

Section 4 – Child Protection/Sexual Misconduct

*Child Protection/
Sexual Misconduct
Policy*

*...adopted as policy for First Baptist Church, Lolita, TX
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Child Protection/Sexual Misconduct Policy

First Baptist Church of Lolita, Texas

Table of Contents

Texas Child Protection Definitions and Laws

1. Goal
2. Definition of Children

Selection and Screening Process

3. Pre-employment procedures
4. Volunteers must be members of the church
5. Classification of workers
6. Minimum age
7. Six-month rule
8. Survivors of child abuse
9. Confidential interviews
10. Criminal Background checks
11. Vehicle safety
12. First aid training
13. Acknowledgment of policies

Reporting and Responding

24. Reporting policy
25. Reporting obligation
26. Reports required
27. Incident report
28. Confidentiality
29. Investigation
30. Suspension of duties
31. Preservation of records
32. Ministerial care
33. Liaison with the community

Supervisory Requirements

14. Safety of Children
15. Preschool identification system
16. Two-adult rule
17. Observation of children
18. Ratio of workers to children
19. Worker training
20. Ministerial and staff oversight
21. Awareness of church policy
22. Children's pickup
23. Release of claims

Texas Child Protection Definition and Laws

Definition of child abuse or neglect as defined by the Texas Family Code:

Child abuse is defined to include acts or omissions which cause or permit:

- Mental or emotional injury to a child
- Physical injury or threat of physical injury to a child
- Failure to make reasonable efforts to prevent action by another person that results in physical injury to a child
- Sexual contact with a child
- Failure to make reasonable efforts to prevent sexual contact with or in the presence of a child

Neglect includes:

- Leaving a child in a situation where the child would be exposed to a substantial risk of harm
- Requiring the child to use judgment or take actions beyond the child's level of maturity, physical condition or mental abilities
- Failure to obtain medical care for a child
- Failure to provide child with food, clothing or shelter necessary to sustain the life or health of the child

Sexual misconduct

Sexual misconduct claims include all crimes involving sexual conduct under the Texas Penal Code. They include indecent exposure, indecency with a child and sexual assault including rape. They also include conduct that may not violate a penal statute but is still sexually oriented such as sexual harassment and sexual suggestion. If this conduct is committed by agents of the church, either employed or volunteer, claims are often made against the individual and the church.

Duty to report...the Texas Reporting Statute

Any person who learns of or has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person must report that belief to a local or state law enforcement agency or the Texas Department of Protective and Regulatory Services.

An oral report must be made immediately upon learning of the abuse or neglect or the likelihood of abuse or neglect. A written report must be made within five days to the same agency or department.

The report shall be non-accusatory, meaning the identity of the victim of the abuse or neglect must be identified but the person making the report is not required to speculate as to the person who committed the abuse or neglect.

Liability for failure to report

A person failing to report child abuse or neglect commits a Class B Misdemeanor punishable by fines up to \$1000 and/or confinement for up to 180 days. Additionally, a person who is the victim of child abuse and his or her family may bring civil claim against the church and/or its agent (the person who failed to report the crime) as required by law.

Immunity

A person making a report or assisting in the investigation of a report of child abuse or neglect is immune from liability, either civil or criminal, that might be incurred. This means that a person who reports child abuse and is later sued by any of the parties including the parents of the child or the accused perpetrator of the crime, can defend themselves on the basis that their actions were absolutely protected by this immunity statute and the reporter should not be liable for damages relating to the reporting.

Clergy privilege

The Texas Rules of Civil and Criminal Evidence provides that communications between clergy and an individual consulting with him or her for the purpose of seeking spiritual advise in the clergy's professional capacity is considered privileged.

There is however, an express exception which provides that the privilege disappears in the event the clergy member learns of child abuse or neglect, and the clergy is required to report the information to authorities under the child abuse reporting statute.

Church liability

A church is liable to civil action if, as an employer, it failed to make inquiries of past employers (where names and addresses have been disclosed) who employed the employee within the last five (5) years, concerning the possible occurrence of sexual exploitation by the employee.

1. Goal

It shall be the goal of the First Baptist Church of Lolita to provide a safe environment for the physical and emotional well being of all children participating in church programs, including participants in any daily or temporary childcare programs. The Church's goal is to inform workers and enforce policies to ensure that all children are safe and well protected while attending scheduled activities.

Future revisions to this policy may be made with the authorization of the Personnel Committee and/or the Church during a regular or special called business meeting.

2. Definition of "children"

The term "child" or "children" shall include all persons under the age of eighteen (18) years.

Selection and Screening Process

3. Pre-employment procedures for paid and volunteer workers

It is the goal of the First Baptist Church (herein referred to as “The Baptist Church” or as “church”) to adequately screen the applications of persons desiring to work with children participating in all church programs, including participants in any daily or temporary childcare

4. Volunteers must be members of the church

All volunteers who work with the children must be members of the church. An exception to this rule may be authorized for the church’s Preschool Program with the expressed permission of the Preschool Director. Under certain circumstances, an exception to this rule for a specific planned event may be authorized by the Pastor and/or the church during a regular or special called business meeting.

5. Classification of workers

In order to screen workers appropriately to their responsibilities, the ministerial staff person responsible for each division will categorize workers into two categories: primary and secondary. These terms refer to the relative levels of responsibility and risk, not to the ages of the children being served.

Primary volunteer workers: Includes all paid staff members plus those volunteers in roles with greater responsibility or risk are classified as primary workers and should meet the primary screening standards. Must be eighteen (18) years of age.

Secondary volunteer workers: Persons who occasionally interact with children and/or do so in less risky circumstances (ie: Sunday School teachers and volunteers who see children only in a group setting, on church premises, or who interact with children in the presence of an approved primary worker) are classified as secondary workers. This category may also include parents of participants who help supervise activities. All volunteer workers under the age of eighteen (18) will be considered secondary workers.

6. Minimum age

All primary volunteer workers must be 18 years of age or older. Younger persons may assist adults, but may not take the place of adult workers. The church may employ responsible teens (under the age of 18) only in positions with and under the direct supervision of an approved adult worker.

7. Six-month rule

No volunteer will be allowed to work with children in any capacity until they have been an active and participating member of the church for a minimum of six (6) months. The applicant must have been a regular attendee and involved in church activities for that period of time. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with children.

The six-month rule may be waived with the authorization of the Personnel Committee and/or The Baptist Church, as in the case of a new staff member. If waived, program ministers must take additional steps to screen the applicant.

8. Survivors of child abuse

Survivors of childhood sexual or physical abuse need the love and acceptance of the church family. Their experience with abuse and their recovery process may be pertinent to their work with children.

Survivors of abuse may, if they choose, request confidential counseling either from the pastor or from a professional counselor. It will not necessarily disqualify them from service. The desire of the church is to assist and care for survivors of abuse as well as fulfill our obligation to protect the children left in our care.

9. Confidential interviews

All applicants desiring to work with children as a paid staff member must be interviewed for suitability for the work they desire to do. Interviews are conducted by the person responsible for the program in which the applicant will work. A team of interviewers may be used. Church policy concerning prevention and response to child abuse and neglect must be discussed during the interview.

10. Criminal background check

A criminal background check and child abuse registry check shall be required for all paid children's worker positions. No one will be allowed to work with children who has been convicted of a crime involving misconduct with children.

A representative authorized by the church will conduct criminal background checks notifying the Personnel Committee or appropriate staff member in a negative report is received.

11. Vehicle safety

Persons who drive a church-owned or privately-owned vehicle for conducting church business or transporting children on a regular basis must maintain a current valid Texas drivers license, provide proof of insurance in such amounts as may be required by the church, and comply with all other church transportation policies.

12. First aid training

It will be the goal of the church that most paid employees that work with children will maintain current certification in basic first aid and basic CPR (or the equivalent) as required by applicable licensing requirements or other local regulations. The church will pay the cost of this training. Employees will be paid for attending training.

Volunteer workers are encouraged, but not required to get training if they frequently accompany children on activities such as recreational activities, camps, retreats, mission trips or any other activity with an element of risk.

13. Acknowledgment of church policies

All applicants must acknowledge in writing that they understand the church's policies pertaining to the protection of children and they agree to abide by them. This requirement will be met by having applicants sign the Acknowledgment of Receipt form.

Supervisory Requirements

For all persons working with children
at First Baptist Church of Lolita

It is the policy of the church to provide adequate supervisory control of persons working with children participating in all church programs, including daily or temporary childcare programs of the church.

The following regulations shall be applicable to all primary and secondary workers having contact with children participating in all church programs.

14. Safety of children

It is the responsibility of all persons having contact with children participating in church programs to promote the emotional and physical safety of the participant giving regard to all factors and circumstances known to them. If in their opinion, an unsafe condition exists, such persons shall immediately take appropriate precautions under the circumstances to protect all children. Nothing contained in any other church policy, procedure or instruction shall be construed to relieve persons having contact with children from this responsibility.

15. Preschool identification system

To reduce the possibility of kidnapping, the church will have in place an identification system so that the adults who drop off a small child are the same adults who pick the child up. The person in charge shall maintain the system to identify persons authorized to pick up and take responsibility for preschool children leaving a church activity. The identification system will not be necessary for children above the grade of kindergarten unless a parent specifically requests it in writing.

16. Two-adult rule

It shall be the goal of the church that, when possible, a minimum of two workers will be in attendance at all times when children are being supervised during a church activity regardless of the number of participants, location or activity. At least one of these must be a primary worker.

Some Youth Sunday School classes may have only one adult in attendance as the teacher while the class is in session. In these instances, doors to the classrooms will be either removed or will remain open. Windows may be installed between these classrooms for full visibility.

17. Observation of children

Church activities for children should be scheduled in areas visible from adjoining areas. Such visibility will be maintained by leaving curtains and blinds open and, whenever possible, by leaving the door to the room open. Reasonable exceptions to this rule may be made by the person in charge where seclusion is necessary.

At no time will an adult meet alone with a child in any room where the door is closed or in an area where they cannot be seen.

A clear glass window will be installed in the door or some portion of the room of all church offices. Otherwise the door will remain open when occupied by children.

18. Ratio of workers to children

It is goal of the church that a reasonable ratio of adults to children is maintained at all times involving the supervision of children.

The person responsible for the division shall be primarily responsible for setting and maintaining a reasonable ratio of workers to children giving due regard to all factors present, including the number and age of the participants, the nature of the activities and the location where the activities are taking place.

19. Worker training

Each new worker will be given a copy of both the legal definition of Child Abuse and Neglect and the church's Child Protection Policy. They must sign a statement indicating they have received and read both before they can begin working with children.

20. Ministerial and staff oversight

The ministerial staff member responsible for each division shall coordinate with the respective ministry coordinators to ensure ongoing supervision of all workers. This should include regular unannounced visits into classes and other program sites.

21. Awareness of church policy

The person responsible for each division shall periodically review the definition of child abuse and neglect as defined by law and the church's policy concerning these crimes. These reviews can be conducted either with the workers individually or in groups, at least once a year and following each change in or addition to such policies. Each worker shall acknowledge participating in the periodic review of the church's policy and procedures. This training/review may be conducted annually when the church approves the workers who will be directly involved with children. The signed acknowledgment shall be retained in the church files.

22. Children's pickup

Children who are six years old or older are permitted to leave the area of the church activity at the conclusion of the scheduled activity without further supervision of the workers unless otherwise instructed by the parent or guardian.

If a child younger than six is not picked up by their parent or guardian on time, they will be kept by their teachers in an area where safe supervision can be continued until the parent or guardian is located.

A child of twelve years or younger shall not be taken from or allowed to leave church property, either unattended or in a group without specific parental permission.

23. Release of claims

Prior to any activity away from the church, a Release of Claims form will be necessary to be signed by the child's parent or legal guardian.

Without the form signed and in the possession of the church, the child will not be allowed to participate in the away activity.

Reporting and Responding to alleged child abuse or neglect

24. Reporting policy

It is the policy of the church to report any incident of child abuse or neglect toward any child in the church. This would include participants in temporary childcare programs.

- Do not treat any suspicion as frivolous
- Notify your supervisor immediately. Commence the investigation right away
- The staff member in charge should suspend the accused person from the performance of duties involving children until the official investigation has been completed
- Cooperate fully with law enforcement officials
- The pastor or his agent will inform victim and victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigation. If child abuse is confirmed, ask the victim and victim's family what action they would like to take in the matter and fully cooperate to address their requests within the bounds of a legal and prudent response. Church legal counsel should assist in this determination.
- In an instance where child abuse is confirmed, the church will immediately dismiss the worker from their position. Termination will be considered appropriate in the circumstances.
- In instances where evidence is inconclusive, the church should take action with the advise of law enforcement officials depending on the strength of the evidence available and after consideration of the victim and the victim's family's request.
- The pastor will determine the amount of information he believes is appropriate to relate to the congregation. Usually commenting on an ongoing investigation is not wise.

25. Reporting obligation

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the person's belief. Non-accusatory reports, that identify the victim whether or not the person responsible for the abuse is known, must be made to the local or state law enforcement agency or to the Texas Department of Human Services as follows.

- A. An oral report must be made immediately on learning of the abuse or neglect
- B. Notify the pastor as quickly as possible
- C. A written report must be made within five (5) days to the same agency
- D. All reports must contain the name and address of the child, the name and address of the person responsible for the care of the child and any other pertinent information

The oral and written reports are required by law. This entire reporting policy is required as a condition of employment for both paid and volunteer workers.

26. Reports required

Any worker of the church who has cause to believe that a child's physical or emotional health or welfare has been or may be adversely affected by abuse or neglect shall report that belief according to the following procedure:

- a) The worker shall report such belief to the pastor or a member of the church staff who will complete an Incident Report.
- b) The pastor or staff member will immediately report to one of the following: (1) Jackson County Sheriff Dept – 361-782-3371 or (2) The Texas Child Protection Services hotline (1.800.252.5400 then press 4 for case worker)
- c) The pastor or his agent will notify the parents of the child (unless the parent is the person responsible for the abuse or neglect).
- d) The pastor, or his agent, in consultation with the Chairman of the Deacons will notify the appropriate legal counsel.
- e) The pastor, or his agent, will notify the church's insurance agent an abuse report has been filed with the appropriate local or state agency.

27. Incident Report

The person making the report should identify:

- a) The name and address of the child
- b) The name and address of the person responsible of the care, custody, or welfare of the child.
- c) Any other pertinent information concerning the alleged or suspected abuse or neglect.

28. Confidentiality

All reports of child abuse or neglect shall be held in absolute confidence. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. Any breach of this confidentiality by an employee of the church shall be cause for immediate dismissal.

The pastor, in consultation with the official conducting the investigation may authorize limited additional disclosure if necessary to protect other children from harm in the near future, particularly where the person responsible for the abuse cannot be identified, but in no case shall the identity of the victim or the accused person be disclosed except as required by law.

29. Investigation of alleged abuse or neglect

No person shall attempt to conduct a detailed investigation either through examination or interrogation of the child, the accused person or a witness. It is acceptable to obtain a reasonable amount of information to have cause to believe a child has been abused or neglected.

Interviews shall be conducted only by authorized officials of the agency to whom the suspected crime has been reported or, when appropriate, by legal counsel or persons representing the church in an official capacity. All employees and volunteers of the church shall cooperate with the official investigation as requested.

30. Suspension of church related duties

A person accused of child abuse or neglect will be suspended from all church related duties involving children. This would include all childcare, teaching, transportation or sponsorship duties. The Personnel

Committee and/or Deacon Body is not authorized to conduct an investigation of the incident but is allowed to monitor any such investigation and receive confidential information concerning the incident as may be necessary to determine issues concerning continuation of employment and compensation.

The person accused should be suspended on “paid leave” until the investigation is completed. This removal from duty should occur in such a way that an innocent person is not immediately deemed guilty. There are false claims made each year. If the allegation is determined to be unsubstantiated, the employee can be returned to their prior position.

31. Preservation of records

Copies of all documents relating to an event of abuse or neglect, including a list of all persons known to be present or in the vicinity shall be transferred to the pastor or his agent. They will review them to determine if the documents are complete in accordance with church policy. If any documents are missing, they shall make a written notation and transfer the documents to the church business administrator who shall retain them until advised that all criminal and civil investigations and actions have been completed.

32. Ministerial care

The ministerial staff shall encourage and assist the child and the parents in securing appropriate counseling, care and support. In the event the abuse or neglect involves a member or employee of the church, the staff shall encourage and assist the individual in securing appropriate pastoral care and support, including third party counseling, being mindful of the potential for a conflict of interest.

All persons shall act towards the child, the parents and the accused in accordance with the principles of Christianity at all times.

33. Liaison with the community

The pastor, or his appointed agent, will serve as the church’s sole access to the media. The church should emphasize to the public its position on child abuse, its concern for the victim and the extensive steps being taken to address the safety of all children.