

ATH 601

Introduction to Pastoral Care

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For Exercise 4 on page 62, you will need to research two items. The first deals with information found in your denomination's pastoral care guidelines (if applicable). The second applies to the laws of your state requiring clergy to report child abuse and/or abuse of the elderly. Then follow the instructions and write a description of all the elements of the contract of care which are important in your pastoral care situation.

The law imposes a responsibility to report such things as emotional abuse, exposure to drugs, driving under the influence, and some cases of domestic violence.

**WHO Must Report?** Georgia has a certain list of people who must report, and that list includes child service organization personnel. That definition includes employees and volunteers that has a connection with any organization that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.” Thus, organizations must train both their employees and any volunteers. Georgia requires a person to report no later than 24 hours from the time there is reasonable cause to believe that suspected abuse has occurred. That standard is lower than the old reasonable cause standard. Now, any time you even suspect abuse, you must report it. Anytime someone thinks there has been abuse on the child as well as the elderly must report it. There is a particularly difficult problem presented when states mandate clergy to report suspected cases of elder abuse and neglect to public

authorities for treatment and/or prosecution. The relationship with the person and the clergy is supposed to be confidential. <sup>1</sup>The minister's silence may allow an offender to avoid legal responsibility for abusive behavior. However the victim needs the protection provided by both religious and legal institutions. Justice may be denied if the situation does not change. <sup>2</sup>When an offender escapes legal responsibility by hiding behind a clergy robe, and mistreatment of the aged continues, the whole community is affected. Furthermore, reporting requirements raise concerns regarding sound public policy and constitutional rights. <sup>2</sup> Clergy who report elder abuse face risks including disclosure and hostility, the accusation of causing "unfair charges," loss of trust, and his/her credibility. They also loose breach of religious discipline. Those who do not report also face risks such as criminal charges and civil damages. Of course the religious institution itself could be liable through vicarious liability. Thus, resolving these issues has far-reaching implications.

Mistreatment of the aged is often associated with physical abuse but may take other, less dramatic forms-psychological or emotional abuse, financial exploitation, and neglect of care-taking obligations.

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1 Moskowitz, Seymour. *When Silence Resounds: Clergy and the Requirement to Report Elder Abuse and Neglect*