



Policy on Reporting Incidents of Abuse or Neglect of Minors including Vulnerable Adults

Purpose

The Diocese of Fort Wayne-South Bend shares the conviction of Indiana legal authorities, all concerned adults, whether they are parents, and the Church that every effort should and must be made to report abuse or neglect to appropriate authorities. Incidents of the physical, emotional, or sexual abuse or neglect of minors*, unfortunately, occur with regularity throughout our society.

*A minor is defined as anyone under the age of eighteen years; or a person regardless of age who habitually lacks the use of reason and is to be considered equivalent to a minor.

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 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 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.

Definitions

1. **"Diocese"** means the Diocese of Fort Wayne-South Bend. As used in this policy, the diocese includes all diocesan offices, parishes, schools, agencies, programs, and departments.
2. **"DCS"** means the Indiana Department of Child Services, the agency to which child abuse or neglect may be reported.
3. **"APS"** means the Indiana Department of Adult Protective Services, the agency to which abuse, or neglect of adults may be reported.
4. 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 abuse or neglect may be made is provided at the end of this policy. Local town or city police departments and Indiana State Police posts are not listed but may be contacted to make a required report.
5. **"Employee"** as used in this policy means any priest, deacon, candidate for ordination of the religious life, paid personnel, lay or religious, and any person acting as a volunteer, in any

capacity, for the diocese.

6. For purposes of this policy, **abuse or neglect** refers to any physical, emotional, or sexual abuse or neglect of a minor. This includes minors who suffer physical and/or emotional abuse by the acts or omissions of their parents, guardians, custodians, or others. It also refers to minors who are victims of certain sex offenses perpetrated by anyone.

7. For purposes of this policy, **child pornography** refers to any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes. The acquisition, possession, and/or distribution of child pornography is prohibited and must be reported to the proper civil and diocesan authorities.

8. 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 minor may have been abused or neglected.

9. For purposes of this policy, **direct supervisor** means:

- for parish school employees and volunteers, their school principal.
- for non-school employees and volunteers in a parish, their parish pastor, DRE, or Youth Ministry leader, as applicable.
- for all high school employees and volunteers, their school principal.
- for diocesan agency or department employees, their agency or department administrator; and
- for chancery employees and volunteers, the Chief Financial Officer for those in the finance office and the Vicar General for all others.

Policy

1. Reporting Incidents

Indiana law requires that all persons, without exception, make an immediate oral report to a local law enforcement agency, DCS, or APS if that person has “reason to believe” that a **minor** may be a victim of abuse or neglect (unless that person knows a report of the incident has already been made). The obligation to report exists regardless of who the accused may be. This duty applies to all diocesan personnel:

- All priests, deacons, candidates for ordination and the religious life, and other religious personnel,
- All school and parish personnel, paid and volunteer (including counselors); and
- All other employees and volunteers of the diocese or any of its affiliated organizations.

The diocese expects and requires that all its clergy, candidates for ordination and the religious life, religious, employees and volunteers, especially those who work in diocesan programs that are directly and immediately involved with children, recognize and report abuse and neglect in accordance with Indiana law. The diocese expects and requires that the report be made regardless of when the suspected abuse or neglect is claimed to have occurred.

Where a person suspects that a minor 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 DCS, APS 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 DCS, APS or law enforcement agency. The direct supervisor then also becomes personally responsible to report, or to cause a report to be made, to the DCS, APS 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. The person making the report must document his/her actions. A form is attached to this policy for these purposes. The person making the report must use this form or a similar one.

2. Possible Indicators of Abuse or Neglect

Many minors who are not abused or neglected may exhibit one or more of these indicators from time to time. Minors who have many of these signs or symptoms, however, may have a problem that should be reported.

In viewing possible indicators of abuse, it is always important to distinguish between physical contact and emotional attachment which is nurturing and supportive and that which exploits a minor.

Emotional Abuse

Be alert for a minor 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/caregivers are contacted
- is afraid of going home or of a person
- has a speech problem
- has a habit of biting or rocking
- attempts suicide

Physical Abuse

Be alert for a minor 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/caregivers
- 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 minor 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
- new instances of bed wetting or wetting of pants

Physical Neglect

Be alert for a minor 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

3. Report Confidentiality

The identities of persons making abuse or neglect reports to the DCS, APS 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.

4. 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 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.

5. Reporting Immunities

Any person who has reason to believe a minor is a victim of abuse or neglect and reports to DCS, APS 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.

Immunity is only available to those making the statutorily required reports to a DCS, APS or law enforcement agency and/or their direct supervisor. Legal actions for damages may still be available if a person disseminates information to other parties. **Therefore, a person should only make the report to the statutorily designated parties to ensure retention of the statutory immunity protection. Although a well-intentioned person may feel an obligation to inform the parents or guardians of the minor, this is not to be done.**

Once someone reports to DCS, APS 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 DCS, APS 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 DCS, APS 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.

6. 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.

7. Penalty for Not Reporting

Persons who knowingly fail to make a required report of abuse or neglect commit a Class B misdemeanor. (I.C. 31-33-22-1) if the minor is under eighteen years of age. Persons who knowingly fail to make a required report of abuse or neglect commit a Class B misdemeanor (IC 35-46-1-13) if the minor is eighteen years or older. Therefore, a person should always err on the side of reporting, as opposed to not reporting. A person having "reason to believe" a minor is a victim of 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. A form for this purpose is available on the diocesan website under Youth Protection/Report Abuse.

8. The acquisition, possession, and/or distribution of child pornography will be reported to the Civil Authorities.

DIOCESAN COOPERATION WITH CIVIL AUTHORITIES

Any civil investigations of suspected incidents of 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 abuse or neglect. As a precautionary measure, an accused employee may be placed on administrative leave pending the investigation of the claim or the completion of any civil process. Pastoral counseling and guidance will be made available to any accused individual 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 minor who is abused or neglected receives appropriate assistance and counseling.

The following is a list of DCS, APS and sheriff's department offices located within the Diocese to which abuse, or neglect may be reported. Local town or city police departments or Indiana State Police Posts are not listed but may be contacted to make a required report.

The Indiana Department of Child Services Child Abuse Hotline

To report child abuse or neglect of a minor under 18 years of age call **800-800-5556**.

The hotline serves as the central reporting center for all allegations of child abuse or neglect in the State of Indiana. It is available 24 hours a day, 7 days a week, 365 days a year.

The Indiana Department of Adult Protective Services Hotline: 800-992-6978

Indiana is a mandatory report state, meaning everyone is required by law to report cases of suspected neglect, battery or exploitation of an endangered adult to an APS unit or law enforcement. All reports are secured and kept confidential.

County Sheriff's Offices within the Diocese

Adams County	Adams County Sheriff's Department 313 South 1st Street, P.O. Box 608 Decatur, Indiana 46733 (260) 724-5345
Allen County	Allen County Sheriff's Department 101 Courthouse, 715 South Calhoun Street Fort Wayne, Indiana 46802 (260) 449-3000

DeKalb County	DeKalb County Sheriff's Department 215 East 8th Street Auburn, Indiana 46706 (260) 925-3365
Elkhart County	Elkhart County Sheriff's Department 111 North 3rd Street Goshen, Indiana 46526 (574) 533-4151
Huntington County	Huntington County Sheriff's Department 332 East State Street Huntington, Indiana 46750 (260) 356-8316
Kosciusko County	Kosciusko County Sheriff's Department 221 West Main Street Warsaw, Indiana 46580 (574) 267-5667
LaGrange County	LaGrange County Sheriff's Department 0875 South State Road 9 LaGrange, Indiana 46761 (260) 463-7491
Marshall County	Marshall County Sheriff's Department 210 West Madison Street Plymouth, Indiana 46563 (574) 936-3187
Noble County	Noble County Sheriff's Department 210 South 7th Street, P.O. Box 22 Albion, Indiana 46701 (260) 636-2182
St. Joseph County	St. Joseph County Sheriff's Department 401 West Sample Street South Bend, Indiana 46601 (574) 235-9611
Steuben County	Steuben County Sheriff's Department 206 West Martha Street Angola, Indiana 46703 (260) 668-1000 Ext. 4000

Wabash County Wabash County Sheriff's Department
79 West Main Street
Wabash, Indiana 46992
(260) 563-8891

Wells County Wells County Sheriff's Department
1615 West Western Avenue
Bluffton, Indiana 46714
(260) 824-3426

Whitley County Whitley County Sheriff's Department
101 West Market Street
Columbia City, Indiana 46725 |
(260) 244-6410

Checklist for Reporting Neglect and Abuse

Only input information that is known. Need not complete all parts.

Information about minor (victim):

- Name Age
- Address Current location
- Person caring for minor Minor's parent/guardian/custodian
- Is minor receiving medical or in need of medical treatment?
- Siblings of minor who may be in danger

Information about parent(s)/guardians/caregiver:

- Name(s) Address (es)
- Telephone number(s)
- Any history of violence or other calls for service (esp. abuse/neglect calls)

Nature of allegation (give as much detail as possible and use the exact words of the minor):

- Physical abuse Sexual abuse
- Neglect Emotional abuse
- When Where
- Timeframe

Alleged perpetrator information (if known):

- Name(s) Address (es)
- Telephone number(s) Relation to minor
- Behavioral issues Other minors who may be at risk

Contacts:

- DCS abuse hotline (800-800-5556)/ APS abuse hotline (800-991-6978)
- When: Person spoken with:
- Law enforcement Agency notified (not necessary if hotline called) When:
- Which agency: Person spoken with:
- Pastor notified When & How:
- For Catholic Schools → Notice sent to CSO When:
- For parishes → Notice sent to Vicar General When:

FORM COMPLETED BY _____

DATE _____