

Dreisbach United Church of Christ

Child Protection Policy

January 19, 2016

Introduction

“People were bringing little children to Jesus in order that he might touch them; and the disciples spoke sternly to them. But when Jesus saw this, he was indignant and said to them, ‘Let the little children come to me; do not stop them; for it is to such as these that the kingdom of God belongs. Truly, I tell you, whoever does not receive the kingdom of God as a little child will never enter it.’ And he took them up in his arms, laid his hands on them, and blessed them”
(Mark 10:13-16).

This moment in Jesus’ ministry speaks of the value God places on children and the example of faith they provide for us all. As followers of Jesus Christ, Dreisbach United Church of Christ (DUCC) believes children and youth are vital members of our congregation.

DUCC welcomes everyone and is committed to helping individuals and families grow in faith. DUCC recognizes Christian service is a necessary and fulfilling part of each person's faith journey and offers many different ministry opportunities. Among these are opportunities to serve children and youth. As much as possible, DUCC wants everyone who feels called to be able to serve in ministry to our children and youth.

DUCC also recognizes the church is not immune from the painful reality of child abuse. We understand the devastating damage done to a child when abused. We also understand this damage is heightened when the abuse occurs within a church setting. As a church, we must take intentional measures to protect our children.

Overview and Philosophy

This policy is designed to provide safety and openness, to provide protection for our children while maintaining an atmosphere that welcomes all. By providing many avenues of service, we are striving to meet the spiritual needs of the whole congregation. By developing and implementing safety procedures and precautions, we are working to ensure the spiritual growth and development of our children is not disrupted by the preventable evil of child abuse.

Definitions

Adult: a person 18 years of age or older

Child: any person under the age of 18

Employee: any person employed by DUCC with responsibilities including the care, supervision, guidance, or control of children or who has routine interaction with children

Volunteer: anyone who aids in children’s ministry who is 18 years of older *or* out of high school

Children's Ministry: any ministry/activity sponsored by DUCC in which children are under the supervision of employees or volunteers. This includes ministries that are normally designated as youth ministries.

We: Dreisbach United Church of Christ

Child Abuse: as currently defined by Pennsylvania law (see below)

Elders: The three members of the DUCC Consistory who have been elected to serve the office of Elder as

described in the DUCC Constitution and By-Laws.

ChildLine: Pennsylvania's child abuse hotline

Definition of Child Abuse 23 Pa. C.S. § 6303

(b.1) **Child abuse** – The term “child abuse” shall mean intentionally, knowingly or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) Fabricating, feigning or intentionally exaggerating or including a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
 - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - (iii) Forcefully shaking a child under one year of age.
 - (iv) Forcefully slapping or otherwise striking a child under one year of age.
 - (v) Interfering with the breathing of a child.
 - (vi) Causing a child to be present at a location while a violation of 18 Pa C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - (A) Is required to register as a Tier II or Tier III sexual offender under 42 PA.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - (B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - (C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
- (9) Causing the death of the child through any act or failure to act.

Screening Procedures

Careful screening is one way to reduce the abuse of children. Pennsylvania law requires both employees and volunteers to obtain certain clearances if they have routine interaction with children.

In keeping with Pennsylvania state law, DUCC requires individuals who are 14 years of age or older applying for a paid position as an employee who is responsible for the welfare of a child, or as an employee having direct contact with children, submit the following clearances:

- A Pennsylvania State Police Background Check
- A Pennsylvania Child Abuse History Clearance and
- A Federal Bureau of Investigation Clearance

Please note: the Oxford Background Management Check which is required to circulate a United Church of Christ pastoral profile *does not* meet these requirements.

Individuals who are age 14 to 17 years of age, who are applying for a paid position as an employee who is responsible for the welfare of a child, or as an employee having direct contact with children, is only required to submit their Pennsylvania State Policy Background Check and Pennsylvania Child Abuse History Clearance if the following apply:

1. They have been a resident of Pennsylvania during the entire previous 10 year period or, if not a resident of Pennsylvania during the entire previous 10 year period, has received an FBI certification at any time since establishing residency in Pennsylvania and provides a copy of the certification to the employer.
2. The employee or their parent/legal guardian swears or affirms in writing they have not been disqualified from service under the grounds for denying employment or have not been convicted of a similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, or a foreign nation, or a former law of Pennsylvania.

Background clearances obtained for a volunteer position can only be used for volunteer activities and cannot be used for employment.

If an employee's background clearances are less than 36 months old, they may be used to apply for and serve as an employee or volunteer.

Adult volunteers who are responsible for the welfare of a child or have direct contact with children must submit the following clearances to the Pastor of DUCC before they can begin serving:

- A Pennsylvania State Police Background Check
- A Pennsylvania Child Abuse History Clearance.

If the volunteer is unpaid *and* the volunteer has been a *continuous* resident of Pennsylvania for the 10 years prior to applying for the position *and* the volunteer swears in writing that s/he is not disqualified from service (see Appendix A), then the volunteer does *not* need to submit a Federal Bureau of Investigation Clearance. However, if the proceeding requirements cannot be met, then a Federal Bureau of Investigation Clearance must be submitted.

Checks and Clearances are good for 36 months. It is the responsibility of the employee/volunteer to remember when their clearances expire and to obtain new clearances before the expiration date. State law prohibits DUCC from allowing any employee/volunteer to work with children if their clearances have expired.

If a volunteer obtains background clearances for other *volunteer* or employment positions, they may show a copy of those clearances to the Pastor, or if there is not a Pastor one of the Elders, who will make copies of those clearances which will be kept on file at DUCC.

DUCC also requires volunteers to complete a Volunteer Information Sheet before service can commence (see Appendix B). Volunteer Information Sheets should be submitted to the Pastor along with other required paperwork.

DUCC is willing to reimburse both employees and volunteers for required clearances. Submit *both* receipts and an expense report (see Appendix C) to the Pastor (if a volunteer) or Treasurer (if an employee).

The Pastor, or if there is not a Pastor one of the Elders, is responsible for reviewing volunteer information sheets, continuous residence affirmations, and background checks/clearances. A log shall be kept listing the volunteers who are currently cleared for service. These forms will be maintained in a locked file.

If a clearance reveals an individual has committed child abuse within the five years immediately proceeding, the individual cannot be hired or selected as a volunteer or employee, regardless of whether the individual's

clearances show a conviction related to the report or any other criminal history. *Id.* at § 6344(c)(1); § 6344.2(c).

If a volunteer has been arrested or convicted of a disqualifying offense or is named as a perpetrator in a report of child abuse, that person has 72 hours to contact the Pastor. Under Pennsylvania law, failing to do so is a separate criminal offense (*Id.* at § 6344.3(h)). Also, if the Pastor has reason to believe that a volunteer was arrested or convicted of a crime, or named as a perpetrator in a report of child abuse, the Pastor must immediately require the individual to provide updated clearances (*Id.* at § 6344.34(g)(2)). If the information provided by the volunteer or indicated in the updated clearances disqualifies an individual under § 6344(c), the volunteer's service must be terminated immediately. If the information provided does not clearly disqualify an individual under § 6344(c), the Pastor shall contact the Elders and together the Pastor and Elders will contact a qualified attorney to discuss the best course of action. The volunteer in question will not be allowed to have contact with children until the Pastor and Elders consult with an attorney.

If an employee has been arrested or convicted of a disqualifying offense or is named as a perpetrator in a report of child abuse, that person has 72 hours to contact the Pastor or, if the employee is the Pastor of DUCC, President of the DUCC Consistory. If the employee is a United Church of Christ authorized minister, the employee must also contact the Chairperson of the Central Association's Committee on Ministry and the Penn Central Conference Minister within 72 hours. Under Pennsylvania law, failing to notify one's employer of such an offense or report is a separate criminal offense (*Id.* at § 6344.3(h)). Also, if the Pastor has reason to believe that an employee was arrested or convicted of a crime, or named as a perpetrator in a report of child abuse, the Pastor must immediately required the individual to provide updated clearances (*Id.* at § 6344.34(g)(2)). If there is reason to believe the Pastor of DUCC was arrested or convicted of a crime, or named as a perpetrator in a report of child abuse, the President of the DUCC Consistory must immediately contact the Chairperson of the Central Association's Committee on Ministry and the Penn Central Conference Minister. The President of the DUCC Consistory must also immediately require the Pastor to provide updated clearances (*Id.* at § 6344.34(g)(2)).

Operational Procedures

All Children's Ministries should occur in open view. If the Children's Activity is an outdoor program or in a setting which makes it difficult to comply with this policy, the employee in charge of the activity shall take appropriate measures to make sure the setting suits the activity and the children are properly supervised.

All offices and classroom doors will have an uncovered window. Employees and volunteers should endeavor to remain in view of the door's window at all times.

Whenever possible, the two-adult rule shall be kept. The two-adult rule states there should be two non-related (this includes married spouses) adult volunteers present when supervising one or more children. If the two-adult rule cannot be kept, then not only must the windows in the room be uncovered, but the door must be open as well and the volunteer must be in visible sight of the door so they may be easily seen from the entrance to the room.

Only the Pastor of DUCC may offer counseling to members of the DUCC community. In instances when youth request counseling where circumstances dictate that counseling is most effective on a one-on-one basis, the Pastor may meet individually with a child. Previous consent of that individual's parent or legal guardian should be obtained in writing. Exceptions to consent may be made for emergencies. The counseling area must be visible to others.

Recognizing the value of digital media, but also noting its potential dangers, it is highly recommend that volunteers and employees exercise discretion and care in all postings, texts, emails, etc. Electronic communications are not just a reflection on one's person, but also DUCC. Employees must have separate

professional and personal social media accounts. Great caution should be taken when texting. Employees should seek to educate children about the dangers of electronic communications.

Transportation

When transporting children to/from church events, drivers will preferably be accompanied by two children. It is inevitable that one child's transportation may arrive either before or after all other children's transportation has or that, while transporting children, a child may be the first or last picked-up. In those circumstances, a child may unavoidably be in the individual presence of an adult. In such cases, the responsible adult should use his/her best judgment for the child's wellbeing.

Requirements for Drivers:

- Drivers must have completed all background checks required for volunteers of DUCC;
- Drivers must annually complete a Children's Ministry Drivers Form (Appendix D);
- Drivers must have a completed Children's Ministry Event Form (See Appendix E) for each child in their vehicle;
- Drivers must be at least 21 years old;
- Drivers must have a valid driver's license;
- Drivers must have proof of insurance for the vehicle they are operating;
- Drivers must not be under the influence of drugs or alcohol while driving for church events.

Serious Injury Report

In order to assure proper attention is given to an injury or accident which is not the result of abuse or neglect, an employee or his/her designee must complete an Injury Report Form (See Appendix F) whenever a child is seriously injured. This should be completed within 24 hours of the injury.

Mandated Reporting

If a child is in immediate danger, call 911.

23 Pa.C.S. § 6311 *requires* many categories of people to report suspected child abuse including:

- (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- (7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.

In short, all employees and volunteers of DUCC who have routine interaction with children as part of their ministries at DUCC are mandated reporters.

23 Pa.C.S. § 6311 lists the following as the basis to report child abuse:

- (1) A mandated reporter ... shall make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure) if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 - (i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity, or service.
 - (ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
 - (iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
 - (iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter

that the individual has committed child abuse.

(2) Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

In other words, a mandated reporter does not have to have seen the child for the duty to report to arise. Additionally, the mandated reporter does not need to be able to identify the person responsible for the abuse for the duty to report to arise. *Id.* At § 6311(b)(2) and (3). Also, the law may not restrict mandated reporting to situations in which one is a mandated reporter. For instance, a Sunday School volunteer may be mandated to report if a neighbor tells the Sunday School volunteer that a specific child is being abused, even if the Sunday School volunteer has no interaction with this child in their capacity as a Sunday School volunteer.

Mandated reporters must *immediately* report suspicion of child abuse by:

- Calling ChildLine at 1-800-932-0313; or
- Reporting online at www.compass.state.pa.us/cwis

Pennsylvania law encourages anyone who suspects child abuse to make a report, even if not a mandated reporter (23 Pa.C.S. § 6312). So long as a person makes the report in good faith, the law protects the reporter from legal liability if the report is ultimately deemed to be unfounded (23 Pa.C.S. §§ 6318(a) and 6303(a)).

If a mandated reporter suspects child abuse, s/he must immediately call the ChildLine.

Then, after the ChildLine has been called,

- if an allegation of child abuse or neglect concerns any person other than the Pastor of DUCC, the mandated reporter is to notify the Pastor. The report to ChildLine must not be delayed by notification to the Pastor. The Pastor will mobilize the Elders and may contact the child's parent or guardian to inform them a report was made to ChildLine if s/he determines appropriate. If one or both parent(s) or guardian(s) is the alleged perpetrator, the Pastor and mandated reporter shall follow the counsel of ChildLine about notification of the parent or guardian.

Or

- if an allegation concerns the Pastor, the President of the DUCC Consistory should be notified. The President of the DUCC Consistory will notify the Chairperson of the Central Association's Committee on Ministry and the Penn Central Conference Minister. These actions are to occur following the report to ChildLine by the mandated reporter. One of the Elders may contact the parent or guardian of the concern and the report to ChildLine if it is deemed appropriate.

If DUCC employees or volunteers are alleged perpetrators, the individual shall not be permitted to participate in children's ministries. The Pastor and at least one of the Elders will communicate this to the employee/volunteer in question. If the employee is the Pastor, the President of the DUCC Consistory shall communicate this to the Pastor. Any removal of employees or volunteers from children's ministries will be conducted with care and discretion.

A quick, compassionate, and unified response to an alleged incident of child abuse or neglect is expected. All allegations will be taken seriously. Any employee or volunteer involved in a children's ministry in which a report of suspected abuse or neglect is observed must cooperate fully with authorities.

All documents pertaining to allegations of abuse or neglect shall be kept in a confidential, locked file. If at any time, the Pastor is accused, the confidential record should be kept at the Central Association or Penn Central Conference offices.

For any case not involving allegations regarding the Pastor, pastoral support and care will be available to all persons involved with the incident as indicated.

The Pastor of DUCC is the only person authorized to make statements to media representatives. All requests from the media should be directed to the Pastor. The Pastor may convey the matter is under review and the appropriate authorities have been notified. The Pastor may provide a copy of the Introduction of this Policy if deemed appropriate.

Revisions

This policy shall be reviewed and, when necessary, revised annually by the Elders. If revisions are recommended, they must be approved by the DUCC Consistory.

Sources

- Pennsylvania Child Abuse Prevention Laws Update memorandum from Office of General Counsel of the United Church of Christ to Pennsylvania Conference Ministers dated 3/3/2015
- PA State Law
- Pennsylvania Department of Human Services Volunteer Frequently Asked Questions (1/16/2015)
- Protecting PA's Children Webinar by The Center for Children's Justice
- <http://www.brotherhoodmutual.com/www/?linkServID=870C5B9F-7E06-42F9-A7A5636836DD4C67&showMeta=2&ext=.pdf>
- Pennsylvania Department of Human Services Employees Having Contact with Children Frequently Asked Questions: http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/C_135246.pdf (1/18/2016)

Appendix A

Affirmation of Continuous Residence in Pennsylvania for Volunteers in Lieu of FBI Clearance

I, _____, swear or affirm that I have been a continuous resident of Pennsylvania for the 10 years preceding today's date.

I have provided the results of a Pennsylvania State Police Background Check and a Pennsylvania Child Abuse History Clearance to the Pastor of Dreisbach United Church of Christ.

I swear or affirm that I am not disqualified from service under 23 Pa. C.S. § 6344.2 in that no cause exists under 23 Pa. C.S. § 6344(c) for denying my participation as a volunteer at Dreisbach United Church of Christ.

Specifically, I swear or affirm that:

- I have not been named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding the date on my Pennsylvania Child Abuse History Clearance referenced above.
- I have not been convicted of any of the following offenses under Pennsylvania Title 18 (relating to crimes and offense) or an equivalent crime under Federal law or the law of another state:
 - Chapter 25 (relating to criminal homicide).
 - Section 2702 (relating to aggravated assault).
 - Section 2709.1 (relating to stalking).
 - Section 2901 (relating to kidnapping).
 - Section 2902 (relating to unlawful restraint).
 - Section 3121 (relating to rape).
 - Section 3122.1 (relating to statutory sexual assault).
 - Section 3123 (relating to involuntary deviate sexual intercourse).
 - Section 3124.1 (relating to sexual assault).
 - Section 3125 (relating to aggravated indecent assault).
 - Section 3126 (relating to indecent assault).
 - Section 3127 (relating to indecent exposure).
 - Section 4302 (relating to incest).
 - Section 4303 (relating to concealing death of child).
 - Section 4304 (relating to endangering the welfare of children).
 - Section 4305 (relating to dealing in infant children).
 - A felony offense under section 5902(b) (relating to prostitution and related offenses).
 - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
 - Section 6301 (relating to corruption of minors).
 - Section 6312 (relating to sexual abuse of children).
 - The attempt, solicitation or conspiracy to commit any of the offenses set forth above.
- I swear that I have not been convicted of a felony offense under the act of April 14, 1982 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding the date on my Pennsylvania State Police Background Check, referenced above.

I agree that I must inform the Pastor of Dreisbach United Church of Christ of any change in the above circumstances within 72 hours of such change occurring.

Volunteer Signature: _____ Volunteer Date: _____
Volunteer Print Name: _____
Witness Signature: _____ Witness Date: _____
Witness Print Name: _____

Appendix B
Volunteer Information Sheet

Name: _____

Address: _____

Home Phone Number: _____

Cell Phone Number: _____

Email: _____

What's the best way to reach you: Home Phone Cell Phone Text Email

Emergency Contact Name: _____

Emergency Contact Number: _____

Relationship to Emergency Contact: _____

Do you have any known allergies? _____

Are you a member or regular attender of Dreisbach United Church of Christ? Yes No

Why do you want to volunteer with Dreisbach's Children's Ministries?

What gifts/talents do you bring to Dreisbach's Children's Ministries?

I have received and read a copy of Dreisbach United Church of Christ's Child Protection Policy. By signing my name, I agree to follow the policy and the procedures contained therein. I understand that if I fail to follow procedures, I will not be permitted to participate in Dreisbach United Church of Christ's Children's Ministries.

Signature: _____

Date: _____

Dreisbach UCC Use Only

- | | |
|--|----------------|
| <input type="checkbox"/> Clear PA State Police Background Check | Expires: _____ |
| <input type="checkbox"/> Clear PA Child Abuse Clearance | Expires: _____ |
| <input type="checkbox"/> Affirmation of Continuous Residence OR <input type="checkbox"/> Clear FBI Clearance | Expires: _____ |
| <input type="checkbox"/> Volunteer Information Sheet | Expires: _____ |

Church Event Transportation Form

Expires: _____

Appendix C
Dreisbach UCC Expense Report

Name: _____

Date	Amount to be Reimbursed	Description of Expense

Total Reimbursement Requested: \$ _____

Signature: _____

Date: _____

Appendix D
Children's Ministry Driver Form
Dreisbach United Church of Christ

Full Name: _____

Address: _____

Phone Number: _____

Are you at least 21 years old? Yes No

Do you have a valid driver's license? Yes No

Driver's License Number: _____

State: _____

Have you ever had your driver's license suspended? Yes No (If yes, please explain.)

I acknowledge that the vehicle I am driving is properly insured.

I acknowledge that I have read and will abide by the Dreisbach United Church of Christ Child Protection Policy.

Signature of Driver: _____

Date: _____

Appendix E
Youth Ministry Event Form
Dreisbach United Church of Christ

Name of Student: _____

Age: _____ Birth Date: _____ Grade in or just completed: _____

Address: _____

Parent's Home Phone: _____ Parent's Work Phone: _____

Parent's Cell Phone: _____ Youth's Cell Phone (if applicable): _____

To whom it may concern:

I, the undersigned, do hereby give permission for my/our child, _____ (name), to attend and participate in _____ (name of trip/event).

Should it be necessary for my/our child to return home due to medical reasons or otherwise, the undersigned shall assume all transportation costs.

The undersigned does also hereby give permission for my/our child to ride in any vehicle designated by the adult in whose care the minor has been entrusted while attending and participating in activities sponsored by Dreisbach United Church of Christ.

Further, the participant agrees to abide by the covenant (rules and safety) including but not limited to, not engaging in any unhealthy behaviors such as drug or alcohol use or sexual activity.

Participant Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

Appendix F
Injury Report Form
 Dreisbach United Church of Christ

Time and Place of Injury	Date of Injury: _____ Time of Injury: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM Where did the injury occur? _____
Person Injured	Name: _____ Age: _____ Address: _____ Telephone: _____ Parents/Guardians: _____ Injuries Sustained: _____ _____ Where was the injured taken (hospital/doctor): _____ Relationship to DUCC: <input type="checkbox"/> Member's Child <input type="checkbox"/> Visitor <input type="checkbox"/> Youth Volunteer Who was responsible for supervision at the time of the injury? _____ If injury occurred off DUCC property, what connection did the activity have with DUCC? _____ _____ Does the injured person have medical insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No Name of Medical Insurance Company: _____
Detailed Description of the Incident	
Witnesses (list additional witness information on the back)	Name: _____ Telephone: _____ Address: _____ Name: _____ Telephone: _____ Address: _____
Signature of Person Making This Report and Date	