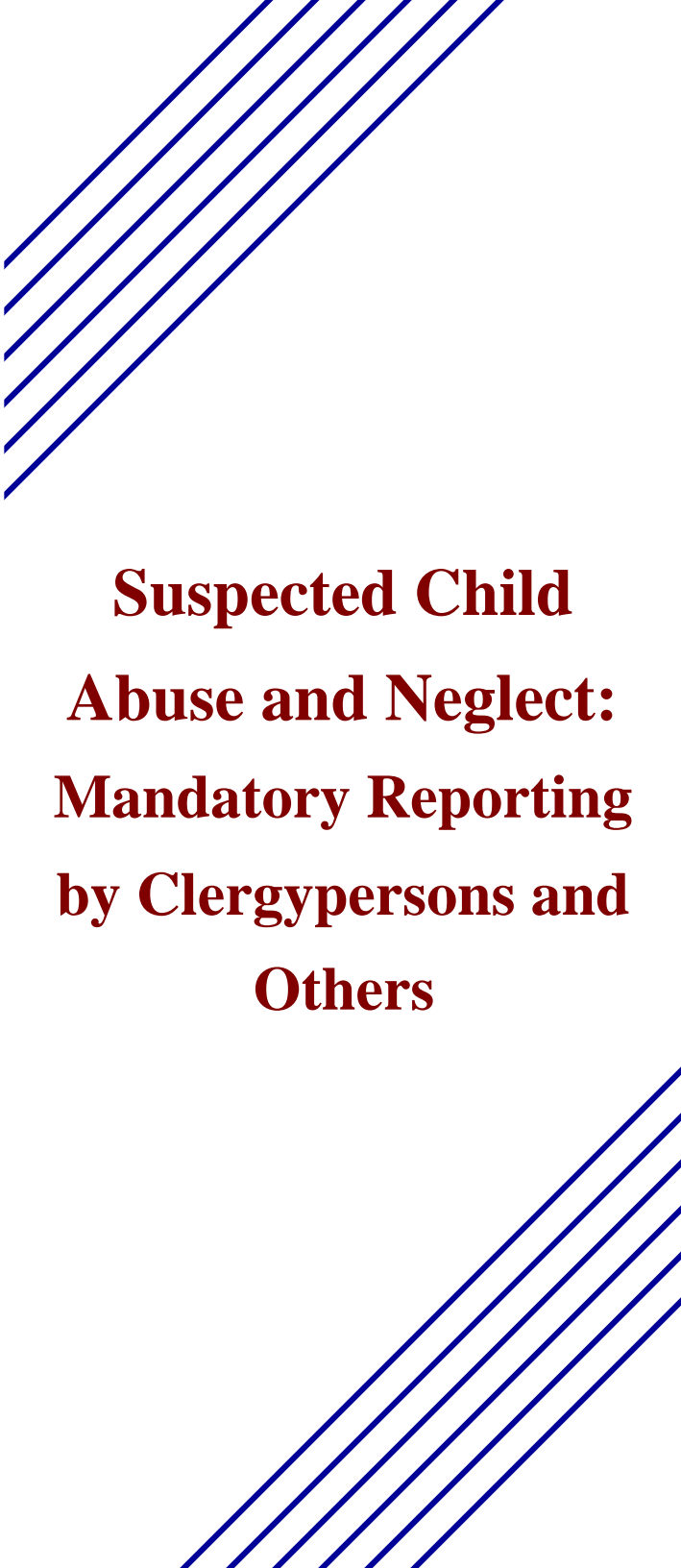


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and its local churches.

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**Suspected Child
Abuse and Neglect:
Mandatory Reporting
by Clergypersons and
Others**

PURPOSE:

To provide basic information about the requirements of the *Discipline* of The United Methodist Church and the state law of South Carolina to report suspected child abuse and neglect.

INFORMATION:

1. **South Carolina law mandates that certain persons, by virtue of their positions, are required to report suspected child abuse or neglect to the department of social services [“DSS”] or a law enforcement agency “when in the person’s professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 20-7-490 [S.C. Code Ann. § 20-7-490].”** The complete text of the reporting statute is contained in S.C. Code Ann. § 20-7-510. Sections 20-7-510(A) and (B) set forth the primary reporting requirements.
2. **The list of required reporters includes members of the clergy, school teachers, counselors, and childcare workers in a childcare center.** All of these persons could potentially be connected with a local church or affiliated organization in a professional capacity. The term “school teacher” is not defined in the statute, and its definition is unclear; however, the term could potentially be interpreted to include Sunday school teachers.
3. Section 20-7-490 and Section 20-7-510(B) define the words “child” and “child abuse or neglect or harm.” A “child” is a person under the age of eighteen. For simplicity of explanation, the definition of “child abuse or neglect or harm” is briefly summarized in this information sheet as an occurrence when the parent, guardian, other person responsible for the child’s welfare, or any other person:
 - a. Inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury;
 - b. Commits or allows to be committed a sexual offense against the child;
 - c. Fails to provide the child with adequate food, clothing, shelter, education, supervision, or health care and the failure has caused or presents a substantial risk of causing physical or mental injury;
 - d. Abandons the child;
 - e. Encourages, condones, or approves the commission of delinquent acts by the child; and
 - f. Has committed abuse or neglect such that a child placed in the household is at substantial risk of abuse or neglect.
4. In those instances where the alleged perpetrator is a parent, guardian, or other person responsible for the child’s welfare, a required report of suspected abuse must be made by mandated reporters to the county DSS or a law enforcement agency in the county where the child resides or is found. In those instances where the alleged perpetrator is not a parent, guardian, or other person responsible for the child’s welfare, a required report must be made to a law enforcement agency in the county where the child resides or is found.
5. Normally, under the *Discipline*, clergy of The United Methodist Church are required to maintain all confidences inviolate. However, the *Disciplinary* rules governing confidentiality do not apply in the case of suspected child abuse or neglect. Thus, all communications made to United Methodist clergy about suspected child abuse or neglect are not confidential. This exception to the general rule of confidentiality is found at ¶341.5 of the *Discipline*.
6. Pursuant to Section 20-7-510(C) of the reporting statute, any person who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report as provided in the reporting statute.
7. Pursuant to Section 20-7-510(E) of the reporting statute, the identity of a person making a report of suspected child abuse or neglect must be kept confidential by the agency receiving the report. Additionally, Section 20-7-540 states that a person required or permitted to report child abuse or neglect or harm, who acts in good faith, is immune from civil and criminal liability.
8. All persons should be aware that a person who knowingly fails to report as required by the reporting statute is guilty of a criminal offense. The criminal statute is found in S.C. Code Ann. § 20-7-560.

The complete text of the sections of the South Carolina Code of Laws cited above may be found at <http://www.scstatehouse.net/code/tit120.htm>