

DAKOTAS-MINNESOTA AREA OF THE UNITED METHODIST CHURCH
THE UNITED METHODIST CAMP AND RETREAT MINISTRY
CHILD ABUSE AND NEGLECT POLICY STATEMENT

1. Introduction

The purpose of this child abuse and neglect policy statement is to provide a philosophy of practice and a set of procedures that will govern the prevention, identification and reporting of child abuse and neglect in the Dakotas-Minnesota Area’s Camp and Retreat Ministry programs.

South Dakota Child Abuse Laws at a Glance

In South Dakota, child abuse or neglect includes physical, emotional, or sexual abuse of minors (as well as exploitation) and is taken seriously by the South Dakota criminal justice system. Specifically, child abuse and neglect occurs when a child is mistreated, resulting in injury or risk of harm.

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| Code Section | 26-8A-1, et seq. |
| What Constitutes Child Abuse | Child who is threatened with substantial harm; sustained emotional harm or mental injury (evidenced by observable and substantial impairment of child's ability to function); subject to sexual abuse/exploitation; who lacks proper parental care; whose environment is injurious to child's welfare; who is abandoned, or who has been prenatally subjected to illegal drug or alcohol abuse, or who is knowingly exposed to an environment used to manufacture methamphetamines. |
| Mandatory Reporting Requirement | Physician, Dentist, Doctor of Osteopathy, Chiropractor, Optometrist, Mental Health Professionals or Counselor, Podiatrist, Psychologist, Teacher, School Counselor, School Official, Nurse, Social Worker, Hospital Intern, Nurse, Child Care Providers, Hospital and School Personnel, Law Enforcement Officers, Parole or Court Services Officers, Religious Healing Practitioners, Domestic Abuse Shelter Employees or Volunteers, Coroners, Any Safety-Sensitive Position. Adults with regular access to or communication with children who have reason to believe a child has been abused are required to report it to the authorities. Mandatory reporters in South Dakota include teachers, police officers, and child care workers. |
| Basis of Report of Abuse/Neglect | Know or have reasonable cause to suspect that a child is abused or neglected |
| Where to Report Suspected Abuse | State's attorney in county where child resides or is present, department of social services or to law enforcement officer |
| Penalty for Failure to Report or False Reporting | Class 1 misdemeanor |

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| <p>Definition of "Abused or Neglected" Child</p> | <ol style="list-style-type: none"> 1. Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse; 2. Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian; 3. Whose environment is injurious to the child's welfare; 4. Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being; 5. Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian; 6. Who is threatened with substantial harm; 7. Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture; 8. Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care; 9. Who was subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner; 10. Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance. |
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North Dakota Child Abuse Laws at a Glance

Child abuse is taken seriously in all states, including North Dakota. Anyone with access or close proximity to children (such as teachers or pediatricians) must report any signs of child abuse to the proper authorities. The North Dakota Department of Human Services, which investigates reports of abuse, has offices throughout the state.

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| Code Section | 50-25.1-01, et seq. |
| What Constitutes Abuse | Suffering from serious physical harm or traumatic abuse caused other than by accidental means including sexual abuse, assault, exploitation, corruption or solicitation |
| Grounds for Placing Child in Protective Custody | Any physician examining a child with respect to whom abuse or neglect is known or suspected, after reasonable attempts to advise the parents, guardian, or other person having responsibility for the care of the child that the physician suspects has been abused or neglected, may keep the child in the custody of the hospital or medical facility for not to exceed 96 hours and must immediately notify the juvenile court and the department in order that child protective proceedings may be instituted. |
| Mandatory Reporting Required By | Physician, nurse, dentist, optometrist, coroner, medical or mental health professional, religious practitioner, school teacher/administrator, social worker, day care center worker, police/law enforcement officer, addiction counselor, school counselor, clergy |
| Basis of Report of Abuse/neglect | Having knowledge or reasonable cause to suspect that a child is abused or neglected or has died as a result of abuse or neglect |

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| To Whom Reported | Dept. of Human Services or its designee |
| Penalty for Failure to Report or False Reporting | Class B misdemeanor; unless made to law enforcement officer, then Class A misdemeanor; willfully make false report, also liable for all civil damages including exemplary damages |

Minnesota Child Abuse Laws at a Glance

Child abuse is considered a serious crime in every state, including Minnesota. State law defines child abuse as an intentional injury (either mental or physical) including deprivation, sexual abuse, neglect, abandonment, unreasonable disciplinary methods, or solicitation of children for sex. While parents are free to use corporal punishment on their children, it may not involve kicking, striking with a closed fist, threatening a child with a weapon, or other such acts.

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| Statute(s) | Minnesota Statutes, Chapter 609. Criminal Code: <ul style="list-style-type: none"> • Section 609.377 (<i>Malicious Punishment of Child</i>) • Section 609.378 (<i>Neglect or Endangerment</i>) |
| Defining the Offense(s) | <p><i>Malicious Punishment of Child</i> occurs when a parent, legal guardian, or caretaker performs intentional act(s) that evidence unreasonable force or cruel discipline that's excessive.</p> <p><i>Neglect or Endangerment</i> occurs when a parent, legal guardian, or caretaker:</p> <ul style="list-style-type: none"> • Willfully deprives a child of necessary food, clothing, shelter, health care, or supervision and the deprivation harms or is likely to substantially harm the child's mental, physical, or emotional health; • Knowingly allows the continuing sexual or physical abuse of a child; • Intentionally or recklessly causing or allowing a child to be placed in a situation that's likely to substantially harm the child's physical, mental, or emotional health or cause their death; or • Knowingly causing or allowing the child to be present where someone is selling or manufacturing a controlled substance. |
| Penalties | <p>The charges and penalties for violating Section 609.377 depend on the circumstances of the punishment:</p> <ul style="list-style-type: none"> • Less than substantial bodily harm: gross misdemeanor* punishable by up to 1 year of imprisonment and/or a fine of up to \$3,000. • Child under four years old and there is harm to the head, eyes, neck, or multiple bruises to the body: felony punishable by up to 5 years in prison and/or a fine of up to \$10,000. • Substantial bodily harm: felony punishable by up to 5 years in prison and/or a fine of up to \$10,000. • If there's great bodily harm: felony punishable by up to 10 years in prison and/or a fine of up to \$20,000. <p>There are a variety of penalties for violating Section 609.378, which are heavily dependent on the circumstances of the violation. For the possible penalties, please see the statute.</p> <p>*See the statute for circumstances that enhance this to a felony.</p> |

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| Mandated Reporting in Minnesota | <p>A mandated reporter is an adult -- typically one with regular access to children -- who is required by law to report any credible signs of child abuse to state authorities. Although states specifically designate who is a mandatory reporter, they usually include social workers, teachers, medical professionals, police, and clergy.</p> <p>In Minnesota, people in certain professions are required to report the maltreatment of minors. Failure to report is usually charged as a misdemeanor. Minnesota provides a very helpful guide for mandated reporters of suspected child abuse.</p> |
| Related Statute(s) | <p>Minnesota Statutes, Chapter 609. Criminal Code:</p> <ul style="list-style-type: none"> • Section 609.266, et seq. (<i>Crimes Against Unborn Children</i>) • Section 609.3785 (<i>Unharmed Newborns Left at a Safe Place</i>) |

2. Philosophy Statement

The Dakotas-Minnesota Area Camp and Retreat Ministries recognize the problem of child abuse and neglect. We are aware the problem does not confine itself to any one special economic or religious group. Our commitment is to encourage our paid staff and volunteers to watch for signs of abuse and report those instances to the camp dean, camp director and executive director of camp and retreat ministries.

The Dakotas-Minnesota Area Camp and Retreat Ministries will strive to serve as a model of support to abused and neglected children. Every effort will be made to maintain a close working relationship with the local Department of Social Services/Child Protection Services in reporting abused and neglected children. The Department of Social Services/Child Protection Services will be recognized as the key organization in the community child protective system.

The purpose of this child abuse and neglect policy is threefold:

- To aid in the prevention and elimination of child abuse and neglect;
- To establish a close working relationship with the Department of Social Services/Child Protection Services;
- To encourage camp leaders to properly handle suspected cases of child abuse.

3. Procedures for Reporting Suspected Abuse and Neglect

All paid staff and volunteers of the Dakotas-Minnesota Area's Camp and Retreat Ministry programs are encouraged to watch for signs of child abuse and neglect. However, the designated employee responsible for implementing any reporting procedures is the executive director of camp and retreat ministries and/or the camp director.

The following procedures are to be used:

1. The child abuse and neglect policy will be made available to parents and pastors upon request. A copy of this policy and procedure statement will be filed at each camp site and at the Dakotas-Minnesota Area Central Camping Office.

2. If behavioral or physical observations create the suspicion of abuse or neglect:
 - The camp director, in communication with the camp dean, will contact the executive director and report the observation.
 - The executive director or camp director will follow through by contacting the Department of Social Services/Child Protection Services who will help decide appropriate action to be taken in relation to the camper.
 - Camp employees and volunteers SHALL NOT contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is NOT the responsibility of camp personnel to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.
3. In the event that a Dakotas-Minnesota Area Camp and Retreat Ministry employee or volunteer staff person is suspected of an act of abuse or neglect, the camp dean, camp director and executive director will determine appropriate action to be taken in the camp setting. For the good of the campers, the situation will be minimized, but every necessary action will be taken to protect the camper involved. This may include dismissing a staff person/volunteer and/or removing that person from the situation. The parents or guardian of the camper involved will be contacted by the executive director or camp director.
4. If there is a specific reason to do so, the pastor and district superintendent associated with the camper and the suspected abuser should be contacted by the executive director.
5. Records related to suspected child abuse or neglect will be stored confidentially at the office of the executive director.

APPENDIX A

**DAKOTAS-MINNESOTA CONFERENCES OF
THE UNITED METHODIST CHURCH CAMP AND RETREAT MINISTRIES
CHILD ABUSE AND NEGLECT POLICY STATEMENT ACKNOWLEDGEMENT**

I, _____ acknowledge that I have received the Dakotas-Minnesota Area Camp and Retreat Ministry Child Abuse and Neglect Policy Statement and that I have read its contents. I will contact the executive director of camping if I have any questions.

I further acknowledge that if behavior or physical observations create the knowledge or reasonable suspicion of abuse or neglect, I will contact the camp dean or event coordinator who will contact the camp director and/or executive director of camp and retreat ministries. I will cooperate to complete a written report as requested. I will cooperate with the Department of Social Services/Child Protection Services and make myself available if asked to do so.

All written reports will be forwarded to the executive director of camp and retreat ministries who may then contact the Department of Social Services/Child Protection Services. If for any reason there is concern about contacting one of the individuals designated in Section 3-2 of this document, one of their supervisors shall be contacted.

I acknowledge that confidentiality and respect for all parties will be maintained.

Print Name

Paid Staff/Volunteer Staff Signature

Address

City, State, Zip Code

Phone number

Date