandatory reporting (as, in my opinion, it should).

Below is a very partial list of incidents that often carry with them mandatory reporting by some agent. Those individuals who are licensed by the State are almost always mandatory reports – psychologists, psychiatrists, medical doctors, etc. The lines become “fuzzy” when it comes to pastoral reporting of specific issues.
For that reason, we have compiled this document to help you determine exactly what you need to report and to whom you need to report it. We have created a form that you can duplicate. We will give you further instructions that will hopefully help you out in contacting the proper agencies to determine if you are a mandatory reporter. If you are a mandatory report for specific incidents, that statement should become part of your Confideniality Statement. Do not leave it out.

Many of the incidents listed below will contain only simplistic information since the reader will understand what the offence is. Only that information that is needed to clarify the incident will be expanded upon.

Most of these incidents will come to you through counseling sessions. You will need to check with State and local officials regarding issues of “hearsay” when you did not actually witness the confession. Some States continue to maintain that the incident must be reported but others do not.

It cannot be overstressed to you that this issue is of the utmost importance. You could lose everything personally and fiscally as a congregation. If you don’t act on this information immediately, you are placing everything on the line.

Do you want to do that?
Child Abuse

Child sexual intercourse by another child of any age whether the child lives in the home or not

This has been, in the past, called statutory rape. It is often sexual intercourse between two underage children (say 14 or 16 years old). In some States, the laws indicate that the responsibility for dealing with this issue is parental only. Both parties can be charged in some States but in other States, laws have been become much less lenient.

It is not clear what your responsibility is when you find out that this even has occurred. You need to sue the form at the bottom of this page, contact the appropriate agency, and keep the form on file so that you can act appropriately and legally when the event transpires in your church.

Child sexual intercourse by an adult who lives in the home with the child

When this event comes to your knowledge it is likely that you will be a mandatory reporter. You will probably need to report this incident to an official State agency. Most of them will ask questions enough to know how you know the incident occurred. The ramifications usually result in a home interview with the parent involved and with the child in question. If there is any indication that the incident has indeed happened, there will probably be an arrest and the child will be removed from the home.

These are hard choices for you to make – especially when it is your goal to do good and not to do harm to a family. At the same time, if the law mandates that you report this type of incident then you have absolutely no choice.

Use the form below to determine if you are indeed a mandatory reporter in the case of sexual abuse of a minor by an adult.

Child sexual intercourse perpetrated by a care taker who is not a parent/guardian

This is the same case as above and you should follow the same protocols.
Child sexual assault – list all cases involving all individuals

Not all sexual incidents involve intercourse. Some cases are assaults on a child rather than full intercourse. You need to contact the appropriate agencies to determine what your obligation is regarding this type of incident.

Physical abuse of a child by a parent or guardian

In most States, you will most likely be a mandatory reporter when there is significant indication that a child has been physically abused by a parent or a guardian. You need to clarify this with the appropriate State agency.

Psychical abuse on a child by another other than a parent or a guardian

In most States, again, this will be a mandatory reporting situation. Check with the appropriate State agency.

Extreme neglect of a child

Child neglect can take on many forms. You need to document the form of neglect that is occurring. If the State agency that you have contacted says that the incident must be reported, then you must report it.
Adult Abuse

Verbal abuse of an adult

Unfortunately, many States do not regard extreme emotional or verbal abuse of another adult as a crime that needs to be manditorily reported. You will need to check with your own local agency to determine what your obligations are. In my own opinion, this is an act of domestic violence and it should be dealt with in the same manner. There are agencies that will assist women who are in such situations. You need those numbers handy so that you can get an abused spouse out of a situation that could escalate into a dangerous situation.

Physical abuse of an adult

Again, as is the case with verbal abuse of an adult-on-adult situation, many times there is nothing that can be done. You need to know your rights. You need to have phone numbers ready to shelter people who are being abused. If you do not and that individual dies, they have died under your “watch.”

Nursing home care abuse of the elderly

It is illegal in all States for care workers in nursing home and assisted living situations to abuse the patients. When you are aware that this is happening, you need to take appropriate action.
Reporting Events

What are the procedures for reporting?

Various States have different regulations for manditorily reporting specific incidents. Not all incidents listed in this report need to be reported. You need to determine as a pastor which incidents you must report. You must also determine by State law how you need to report those incidents. That is part of the investigation process that will ensue from the form that we have included at the end of this manuscript.

What are the ramifications of reporting?

In many States, you can report anonymously. I know that is true because I have done it in the State of Michigan. And, I must report that the situation worked out very well.

In other States, you must give your information and what you know in order to report. This certainly makes your life a little harder. You must determine what your State mandates in all situations listed above.

You should determine exactly what you must report. Sometimes issues of “hearsay” do not have to be reported. Other times they do. It all depends on the State and the statutes that they have put into force.
Rather than have you copy each of these forms, we have included each of the forms themselves so that you will have them. The instructions for each of the forms is the same. Follow the instructions and obtain the most exact information that you can obtain from the most appropriate State agency possible. It is your reasonability to have this information on file prior to needing it.

Probably most of this information is going to come from some form of “Child and Protective Services” agency. Unfortunately, when they hear a male voice, they usually do not respond. You will need to talk fast (if you are a male pastor) or you will be cut off. They tend to protect female clients and they have many male perpetrators attempting to locate their wives/girlfriends and they do not want to jeopardize their safety. Please take that into consideration.

You need to identify yourself as a pastor. You need to ask if you are a mandatory reporter for each and every one of the cases below. You also need to ask if there is any other type of situation in which you are a mandatory reporter.
Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is.

Incident:

Child sexual intercourse/abuse by another child of any age whether the child lives in the home or not

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ________________________________

Name of individual who gave you the information: ________________________

Notes: __________________________________________________________________

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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

**Incident:**

**Child sexual abuse by an adult who lives in the home with the child**

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ________________________________

Name of individual who gave you the information: ________________________________

Notes: ______________________________________________________________________

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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of
the sheets. Take notes so that you know exactly what your responsibility is

**Incident:**

**Child sexual abuse perpetrated by a care taker**

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: _________________________________

Name of individual who gave you the information: __________________________

Notes: ________________________________________________________________________
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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

**Incident:**

Child sexual assault – list all cases involving all individuals

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ______________________________

Name of individual who gave you the information: ______________________

Notes: ______________________________________________________________________

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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

Incident:

Physical abuse of a child by a parent or guardian

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ________________________________

Name of individual who gave you the information: ________________________

Notes: ______________________________________________________________________
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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

**Incident:**

**Physical abuse on a child by another other than a parent or a guardian**

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ________________________________

Name of individual who gave you the information: _______________________

Notes: _____________________________________________________________________

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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

**Incident:**

**Extreme neglect of a child**

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ____________________________

Name of individual who gave you the information: ____________________________

Notes: ____________________________________________________________________
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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is.

**Incident:**

**Verbal abuse of an adult by another adult**

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ________________________________

Name of individual who gave you the information: ________________________________

Notes: ______________________________________________________________________
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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

**Incident:**

**Physical Abuse of an adult by another adult**

Yes / No  As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ________________________________

Name of individual who gave you the information: ________________________________

Notes: ______________________________________________________________________
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Mandatory Information Collection Form

Call your social services agency (maybe child protective services) and ask all of the questions from each of the sheets. Take notes so that you know exactly what your responsibility is

Incident:

Nursing Home Care Abuse of the Elderly

Yes / No As a pastor, do you need to manditorily report this incident?

If so, to whom do you need to report it: ____________________________

Name of individual who gave you the information: ____________________________

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