

***POLICY CONCERNING  
INCIDENTS OF SUSPECTED  
CHILD ABUSE OR NEGLECT***

*New Jersey Catholic Conference*

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## SUSPECTED CHILD ABUSE OR NEGLECT

### STATEMENT OF PURPOSE

The primary purpose of this Policy is to offer detailed guidelines and commentary on the steps necessary to achieve compliance with the law in matters involving incidents of suspected child abuse or neglect.

The emphasis on reporting procedures and cooperation with investigations by DYFS is not to be construed as minimizing the pastoral dimension involved in incidents of suspected child abuse or neglect.

Pastoral concern and spiritual guidance will be made available to all parties involved, including the child, the child's family, the affected community and the alleged perpetrator. While pursuing compliance with the law, the diocese shall make every effort to offer compassion and pastoral support to those in need.

### INTRODUCTION

New Jersey law requires any person who has

reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse to report the same immediately to the Division of Youth and Family Services by telephone or otherwise. N.J.S.A. 9:6-8.10 et seq.

Selected provisions of the law, including the definition of child abuse and "abused or neglected" child (N.J.S.A. 9:6-8.9 and N.J.S.A. 9:6-8.21), are set forth in Appendix A. Under these statutes, child abuse includes but is not limited to acts of sexual abuse, but embraces any conduct or lack of action which impairs or creates substantial risk of impairing the physical, mental, or emotional condition of the child.

Accordingly, any diocesan employee who has reason to believe that any child has been subjected to abuse must make an immediate

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report to DYFS. The law imposes this obligation on every person, and it cannot be delegated to any other person. The report to

and it cannot be delegated to any other person. The report to DYFS must be made prior to advising the pastor, school principal or other program administrator affiliated with the diocese. Failure to report suspected child abuse or neglect is punishable as a disorderly persons offense. Under the law, anyone who makes a report shall have immunity from any civil or criminal liability and cannot be subject to adverse action by the employer for making the report. N.J.S.A.9:6-8.13.

## GUIDELINES

The following guidelines are intended for use in the Catholic Dioceses of New Jersey in formulating a policy with respect to incidents of suspected child abuse or neglect. [Material in capital letters represents the guidelines.]

1. DEFINITIONS. FOR PURPOSES OF THESE GUIDELINES:
  - a. "CHANCELLOR" MEANS THE CHANCELLOR OF A DIOCESE OR HIS DESIGNEE.
  - b. "CHURCH OFFICIAL" MEANS THE PASTOR, SCHOOL PRINCIPAL OR PROGRAM ADMINISTRATOR HAVING DIRECT SUPERVISORY RESPONSIBILITY FOR THE SCHOOL, RELIGIOUS EDUCATION PROGRAM, CYO ACTIVITY, YOUTH MINISTRY PROGRAM, OR OTHER CHURCH-SPONSORED ACTIVITY THROUGH WHICH CHILD ABUSE OR NEGLECT MAY BE IDENTIFIED, AND MAY INCLUDE THE DESIGNEE OF ANY SUCH CHURCH OFFICIAL.
  - c. "DIOCESE" MEANS THE CORPORATE ENTITY OF THE DIOCESE OR THE DIOCESAN BISHOP OR HIS DESIGNEE.
  - d. "DYFS" MEANS THE DIVISION OF YOUTH AND FAMILY SERVICES.
  - e. "EMPLOYEE" MEANS ANY PERSON WHO IS EMPLOYED BY A DIOCESE OR A SUBDIVISION THEREOF OR WHO SERVES AS A VOLUNTEER IN ANY ACTIVITY UNDER THE AUSPICES OF THE DIOCESE OR THE SUBDIVISION.

REPORTING ALLEGATIONS OF CHILD ABUSE OR NEGLECT TO DYFS

2. ANY EMPLOYEE WHO HAS REASONABLE CAUSE TO BELIEVE THAT A CHILD HAS BEEN SUBJECTED TO CHILD ABUSE, NEGLECT, OR ACTS OF CHILD ABUSE BY ANY PERSON, INCLUDING ANOTHER EMPLOYEE, SHALL IMMEDIATELY MAKE A REPORT DIRECTLY TO DYFS.
3. THE REPORT, WHICH MAY BE MADE BY TELEPHONE OR OTHERWISE, SHOULD CONTAIN WHERE POSSIBLE:
  - a. THE NAMES AND ADDRESSES OF THE CHILD AND THE PARENT, GUARDIAN OR OTHER PERSON HAVING CUSTODY AND CONTROL OF THE CHILD;
  - b. THE CHILD'S GENDER;
  - c. IF KNOWN, THE CHILD'S AGE;
  - d. IF KNOWN, THE NATURE AND POSSIBLE EXTENT OF THE CHILD'S INJURIES, ABUSE OR MALTREATMENT, INCLUDING ANY EVIDENCE OF PREVIOUS INJURIES, ABUSE OR MALTREATMENT; AND
  - e. ANY OTHER INFORMATION THAT THE PERSON BELIEVES MAY BE HELPFUL WITH RESPECT TO THE CHILD ABUSE OR NEGLECT AND THE IDENTITY OF THE ALLEGED PERPETRATOR.

Commentary

A copy of the "Teacher's Desk Reference on Child Abuse and Neglect" is included in Appendix B..

OTHER ACTION TO BE TAKEN

4. IMMEDIATELY AFTER MAKING THE REPORT TO DYFS, THE EMPLOYEE SHALL NOTIFY THE PASTOR, SCHOOL PRINCIPAL OR APPROPRIATE PROGRAM ADMINISTRATOR. IF THE PERSON AGAINST WHOM THE ALLEGATION IS MADE IS AN EMPLOYEE, THE PASTOR, SCHOOL PRINCIPAL OR APPROPRIATE PROGRAM ADMINISTRATOR SHALL NOTIFY THE SUPERINTENDENT OF SCHOOLS (IF THE EMPLOYEE AGAINST WHOM THE ALLEGATION IS MADE IS A SCHOOL EMPLOYEE) OR THE CHANCELLOR (IN CASES INVOLVING ALL OTHER EMPLOYEES). THE SUPERINTENDENT OF SCHOOLS SHALL NOTIFY THE CHANCELLOR OF ALL SUCH REPORTS RECEIVED BY THE SUPERINTENDENT.

Commentary

The child abuse or neglect statute focuses on the allegation

of the child and places the investigative responsibility on DYFS and not on the person who receives or reports the allegation. See N.J.S.A. 9:6-8.11. That the law contemplates swift action is apparent from the requirement that DYFS file a report within 72 hours and the further requirement that DYFS maintain a 24 hour hotline to take child abuse or neglect calls (1-800-792-8610). If the alleged perpetrator is an employee of the church-related institution, the call should be made to DYFS' Institutional Abuse Unit at 609-292-0617 or, outside of the business hours of 9:00 a.m. to 5:00 p.m., calls should be made to the Office of Child Abuse Control (OCAC). Thus, an employee may be required to make a referral regarding abuse/neglect of a child without personally ascertaining all of the facts. So too, the legitimate interest which a diocesan Bishop has in questioning the employee against whom the allegation is made is secondary to and independent of the immediate reporting obligation.

A person must have reasonable cause to believe that a child has been subjected to child abuse or neglect before the reporting obligation arises. Thus, one may look to the "Physical and Behavioral Indicators of Child Abuse and Neglect" from Child Abuse and Neglect published by the Governor's Task Force on Child Abuse and Neglect (cf. Appendix C).

From what has been cited in Appendix C, it is apparent that the allegation from the child is susceptible to less scrutiny than an allegation coming from a third party, especially if one has a reasonable belief that the third party is not a credible witness. According to DYFS policy, any doubt about reporting suspected situations is to be resolved in favor of the child and the report made immediately. Validation of suspected abuse is the responsibility of DYFS.

The provisions regarding notice to church officials have been included to ensure that the responsible diocesan officials are aware of the matter and can take whatever action is deemed necessary and appropriate under the circumstances of each case. It is recommended that the chancellor or superintendent also notify the diocesan attorney who, because of his representation of the diocese, cannot in any way counsel or advise the alleged perpetrator.

5. WHENEVER THE ALLEGATION IS RECEIVED FROM ANYONE OTHER THAN THE PARENT OR GUARDIAN OF THE CHILD:
  - a. IF THE ALLEGATION IS NOT MADE AGAINST A PARENT OR GUARDIAN OF THE CHILD, ARRANGEMENTS SHOULD BE MADE TO NOTIFY IMMEDIATELY THE PARENT OR GUARDIAN. PASTORAL CARE FOR THE FAMILY SHOULD BE

MADE AVAILABLE.

- b. IF THE ALLEGATION ALLEGES ABUSE ON THE PART OF A PARENT OR GUARDIAN OF THE CHILD, NOTICE SHOULD NOT BE GIVEN TO ANY PARENT OR GUARDIAN. IN SUCH SITUATIONS, ALL NOTIFICATION TO THE PARENTS OR GUARDIAN SHALL BE HANDLED BY DYFS.
6. AS SOON AS A REPORT IS MADE TO DYFS ACCUSING AN EMPLOYEE OF CHILD ABUSE OR NEGLECT, THE DIOCESE IN ITS DISCRETION MAY REMOVE THAT EMPLOYEE FROM ANY POSSIBLE CONTACT WITH CHILDREN UNTIL SUCH TIME AS THE ALLEGATION AGAINST THE ALLEGED PERPETRATOR IS RESOLVED. INTERIM AND FUTURE ASSIGNMENTS SHALL TAKE INTO ACCOUNT THE INTERESTS OF ALL PARTIES, INCLUDING THE CHURCH.

Commentary

It is manifest that the interests of the child are paramount here. Nevertheless, in the exercise of discretion concerning a change of assignment or removal from duty, due consideration should be given to due process of law, contract rights and employer-employee relations, as well as the nature of the abuse alleged.

7. ALL INFORMATION RELATED TO AN INCIDENT OF SUSPECTED CHILD ABUSE OR NEGLECT IN WHICH AN ALLEGATION IS MADE AGAINST AN EMPLOYEE SHOULD BE ASSEMBLED AND RETAINED IN WRITTEN FORM IN A CONFIDENTIAL MANNER. SINCE SUCH RECORDS MAY BE REQUIRED TO BE PRODUCED TO THE COURTS, THE INFORMATION SHOULD BE FACTUAL ONLY.

Commentary

Retention of all information in written form will ensure that it is available for defense against a liability claim or available to civil or criminal process if not otherwise subject to evidential privilege. It is the intent of this provision that such information be safeguarded from unauthorized disclosure.

8. THE DIOCESE SHALL SHOW APPROPRIATE PASTORAL CONCERN AND SUPPORT TO ALL PARTIES INVOLVED.

Commentary

Since one of the primary defenses of the abuser is denial, the diocese, in showing pastoral concern and support to an employee, should indicate to the employee that the diocese recognizes that child abuse or neglect is a serious problem requiring appropriate professional help.

THE DYFS INVESTIGATION

9. WHEN REPRESENTATIVES FROM DYFS ARRIVE IN RESPONSE TO AN ALLEGATION, THOSE INDIVIDUALS SHALL BE DIRECTED TO THE APPROPRIATE CHURCH OFFICIAL FOR VERIFICATION OF IDENTIFICATION AND CREDENTIALS. IF A PARENT OR GUARDIAN REQUESTS TO BE PRESENT DURING THE INTERVIEW, EVERY REASONABLE EFFORT SHALL BE MADE TO ACCOMMODATE THIS REQUEST, UNLESS THE ALLEGATION IS MADE AGAINST THE GUARDIAN OR EITHER PARENT. DYFS SHALL BE PERMITTED TO INTERVIEW ALLEGED VICTIMS IN THE PRESENCE OF THE CHURCH OFFICIAL OR ANY STAFF MEMBER WITH WHOM THE CHILD IS COMFORTABLE AND WHO HAS HAD NO PART IN THE ALLEGED INCIDENT.
  
10. THE CHURCH OFFICIAL SHALL PERMIT DYFS TO SCHEDULE INTERVIEWS WITH ANY SCHOOL OR PROGRAM PERSONNEL WHO MAY HAVE INFORMATION RELEVANT TO THE INVESTIGATION. THE CHURCH OFFICIAL SHALL COOPERATE WITH DYFS IN INTERVIEWING CHILDREN OTHER THAN THE ALLEGED VICTIM, PROVIDED THAT THE PARENTS OR GUARDIANS OF THESE CHILDREN GIVE PERMISSION FOR THE INTERVIEW TO TAKE PLACE WHILE THE CHILDREN ARE UNDER THE CARE OF THE CHURCH OFFICIAL. PARENTS OR GUARDIANS OF THESE CHILDREN WILL BE PERMITTED TO BE PRESENT DURING THESE INTERVIEWS UPON REQUEST, TOGETHER WITH THE CHURCH OFFICIAL OR ANY OTHER STAFF MEMBER WITH WHOM THE CHILDREN MAY BE COMFORTABLE AND WHO HAS HAD NO PART IN THE ALLEGED INCIDENT. IF THE PARENT OR GUARDIAN OF ANY CHILD DECLINES TO GIVE PERMISSION FOR SUCH INTERVIEW, THE CHURCH OFFICIAL SHALL NOT PERMIT THAT CHILD TO BE INTERVIEWED BY DYFS, BUT SHALL PROVIDE DYFS WITH THE ADDRESS OF THE CHILD SO THAT DYFS MAY DEAL DIRECTLY WITH THE PARENT OR GUARDIAN.
  
11. THE CHURCH OFFICIAL SHALL PERMIT DYFS TO REMOVE FROM THE SCHOOL OR PROGRAM ANY CHILD WHO IS THE SUBJECT