



REPORTING REQUIREMENTS
AND PROCEDURES
REGARDING CHILD ABUSE

“TREASURED GIFTS FROM GOD”
the
DIOCESE OF YOUNGSTOWN
CHILD PROTECTION POLICY

and the

OHIO REVISED CODE
STATE OF OHIO



144 West Wood Street
Youngstown, OH 44503

November, 2011

REPORTING CHILD ABUSE

IN THE DIOCESE OF YOUNGSTOWN and the STATE OF OHIO

According to the Diocese of Youngstown Child Protection Policy, "*Treasured Gifts from God*" and the reporting statutes of the Ohio Revised Code

Introduction

"Who is the greatest in the kingdom of heaven?" Jesus called a child, whom he put among them, and said, "Whoever welcomes one such child in my name welcomes me. If you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. Occasions for stumbling are bound to come, but woe to the one by whom the stumbling block comes!"
(Matt. 18:1-2, 5-7)

This scripture quote admonishes us to never harm a child. It also reminds us of our commitment to report any knowledge or suspicion that a child is, or may be, harmed by someone else.

Child abuse in any form – sexual, emotional, physical, neglect, or any other injury – must be reported to civil authorities. If that abuse is at the hands of clergy or other church personnel, whether employees or volunteers, a report must also be made to the diocese.

Reports to the diocese should be directed to the Victim Assistance Coordinator or any other diocesan administrator at 330-744-8451.

Requirement to Report

The Diocese of Youngstown *Child Protection Policy* states: Persons who feel that they have been a victim of child abuse by a priest, deacon, seminarian, religious, diocesan employee or volunteer, and persons who have reason to suspect that someone they know has been a victim, shall bring the allegation to civil authorities and diocesan officials.

Any person who witnessed an act of child abuse perpetrated by a priest, deacon, seminarian, religious, employee or volunteer, or suspects that such an act has occurred or receives a report of such an act, must report the incident immediately to civil authorities and diocesan officials. This does not apply to those persons whose knowledge is protected by legal privilege.

The Ohio Revised Code (Section 2151.421) mandates that those persons acting in an official or professional capacity shall report immediately any suspected or actual act of child abuse to the County Children's Services Board or to a police officer; anyone else may report suspected or actual abuse.

Priests who learn the information through the Seal of Confession are exempt from this reporting requirement according to Canon 983.1 of the Code of Canon Law and according to civil law.

Mandated Reporters

Ohio Revised Code, Section 2151.421 (A)(1)(a) and 2151.421 (A)(4) defines a mandated reporter as a person who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under 18 years of age or a mentally disabled, developmentally disabled, or physically impaired child under 21 years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of the child. Those persons must immediately report that knowledge or reasonable cause to suspect to the county children's services agency or to a police officer.

See the Ohio Revised Code section noted above for a complete list of mandated reporters.

Reporting Procedures

To Civil Authorities

The Ohio Revised Code Section 2151.421 Duty to report child abuse or neglect, describes requirements and procedures along with other reporting information. It may be found in Appendix 2 of the Diocese of Youngstown Child Protection Policy and at codes.oh.gov.org.

To the Diocese of Youngstown

To report abuse, suspected abuse or past abuse, contact the Victim Assistance Coordinator or any other diocesan administrator. Reports may be made by phone to 330-744-8451; by writing to 144 W. Wood Street, Youngstown, OH 44503, attn. Victim Assistance Coordinator; or by E-mail: chancery@youngstowndiocese.org

When an allegation of abuse is received, the steps of the diocesan policy will be described to the person making the allegation. That person will be advised of his/her right or requirement to also report to civil authorities.

The allegation will be reported to the diocesan Bishop, the Vicar General, the Vicar for Clergy, the diocesan attorney and the diocesan Review Board.

Frequently Asked Questions

What is the definition of child abuse?

Child abuse consists of any of the following:

- a) engaging in any sexual activity with a child as defined under Chapter 2907 of the Ohio Revised Code, or as defined by the *Essential Norms*. The *Essential Norms*, a document written by the United States Conference of Catholic Bishops, ensure that each diocese in the United States has procedures in place to respond promptly to all allegations of sexual abuse of minors by priests or deacons.

- b) endangering a child as defined in Section 2919.22 of the Ohio Revised Code;
- c) denial, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary to a child for the child's health;
- d) use of restraint procedures on a child that cause injury or pain;
- e) administration of prescription drugs to a child without the written approval and ongoing supervision of a licensed physician;
- f) providing alcoholic beverages or controlled substances to a child;
- g) commission of any intentional act that results in any injury or death to a child;
- h) infliction of physical or mental injury that threatens to harm a child's health, welfare or safety.

What is meant by "legal privilege" as stated above?

A legal privilege may exist between an attorney and client; a physician and patient; or a priest and penitent, which may restrict the reporting requirements set forth in the Ohio Revised Code 2151.421.

Am I liable for making a report that turns out to be wrong?

Section 2151.421 provides that anyone participating in good faith in making a report shall be immune from civil or criminal liability. On the other hand, failure to report, when someone is required to do so, can result in a misdemeanor charge.

What happens after a report is made to the diocese?

The allegation is reported to diocesan attorneys, who in turn report to Children's Services. The diocese initiates its own investigation and may initiate an investigation using the services of an independent, professional investigator. If the allegation is found to be credible, the accused is removed from ministerial duties.

What is the Review Board?

The Review Board is a confidential, consultative body which advises the bishop in his assessment of allegations of abuse and his determination of suitability for ministry. The Review Board consists of persons from the Church, the community, and of various faiths and professions. The majority of the board members are lay men and women with professional expertise in law, medicine, psychiatry, etc.

"Let the children come to me." (Mt. 19:14)

Resources

The Diocese of Youngstown *Child Protection Policy* is available at www.doy.org or by contacting the Chancery Office at 330-744-8451, ext. 235.

United States Conference of Catholic Bishops *Charter for the Protection of Children and Young People and Essential Norms* is available at www.doy.org; by contacting the Chancery Office at 330-744-8451, ext. 235, or from the USCCB, 1-800-235-8722, Publication No. 5-721

Children's Services Boards in the six counties of the Diocese of Youngstown:

Ashtabula County	440-998-1811
Columbiana County	330-424-7781
Mahoning County	330-941-8888
Portage County	330-296-2273
Stark County	330-233-5437
Trumbull County	330-372-2010

Ohio Revised Code: codes.oh.gov.org and Appendix 2 of the Diocese of Youngstown Child Protection Policy.

Diocese of Youngstown Victim Assistance Coordinator: 330-744-8451, ext. 235.