

## Child Protection Policy at Westmont Presbyterian Church (5/9/2016)

Westmont Presbyterian Church believes we are entrusted to care for all of the children of God. We must work hard to make our church a safe place for adults and children. It is our goal in this policy to make Westmont Presbyterian Church a safer place by:

1. Safeguarding our children and youth from incidents of misconduct or inappropriate behavior from adults;
2. Protecting church staff and volunteer workers from allegations of misconduct, inappropriate behavior or sexual abuse;
3. Limiting the extent of our legal risk and liability.

### *Outline of Document*

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### **I. Background: The Law**

Protecting children (persons under the age of 18) from abuse and neglect is a shared responsibility.

We are called by God to create a safe haven for all of the children, youth and persons with disabilities in our care. The session and church are committed to doing not only what is required by law, but also answer our call as Christ's followers to reduce the risk to people in our care. PA has adopted laws that place specific requirements on church employees and volunteers who work with children. It is reflected in part in the Act entitled Domestic Relations Code 23, HB 431. These laws impact reporting, investigation, assessment, prosecution and judicial handling of child abuse and neglect cases.

#### **What is child abuse?**

Child abuse, as it pertains to this Policy and PA State Law, means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- 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.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.

Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent (within two years from the date the report is made to ChildLine) acts include any of the following:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory.
- Leaving a child unsupervised with an individual, other than the child's parent, whom the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

## II. Mandated Reporters, Permissive Reporters, Volunteers

### Mandated Reporters

At Westmont Presbyterian Church, the following are considered mandated reporters:

- A. **Pastors**
- B. **Employees** who have direct contact with children
- C. **Volunteers** working with children who are determined to be mandated reporters. Session will use the following definition of mandated volunteers from the 2015 document of the Pennsylvania Department of Human Services to make this determination: *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.*

### Permissive Reporters

Permissive reporters are individuals who are **encouraged** to report suspected child abuse, although not required by law. Anyone acting on behalf of Westmont Presbyterian Church who suspects a child is a victim of abuse should make a report to ChildLine. A permissive reporter does not have to know for sure that the child was abused. They are able to make a report when they suspect a child is a victim of abuse.

### Volunteers

Any person who participates in a Westmont Presbyterian Church-related activity who is not compensated for participation, with the exception of allowable recorded expenses.

## III. Requirements

All persons who desire to work with children & youth participating in our programs and activities will be screened. This screening includes the following:

- A. Six Month Rule
  - a. Volunteers ordinarily will not be considered for any position involving contact with minors until s/he has been involved with Westmont Presbyterian Church for a minimum of 6 months. Consideration for setting aside the six-month rule for individual situations can be made by the session.
- B. Who Needs Clearances
  1. Pastors and Employees
  2. Volunteers
    - Those responsible for the welfare of a child in lieu of or on behalf of the parent.

- Those who have direct contact with children and youth because they provide care, supervision, guidance or control of children and youth or have routine interaction with them.
- Those whose contact is regular and integral to the volunteer responsibilities.

#### C. Screening Procedures

To ensure adequate legal safeguards, Westmont Presbyterian Church will implement a screening program for both employees and volunteers 18 years of age and older. Any youth 14 years of age or older who is working as a volunteer with children or youth may also be required by the session to obtain clearances if it is determined that any of the criteria in III. B2 applies. Employees and all youth/children volunteers must complete and sign a Disclosure Statement, agreeing to follow church policies with respect to working with children or youth. The following process will be used with all applicants and compensated church workers, full-time, or part-time, including clergy:

- Complete a Disclosure Statement
- Completion of the Pennsylvania Child Abuse History Clearance
- Completion of Pennsylvania State Police Criminal Record Check
- Completion of Federal Bureau of Investigation Criminal Background Check & Fingerprinting for pastor(s) and staff, and for volunteers that are determined to fall under III.B2 above
- Completion of Federal Bureau of Investigation Criminal Background Check & Fingerprinting for all volunteers that are determined to fall under III.B2 above.

#### IV. Disclosure and Clearances

The Christian Education Department overseeing children and youth activities is responsible for ensuring all forms and clearances have been obtained for employees and for volunteers working with children and youth. These forms must be on file two weeks in advance of events. All costs for clearances will be absorbed by Westmont Presbyterian Church.

##### **Process for Obtaining Clearances**

All person required to have clearances will complete and submit the following:

- Those required to have clearances may bring an original clearance, listed above, or obtained from another organization to the church office to be copied by the pastor or the church administrator for filing. It may not be more than 3 years old.
- Those who do not have clearances can follow the process below to obtain them. Please note that if you are not obtaining these forms over the internet and choose to obtain them on your own by submitting forms via the U.S. Postal service, it could take 6 weeks or more to receive them.
- PA State Police Criminal History Record. This clearance form can be worked on at home on the internet or by making arrangements with the Christian Education Department to complete the work in the church office. The record will be kept confidential in the office and copies made available to the signer upon request.  
**<https://epatch.state.pa.us/Home.jsp>**
- Pennsylvania Child Abuse History Clearance. This clearance form can be worked on at home on the internet or by making arrangements with the Christian Education Department to complete the work in the church office. The record will be kept confidential in the office and copies made available to the signer upon request.  
**<https://www.compass.state.pa.us/cwis/public/home>**
- FBI Background Check and Fingerprinting  
This is required for employees (see III.C) and any volunteers who has lived out of state within the past 10 years. The investigation is conducted by Cogent. Westmont Presbyterian Church will provide logistical support for individuals to complete this on their own. The site reference is as follows:  
**<http://www.pa.cogentid.com/index.htm>**

## **V. Mandated Reporter Training**

Pastors and others who are considered Mandated Reporters must have a copy of their Mandated Reporter Training certificate on file at Westmont Presbyterian Church. These must be renewed every five years.

## **V. Disqualifying Offenses**

What constitutes a disqualifying offense that will keep an employee or volunteer from working with children will be determined by the Session and pastor(s). Each decision will be made on a case-by-case basis in light of the surrounding circumstances and will be in compliance with relevant state guidelines or requirements. Generally, convictions for an offense involving children and/or for offenses involving violence, dishonesty, illegal substances, indecency, and any conduct contrary to our mission, will preclude someone from being permitted to work with children. Failure to disclose a criminal conviction on the Disclosure Statement will also be a disqualifying factor.

## **VI. Subsequent Arrest or Convictions**

Any worker (paid or unpaid) subject to the above requirements who is arrested for, or convicted of, an offense that would constitute grounds for denying working with children, or is named as a perpetrator in the state child abuse database, shall provide written notice to the Pastor(s) and Clerk of Session with 72 hours.

## **VII. Two Adult Rule**

It is our goal that a minimum of two adult workers will be in attendance at all times when children are being supervised during our programs and activities. Under no circumstances may two volunteers who are minors be placed in supervisory role with children and youth. Programs or activities with only one student in attendance must have two adults present or the program/activity will be canceled or rescheduled.

## **VIII. Responding to Allegations of Child**

In the event that an individual involved in the care of children at Westmont Presbyterian Church (Mandated Reporter or Permissive Reporter) becomes aware of suspected abuse or neglect of a child under his/her care, the individual must:

1. Make an immediate and direct report of suspected child abuse to ChildLine either electronically at [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis) or by calling 1-800-932-0313.
2. A mandated reporter making an oral report of suspected child abuse shall also make a written report to ChildLine, which may be submitted electronically, within 48 hours.
3. The worker should then report the suspected abuse to the Pastor. If the Pastor is not available or is allegedly involved, a report should be made to the Clerk of Session.

In the event that an incident of abuse or neglect is alleged to have occurred at Westmont Presbyterian Church or during any of sponsored programs or activities, the following procedure shall be followed in addition to above:

1. The parent or guardian of the child will be notified.
2. The worker alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children pending an investigation, and instructed to remain away from the premises during the investigation.
3. Civil authorities will be notified, and Westmont Presbyterian Church will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists.
4. Westmont Presbyterian Church will fully cooperate with the investigation of the incident by civil authorities.
5. Our insurance company will be notified. Any documents received relating to the incident and/or allegations will immediately be forwarded to the insurance company.
6. The pastor(s) and/or the Clerk of Session will notify the Presbytery of Redstone immediately through either the Stated Clerk of the Presbytery or the General Presbyter.

7. The Westmont Presbyterian Church pastor(s) or Clerk of Session will be our spokesperson to the media concerning incidents of abuse or neglect, unless he or she is alleged to be involved. We will seek the advice of legal counsel before responding to media inquiries or releasing information to the congregation. All other representatives of the church should refrain from speaking to the media.
8. Pastoral visitation and resources for counseling will be arranged for those who desire it.
9. Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position working with children or youth.

## **VIII. Good Practices with Children**

**Open Door:** Rooms should remain open, if possible, when children are in them, unless there are windows on the doors.

**Check-in/Check-out Procedure:** Workers should escort the children and youth to agreed-upon places for dismissal to parents or guardians. Under no circumstances are children or youth permitted to leave the Westmont Presbyterian Church properties without clear permission from parents or guardians.

**Sick Child:** Parents and Guardians are encouraged to be considerate of other children when deciding whether to send your child or youth to a church function. Generally children with the following symptoms should not be dropped off for events or activities:

- Fever, diarrhea, or vomiting within the last 24 hours
- Green or yellow runny nose
- Eye or skin infections
- Other infectious diseases

**Medication:** It is the policy of Westmont Presbyterian Church not to administer either prescription or nonprescription medications to the children under our care. Medications should be administered by a parent at home. Parents are reminded of our sick child policy. Exceptions to the medications policy may be granted to parents of children with potentially life-threatening conditions (such as asthma or severe allergic reactions). Parents of such children should address their situation with the pastor(s) and youth leader to develop a plan of action.

**Discipline:** Westmont Presbyterian Church will never administer corporal punishment. There will be no spanking, grabbing, hitting, or other physical discipline of children. There may be times when children or youth must be separated from other children. Workers should consult with the pastor(s) if assistance is needed with disciplinary issues.

**Transportation:** The Two Adult Rule applies here as children are transported in private vehicles. Every effort will be made to comply with this and parents will be notified if this is impossible. All drivers must be licensed and insured.

**Off-site & Overnight Activities:** Most off-site or overnight activities will require a consent form and medical release form to be filled out by parents. The form will include emergency call numbers, medications, medical issues, and insurance information.

**Restroom Guideline:** Normally workers should escort a group of children to the hallway bathroom. They should always go in a group, never taking a child to the bathroom alone. The workers should check the bathroom first to make sure that it is empty, and then allow the children inside. The workers should then remain outside the bathroom door and escort the children back to the classroom. If a child is taking longer than seems necessary, the worker should open the bathroom door and call the child's name. If a child requires assistance, the workers should prop open the bathroom door, and leave the stall door open as they assist the child.

For children over the age of five, at least one adult male should take boys to the restroom and at least one adult female should take girls. The worker should check the bathroom first to make sure that the bathroom is empty, and then allow the children inside. The worker should then remain outside the bathroom door and escort the children back to the classroom.

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. Parents are strongly encouraged to have their children visit the bathroom prior to coming to Westmont Presbyterian Church.

**Injuries to Children:** For minor injuries to children or youth while under Westmont Presbyterian Church's care, we will provide Band-Aids, ice, etc. Parents will be notified if the injury is more serious that may require further medical attention. Once the child or youth has received appropriate medical attention, an incident report form will be completed and turned into the insurance company.

**Photo Consent:** Westmont Presbyterian Church will work diligently to not publish (in the bulletin or newsletter or through social media), pictures of children or youth whose parents have not signed a photo release form. We will make every effort to contact parents in the event a form is not on file.

**DISCLOSURE STATEMENT**  
**APPLICATION FOR PROVISIONAL EMPLOYMENT**

**Required by the Child Protective Service Law**

**23 Pa. C.S. Section 6344 (relating to employees having contact with children; adoptive and foster parents)**

I swear/affirm that I have applied for clearances through ChildLine, the Pennsylvania State Police, and the Federal Bureau of Investigation and am submitting a copy of the appropriate completed request forms to the employer, administrator, supervisor or other person responsible for employment decision.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or equivalent crime 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 under a former law of this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709	(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 welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I must be dismissed from employment if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above.

I understand that I am not permitted to work alone with children and must work in the immediate vicinity of a permanent employee during this provisional employment period.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a

perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**DISCLOSURE STATEMENT APPLICATION FOR VOLUNTEERS**  
**Required by the Child Protective Service Law**  
**23 Pa. C.S. Section 6344.2 (relating to volunteers having contact with children)**

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a clearance through the Federal Bureau of Investigation, as:

- the position I am applying for is unpaid; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or of offenses 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 under a former law of this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709	(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 welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above or of offenses 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 under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_