

ABUSE PREVENTION AND RESPONSE

POLICIES and PROCEDURES

of the

**STRATFORD
CHRISTIAN REFORMED CHURCH**

APPENDICES

AUGUST 2008

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APPENDIX A

DEFINITIONS

1. **Physical abuse** means any intentional application of force or threat to apply force upon a person without that person's consent. "Physically abusive behaviour ranges from slapping, pushing, shoving, punching, kicking and biting to more severe forms like choking, severe spanking, beating, hitting with an object, burning, stabbing and shooting. In other words, any means of inflicting force, pain or injury to another person" (Agenda for Synod 1992, p. 318)
2. **"Sexual abuse** generally includes any sexual intimacy forced on one person by another. Sexual abuse may or may not involve physical contact between persons. Examples of non-physical contact sexual abuse include people exposing themselves, obscene phone calls, or requests to engage in physical sexual contact with another, even though that physical contact does not occur. Non-physical contact sexual abuse of a child can include improper and suggestive speech, exposing a child to pornographic material, or masturbating in a child's presence. Sexual abuse involving physical contact includes fondling body parts, intercourse and oral and anal sex. Adult sexual abuse occurs when sexual relations are forced against a person's or partner's wishes, when sexual practices are uncomfortable or degrading, or when a person or partner is injured. Sexual abuse of a child takes place when, through non-physical contact or physical contact, the child participates in sexual activity that she/he cannot comprehend, cannot legally give consent to or cannot resist. Threats or gifts often accompany the sexual abuse of children." (Wake Up: A Guidebook (Bethany Prod.) 1993)
3. **Emotional/Psychological Abuse.** "Harm or threatened harm to a person's welfare or well-being by a chronic or intentional pattern of deprivation, manipulative threats, words or actions, harassment, or unnecessary and excessive attempts to control a person's behaviour or thoughts. The term 'spiritual abuse' may be understood as emotional/psychological abuse committed by a recognized spiritual leader who causes harm or threats of harm to a person's spiritual welfare or well-being by chronic or intentional patterns of behaviour ordinarily contrary to role expectations of the spiritual leader's office." CRC Abuse Guidelines, p. 5)
4. **Child Neglect.** Child neglect means a child who has been treated in such a manner that the child is in need of protection. The Ontario Child and Family Services Act section 72(1) defines "in need of protection" to include, among other circumstances, the following ones:

- The person having charge of the child has caused physical harm to the child.
 - The person having charge of the child is likely to cause physical harm to the child.
 - The person having charge of the child has caused sexual harm to the child.
 - The person having charge of the child is likely to cause sexual harm to the child.
 - The person having charge of the child does not provide necessary medical treatment for the child.
 - The person having charge of the child has caused directly or by neglect, emotional harm to the child demonstrated by serious:
 - anxiety
 - depression
 - withdrawal
 - self-destructive or aggressive behaviour, or
 - delayed development
 - The person having charge of the child is likely to cause, directly or by neglect, emotional harm to the child.
 - The person having the charge of the child does not provide necessary treatment for a child who has suffered emotional harm.
5. **Child** or **Youth** means a person under the age of 18 years.
 6. **Offender** includes in its meaning a person who is alleged to have committed abuse.
 7. **Victim** includes in its meaning a person who alleges that an abuse has been committed against him/her.
 8. **Council** means the Council of the Christian Reformed Church of Stratford.

APPENDIX B

PROCEDURE TO BE FOLLOWED BY MINISTRY PROVIDER

(VICTIM IS UNDER AGE 16 YEARS)

1. Signs and/or symptoms of abuse or reports of abuse arising from a minor (age 16 or under) need to be taken seriously. An investigation of said signs and/or symptoms and reports must be conducted only by people trained to investigate abuse complaints. A ministry provider should not conduct a solo or independent investigation of the matter. In the case of a minor, the trained investigators are the local police departments and the Children's Aid Society (CAS).
2. The ministry providers who work in youth programs should be trained to look for the signs and/ or symptoms of emotional, physical, and sexual abuse. They should also be trained to respond to a child who reports abuse. If the ministry provider has reasonable grounds to suspect child abuse, he/she has a duty to report. There is no liability for reporting suspected abuse. If in doubt about reporting, call the Children's Aid Society Intake Worker as a consult.
3. When a ministry provider observes what may be signs and/or symptoms of abuse, it is appropriate to ask a minor how the signs and/or symptoms appeared. The ministry provider should not interview the minor in great detail about the signs and/or symptoms. The ministry provider must not ask a minor if he/she is/was abused.
4. Ministry providers must report any suspicion of child abuse, whether physical, sexual, or emotional abuse, to their immediate leader unless that person is the suspected abuser. In that case, a report must be made to the Pastor or to a member of the Stratford CRC Safe Church Committee.
5. Those receiving the report must contact the police and Children's Aid Society (CAS) directly and immediately. Note: Disclosure to the congregation is subject to the approval of the authorities (the Police and/or Children's Aid Society).
6. Council representatives shall immediately notify the Stratford CRC's insurance company to advise of the allegation and to seek advice respecting procedures required by the insurance company.

7. If anyone contacts a volunteer, leader or staff requesting information about an incident, then the volunteer, leader and/or staff should advise them to contact the pastor and/or a member of the Safe Church Committee.
8. Without admitting legal liability or making public statements prior to obtaining legal counsel, a compassionate response to the alleged victim and their family must be assured.
9. Subject to reporting requirements of the law and of this policy, a volunteer or staff shall maintain essential confidentiality for the alleged victim and perpetrator.

APPENDIX C

REPORTING CHILD ABUSE AND NEGLECT: SUMMARY OF THE LAW

The Child and Family Services Act (1984) is the legislation that, among other goals, seeks to protect children from abuse and neglect. Specific clauses within it require the reporting of child abuse and neglect by the general public and, in a more rigorous way, by the "professional" public. This mandate to report child abuse relates to the church in 2 ways.

Firstly, any member of a church community falls under the general "duty to report": which states: "Every person who believes on reasonable grounds that a child is or may be in need of protection must report promptly the belief and the information upon which it is based to a children's aid society." (C.F.S.A. Section 72.2)

Secondly, there are special responsibilities imposed on professionals and officials by Section 72.3 which states: " A professional who in the course of his/her duties with respect to a child has reasonable grounds to suspect that child is or may be suffering or may have suffered abuse shall report forthwith the suspicion and the information upon which it is based to a children's aid society."

Professionals, in the church context would include clergy and others employed to work with children/youth. Section 85.1 of the C.F.S.A. goes on to say that a professional who fails to act and report abuse is guilty of an offence and on conviction, is liable to a fine up to \$1,000.00

"Abuse" is defined to be either physical, sexual, or emotional harm, risk of physical, sexual or emotional harm, as well as a failure to care properly for a child.

The Church Workers Role

First of all, as a church worker you are protected from liability if you report child abuse. The professional's duty to report overrides the provisions of any other provincial statute; specifically, those provisions of which would otherwise prohibit disclosure by the professional or official. The only privilege not subject to the reporting law is between a solicitor and his client.

Secondly, lets examine the wording of the provisions more closely. The Act says that if you have "reasonable grounds to suspect abuse" you must report. Reasonable grounds is

not defined in the Child and Family Services Act and requires your professional judgment. What is clearly required in the report is a **suspicion of child abuse, not proof**. You do not need to conduct an internal investigation. Remember: you do not need to find proof or even be sure about child abuse before calling the Children's Aid Society. The child protection agency, or CAS, is mandated to investigate all allegations of child abuse. The worker will assess situations carefully, and make a determination as to whether the initial allegation can be verified. The responsibility for this investigative process is onerous and requires specialized training and skill. It could be inappropriate and unfair to burden a church worker with this responsibility. Reporting child abuse is a very serious matter and it is understandable that professionals would seek the greatest possible clarity prior to making a report. However, the law clearly mandates you to report a suspicion. It is up to the child welfare investigator to determine whether the child abuse actually occurred, is occurring, or may occur.

The phrase, "shall forthwith report the suspicion", means that the report must be made immediately. The church must have a responsive internal communication system so that the reports are never delayed. The reasons are:

1. The ability of the CAS to protect the child, if necessary, is greatly enhanced.
2. The CAS can more effectively prioritize several urgent situations on any given day.
3. A quick investigative response to reports of suspicion ensures less contamination of evidence, and increases the ability of the CAS to come to a determination around the verification of the allegation.
4. In situations that do not necessarily require immediate investigative response, church workers have access to specialized consultation immediately and initial response to the child and the family is planned together. Positive working relationships are thus strengthened.

Legislation requires that the report be made to a Children's Aid Society. Church workers must know how to access the Children's Aid Society in their local areas. Once the Children's Aid Society has been notified, their staff will begin an investigation and will contact the persons as they see it. Under the regulations, only the Children's Aid Society and/or police may question the alleged victim or offender so that the investigation may proceed unhindered. Pastoral support is appropriate. Cooperation with the CAS worker is an ideal to be sought.

Church workers play an important role in the identification and reporting of child abuse. Without your concerned intervention, children and families in our church communities will not get the help that they need.

