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**Policy with Minors**

**Disclaimer**

The information contained in this document is provided for informational purposes only, and should not be construed as legal advice on any subject matter. You should not act or refrain from acting on the basis of any content included in this document without seeking legal counsel or other professional advice. The contents of this document contain general information and may not reflect current legal developments or address your situation. This document will need to take into account the size and structure as it pertains to a congregation. We disclaim all liability for actions you take or fail to take based on any content in this document. An attorney should be contacted for advice on specific legal issues.

**Principles for a church**

1. Provide a safe environment for children, youth, and vulnerable adults.
2. Have a well-defined policy for working with *child*, *children*, *minor*, or *youth*, and *vulnerable adults* including all persons below eighteen (18) years of age.
3. Provide ongoing training and updates as the situation necessitates.
4. Have a clearly defined screening process for all volunteers and church employees.
5. Outline required supervision requirements and ratios for programming involving minors.
6. Practice transparency as appropriate.
7. Comply with local, state, and federal laws.

*\*The following sections depict multiple offerings pertaining to a particular aspect of the policy. The depiction of multiple offerings are noted with a line separating a section to give the reader options which best suit the context of the ministry.*

**Purpose/Goal:**

It is the purpose and intent of (church) to provide a safe, secure environment in which to teach and care for the children, youth, and vulnerable adults of our church and community. Our goal is to protect children from sexual abuse, child molestation, and other forms of abuse by employees, volunteers, or other minors in this church and to protect employees, volunteers and other minors from false accusations.

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(Church) seeks to provide a safe and secure environment for our children, youth, and vulnerable adults who are participating in our programs and activities. By implementing the following practices, our goal is to protect them from incidents of misconduct or inappropriate behavior while also protecting others from false accusations.

**Policy Statement:**

In order to provide as safe and secure an environment as possible for our ministry participants and to minimize the ministry’s and workers’ vulnerability to an unwarranted accusation, the following procedures have been adopted and will be strictly enforced.

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This policy set forth below will apply to all people, employees, volunteers, and other minors who 1) are given supervision or have custody of minors while working within (church)’s children’s and youth ministry, or 2) have the opportunity for contact with minors in church facilities or church-sponsored events.

**Definitions:**

child abuse, minor, vulnerable adult, etc.

The National Resource Center on Child Sexual Abuse defines child sexual abuse as “any sexual activity with a child, whether in the home by a caretaker, in a day-care situation, in any organized ministry, whether at the main facility (church) or away, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child.”

Child sexual abuse can be violent or non-violent. It is criminal behavior that involves children in sexual behavior. Child sexual abuse can involve fondling, penetration of the oral, genital, and anal areas, intercourse, and forcible rape. Other forms of abuse can include physical abuse, verbal comments, and any exposure to pornographic materials obscene phone calls, exhibitionism, or allowing children to witness sexual activity.

The terms *child*, *children*, *minor*, or *youth* include all persons below eighteen (18) years of age.

For purposes of this policy, the term “vulnerable adult” is a person eighteen (18) years of age or older who, because of mental or physical disability, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services.

**Selection and Screening Process:**

Staff Screening procedures - must complete an employment application and a primary screening form, references will be contacted and responses recorded. A personal interview will be required, and a criminal records check authorization must be signed by all workers and completed by the church.

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Employee - new church employees will be required to complete a confidential application and will be interviewed by the appropriate staff member(s). They must have references checked and verified and given written permission for a criminal background check. A criminal background check will then be performed and re-run every year. The confidential results will be kept on file with the application. Any information indicating that a candidate poses a threat to others or has any prior history of physical or sexual abuse directed against another person will result in the immediate removal of the individual candidate from consideration for employment within this organization.

Volunteer - everyone who is not paid by the church on a full or part-time basis and is serving in any ministry position. A volunteer in the children’s and youth ministries will be required to complete a confidential application form, be interviewed by an appropriate staff member, and have references checked and verified. They must give written permission for a criminal background check if they are going to be working in the care of children, youth or vulnerable adults or have custody or supervision of children, youth, or vulnerable adults. A criminal background check will then be performed and confidential results will be kept on file with the application and re-run every year. In addition to the above requirements, a volunteer must be a member or regular attender of (church) for at least six (6) months prior to being eligible to volunteer within the area of youth and children.

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No volunteer worker candidate will be considered for any ministry position involving contact with children, youth, or vulnerable persons until the candidate is a member.

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All persons seeking to work with minor/vulnerable adults must complete and sign an application supplied by (church). The application requests basic information but is not limited to previous experience working with minors/vulnerable adults, previous church affiliation, four (4) references, and employment and personal background information. The application authorizes (church) to run a background check and maintain, in confidence, an electronic file.

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Reference checks - all four references will be sent a reference questionnaire through email or phone call. After receiving three positive references, the reference check will be satisfied.

**Supervision:**

Every effort will be made to ensure that there are to be two adults, 21-years of age or older present in all situations involving children or youth unless parental permission is provided for a legitimate reason to be alone with a child.

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At least two non-related adults are to be present at every function or program involving children, youth, or vulnerable adults. This includes each classroom, vehicle, or other enclosed areas. We do not allow minors or vulnerable adults to be alone with one adult on our premises or in any sponsored activity.

 A child-adult ratio is as follows:

 Birth- 1 year: 2 adult for no more than 3 children

 1 to 2 years: 2 adults for no more than 6 children

 2 to 3 years: 2 adults for no more than 10 children

 3 to 4 years: 2 adults for no more than 12 children

 4 to 5 years: 2 adults for no more than 14 children

 5 to 7 years: 2 adults for no more than 15 children

 7 to 17 years: 2 adults for no more than 25 children

 Vulnerable Adult: 2 adults for no more than 5 vulnerable adults

Approved minors, who are under the age of 18-years old, and have been approved through the completion of all required screening processes, will count only for purposes of the ratios (between ages of child and ratio of adults) but not for the purposes of the “two non-related adults’ rule.”

Where it is feasible, windows are to be installed in all classrooms where children and youth groups meet. Additionally, if a space is occupied with no windows, doors should be left open while children, youth, and vulnerable adults are present.

Overnight supervision -

all overnight chaperones and supervisors will be cleared in advance with a completed criminal background check on file and will be required to complete all outlined policies. Documentation and signature will be kept in confidential files. The two-adult rule will be upheld in all cases of overnight supervision. Additionally, adults and children or youth will not share beds unless the adult and the child or youth are related.

Restroom Guidelines -

 The workers should remain outside the bathroom door. If a child needs assistance, the worker will only enter the bathroom if another worker is with them.

 For the protection of all, workers should never be alone with a child in a bathroom with the door closed and never be in a closed bathroom stall with a child.

 Those helping two-year-olds are instructed as follows:

 Men will help boys

 Women may help boys and girls.

 Those helping three and four-year-olds are instructed as follows:

 Take the child to the restroom and wait near the door. If assistance is needed the worker does not enter unless another worker is present. Additionally, bathroom doors are to be propped open whenever possible.

Diaper Changing -

 Diaper-changing facilities are not hidden from view and all workers are allowed to change diapers. For safety purposes, workers are instructed to keep their hands on the child at all times while changing diapers. Wear rubber gloves at all times when changing diapers. Never touch a person’s private areas except when necessary, as in the case of changing a diaper.

**Training:**

All staff and volunteers are trained before working with children, youth, and vulnerable adults. Training includes the recognition of symptoms and signs of abuse. (Church) will provide training on this child and youth protection policy to all new child, youth, and vulnerable adult workers and will strive to provide opportunities for additional training classes or events on an annual basis.

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The (church) is responsible for providing annual training with regard to the policy including:

* Facts about child abuse
* The rationale for the emphasis upon protecting from abuse in the church
* Review the church’s policies governing ministry to children, youth, and vulnerable adults
* Discipline
* Injuries or illness
* Violation of policy procedures
* Mandated reporting procedures
* Annual review.

**Special Note:**

* Potential Criminal Sanctions - all workers and volunteers are to be made aware that sexual relationships with minors can lead to a felony conviction and imprisonment in a state penitentiary.
* Discipline - workers are never to spank, hit, grab, shake, or otherwise physically discipline anyone. Disciplinary problems should be reported to the workers’ coordinator/supervisor or a parent or guardian. (something on appropriate and inappropriate touching (e.g., sitting in laps, hugs, etc.).

**Reporting Procedures:**

Suspicious Behavior - any inappropriate conduct or relationships will be confronted immediately and investigated, and situations will be monitored closely. A volunteer or adult worker’s services will be terminated immediately. Church workers and volunteers will pay attention to a child, youth, or vulnerable adult who appears aloof, withdrawn, or exhibits a marked behavioral change.

Reporting Procedure (varies by state)- the law requires any person that a child, person 65-years or older, or an adult with disabilities is being abused, neglected, or exploited to report the circumstances to the Department of Child Protective Services.

 A person making a report is immune from civil or criminal liability provided they make a report in good faith, and the name of the person making the report is kept confidential. Any person suspecting abuse and not reporting it can be held liable for a misdemeanor or felony. Reporting suspected child abuse makes it possible for a family to get help.

 It is the policy of (church) that all workers, both paid staff and volunteers, will report immediately to the Department of Family and Protective Services (within 48 hours) any incident in which they have cause to believe a child’s physical or mental health or welfare has been or may be adversely affected by abuse by any person.

 Additionally, (church) asks that you notify the appropriate designated personnel of your concern and the report you made to DFPS. If you made the report in writing to DFPS, then please also give a copy of that report to the appropriate member of the Ministerial Staff. If you made that report via phone or online form to DFPS, please contact the appropriate member of the Ministerial Staff so that they are able to collect the necessary information. The Ministerial Staff will then file the report and follow up with local or state law enforcement agencies.

 Responding to allegations of abuse: all allegations will be taken seriously and handled forthrightly with due respect for people’s privacy and confidentiality. It is not the responsibility of the church to determine whether or not abuse is taking place. If something is suspected, it must be reported. Document all efforts at handling the situation. Report the allegation immediately to legal counsel and insurance companies. Contact proper civil authorities following the guidance of legal counsel. Notify the parents. Do not confront the accused until the safety of the child or youth is secured. Do not prejudge the situation. Reach out to the victim and their family. Showing care and support to help prevent further hurt, except whatever pastoral resources are needed. Treat the accused with dignity and respect.

**Mentoring Relationships:**

In any mentoring relationship with students, (church) staff and volunteers must report to appropriate designated personnel any information of the following situations within 24 hours of receipt by the employee:

 Physical abuse, sexual abuse of any minor, when a student tells you he/she is suicidal, when a student is in a life-threatening situation, when a student confesses a pregnancy to you, if you become involved with a runaway, when a student confesses the commission of what may be a felony, and when you have reason to believe that a student may commit a crime.

 This policy does not replay the responsibilities outlined in the (Church) Child Abuse Reporting policy.

When these items are reported to a supervisor, the supervisor should guide the staff member or reporting volunteer through the steps of legally reporting to the appropriate authorities.

Inappropriate physical contact with children, youth, or adults is prohibited. Sensitivity should be given to those who are not affectionate and even appropriate affection should not be forced on anyone.

All language and conversation should be above reproach. There should be no conversation of a sexual manner, even in a joking style. Comments regarding the sexual nature of one’s marriage or dating relationships are not permissible.

Be aware of feelings (flowing in either direction) between you and a minor or adult volunteer of either sex. If you are uncomfortable with a particular situation, entrust the minor to another adult supervision.

**Notice of injury, abuse, or molestation:**

Workers who become aware of any injury, abuse, or molestation connected with any ministry activity will immediately inform their coordinator/supervisor or ministry leader of such injury, abuse, or molestation.

Any coordinator/supervisor who becomes aware of any injury, abuse, or molestation connected with any ministry activity will immediately inform a ministry leader and will complete an “Incident/Injury Report Form.”

Any ministry leader who becomes aware of possible abuse or molestation of a participant will ensure that the participant's parent or guardian is immediately informed that possible abuse or molestation has occurred. Upon notice of abuse or molestation, the ministry's insurance carrier, (general or

professional liability insurance) must be promptly notified, as well as any organizational entity to whom the organization has a duty to report such allegations.

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All church employees and volunteers are considered to be “mandatory reporters.”

Observed, reported, or suspected child abuse or child molestation in the church will be

verbally reported immediately to the Children’s/Youth Minister, and written

documentation will follow.

The volunteer and/or Children’s/Youth Minister will then report the allegation(s) to the local police department where the abuse is reported to have occurred within 48 hours of the initial discovery.

The volunteer and/or Children’s/Youth Minister will also notify the appropriate designated personnel as soon as possible, and keep them updated as to the progress of the reporting procedures.

The original reporter will be notified when the incident has been reported to state officials.

**More Mandated Reporting:**

Anyone who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, is required by law to report such knowledge or belief to local authorities at Child Protective Services. In addition, the person with such knowledge or belief must immediately report it to their supervisor. If the (church) supervision has such knowledge or belief, then a written report is started and the staff leader for their area is called immediately. The following will then occur:

 If the reported persons are not the parent or guardian, then the parent or guardian of the child will be notified.

 The attorney and insurance agent will be notified within six hours of the first report. (Church) will then notify the proper authorities regarding mandatory reporting. If during the investigation, an allegation is made against a staff member or volunteer, the accused will immediately be removed from their position pending the conclusion of the investigation.

 (Church) will cooperate with any investigation of the incident by authorities.

 The public spokesperson for (church), or designee, will be the media spokesperson. All others should refrain from speaking to the media.

 A pastoral vision will be arranged for those involved if so desired.

**Response Plan:**

All allegations will be taken seriously, and the appropriate action will be taken, including immediately notifying the appropriate minister regarding cases where there is reason to believe abuse or criminal acts have occurred.

The church staff will not deny or minimize the incident. The ministerial staff will be available to minister to all persons involved and will cooperate with civil authorities. The church will not investigate the situation; all investigations will be handled by civil authorities.

 The parents of the alleged victim will be notified immediately by the appropriate minister and an elder regarding any allegations of sexual misconduct or abuse that does not involve them as the alleged perpetrator(s). Reporting alleged abuse to the civil authorities will be handled by appropriate persons in conjunction with ministerial staff with the advice and knowledge of the church’s attorney at their discretion.

The (church’s) designated personnel will document on an Accident Report Form (in writing with date and signature) all efforts in the handling of any incident.

Any employee of the ministry who is the subject of a child abuse or molestation investigation either within or outside of his/her work with the church will be removed from any work associated with children’s and/or youth ministry, with pay, pending completion of an investigation (unless the employee has admitted to the abuse or molestation, in which case he/she will be terminated in accordance with organizational employment practices).

Any volunteer worker who is the subject of a child abuse or molestation investigation

either within or outside of his/her work with the church will be removed from any roles in children’s and/or youth ministry pending the completion and outcome of the investigation.

 Any person who is not found innocent of alleged abuse or molestation will be

permanently removed from working with children/youth/vulnerable adults within the organization. The church will consult with legal counsel for advice if termination of employment is indicated.

The elders will designate the official spokesperson for the church. Consultation will occur with the church attorney and insurance company prior to any public comments. No other elders, staff members, or volunteers shall speak to the media with regard to any

actual or alleged incidents of abuse.

All elders, employees, and volunteers will cooperate fully with any law enforcement or governmental agency that may be investigating allegations of injury, abuse, or molestation in connection with the activities of the church.

**Crime Prevention:**

All areas, including closets and bathrooms, are inspected before and after programming. An off-duty police officer is assigned to all events and programming. Adult sponsors also watch over all programming.

Staff and volunteers should never compromise himself or herself by being alone with any children or youth. If a situation arises where staff or volunteers are alone with children or youth, a phone call should be made to (church) staff person and the caller should remain on the line until the child is retrieved by parent or guardian if at all possible.