

CHILD ABUSE/MOLESTATION

Lawsuits against churches are very common today. Lawsuits involving acts of child abuse in the church are frequently in the news.

Sex offenders often **prey on churches** and often seek to work with minors (all persons under eighteen (18) years of age). Always have **more than one unrelated adult worker** at the same time with minors.

Churches are **uniquely vulnerable** to sexual misconduct and abuse charges because of:

1. **Trust** — Churches tend to be trusting and unsuspecting institutions. Even when questions are raised about a worker's conduct, church leaders may ignore the evidence rather than question the worker's character or motives.
2. **Lack of Screening** — Some churches do nothing to "screen" youth or children's workers. Complete strangers may be accepted to work with children without any investigation.
3. **Opportunity** — Churches provide ample opportunity for unsupervised, close, personal contact between adults and children. This risk increases dramatically for overnight activities.
4. **Access** — Molesters are often attracted to an institution in which they have immediate access to potential victims in an atmosphere of complete trust, such as the church.
5. **Need** — Most churches struggle to get adequate help for children's and youth ministries. Securing workers can be a never-ending task. However, the personnel committee or age division director **must adhere** to the policies of the church regarding employees or volunteers.

Procedures should be established to prevent, as much as possible, any physical, emotional, and/or sexual abuse of minors (hereinafter used for babies, children and/or youth **under eighteen (18) years of age**). Such procedures should apply to **all paid staff members and volunteers** who relate to minors.

The procedures should address at least five areas, namely: worker **selection, worker supervision, and security of preschool age children, reporting obligations, symptoms of abuse.**

Managing Worker Selection

All paid employees of the church (including clergy) and volunteers should undergo a thorough screening process before they are permitted to work with minors. Unwillingness to assist in the screening process or unfavorable information discovered during the process are grounds to deny employment or not utilizing the volunteer. Areas of discussion should include Christian experience and church membership, places of previous employment or service, and references. The court has not determined what constitutes an adequate background check. Questions concerning abuse as a child and any criminal records should be asked with discretion.

Never simply ask publicly for volunteers to serve as workers, as sex offenders may use that opportunity to be near minors. Enlist only those you **know well** (and have properly screened) to serve in this capacity. Refer to Illustrations D and E for more information.

The **screening procedure** should involve four (4) different steps as follows:

1. An employment application form should be **required** for all paid employees and volunteers showing previous work references and church references.
2. This form should be reviewed by the senior pastor and/or his designee prior to submitting it to the personnel committee for further study and review. Following general approval by

the personnel committee, the church and work references should be **contacted** and **checked** on all paid employees and volunteers.

The nominating committee would select only those persons who have cleared the screening process.

Completion of a "criminal records" check authorization form should be used when considered appropriate.

Completion of a "credit check" authorization form should be used when considered appropriate.

3. A screening form should be used for those individuals who are **scheduled to work one hour a month or less** in the extended sessions.
4. A **personal interview** should be conducted by two (2) ordained staff members and/or the personnel committee for those individuals who will be dealing with minors in an **overnight event or in unsupervised activities**.

A good "**rule of thumb**" is to **never allow anyone** who has been a church member **less than a year** to work with children or youth. Certainly, exceptions to this policy may be considered with **wisdom and discretion**. Such as, the **written recommendation of a current ordained church staff member** based on prior personal knowledge of the volunteer and/or a **written recommendation from the prior church**. Your attorney is the best source of information regarding the laws concerning the church and sexual misconduct. It is important to seek an attorney familiar with these laws.

Any potential worker who **has been convicted of or pleaded guilty** to either child sexual or physical abuse should **not** be allowed to work in any capacity with minors.

Any potential worker who has been either sexually, emotionally or physically abused while a minor **should not** work with minors until **interviewed and approved** by the senior pastor and/or the personnel committee.

Managing Worker Supervision

The Two Adult Rule:

Two (2) or more unrelated adults should be present during any church educational or training activity on the church premises. The adult should be at least twenty-one (21) years old or more.

If one must leave the room for any reason, another person should be engaged to fill in the few minutes necessary.

This not only protects the children from potential abuse but also protects the adults from potential accusations. In addition, two related adults should not be allowed to work in the same classroom situation.

It is suggested that no teenagers (less than 15 years old) be used with bed babies.

As to one/two year olds, it is suggested that teenagers could assist as long as they are closely supervised by an adult. This means that the teenager should never be left alone without adult supervision at all times. The suggested ratio of adults to children in this age group is one to three. The very minimum would be to increase the ratio to four/five children.

Threes through kindergarten suggested ratio is one to four. The introduction of teens to this mix would then make the ratio one to five/six. Again the teenager should never be left alone with the children.

This same two-adult rule should be followed through classes involving youth to eighteen (18) years of age.

The use of teenagers no matter how qualified highly increases the potential liability for the church, and additionally could prevent some potential parent from attending and/or joining your church. **The end result is that the church must make the final decision as to what liability they are willing to risk.**

The Three Adult Rule:

Three (3) or more adults should be present during **any church activity** away from the church facilities involving minors.

The adult to minor ratio for any activity away from the church should be **one (1) adult to every eight (8) minors.**

Parental Permission:

Minors attending regularly scheduled church activities are implied to have parental permission.

The worker shall obtain the written consent of the parent/guardian before going out alone with the minor, or spending time with the minor in an unsupervised situation. Such meetings should be held in church facilities where they can be visible or at a public where there is high visibility

Questionable Behavior:

Any observed **inappropriate conduct or relationship** between adult volunteers or paid staff member and a minor **should be confronted immediately.** Situations where such behavior continues should result in terminating the use of both the volunteer or paid staff member as appropriate.

Prior to beginning work with minors, each potential worker **should be counseled** concerning possible results of abusive relationships with minors.

Windows should be installed in **all classroom doors of rooms** used with minors.

Pairs of adults should be used as chaperons and supervisors for overnight events and should be approved by the senior pastor or his designee and/or personnel committee in advance of the event. There should be **one adult to chaperon every ten (10) participants.**

Each potential worker with minors **should be given a copy** of any existing policy concerning child abuse that the church may have during the recruiting process and they should acknowledge that they have read the entire document and agree with its contents.

Managing Security of Preschool Age Children

All preschool children will be treated as individuals requiring security.

The parent/guardian bringing a pre-school child to any church-sponsored activity will be given a token, receipt or card. That token, receipt or card will match a similar item placed on the child at the time of arrival. First time parent/guardian should fill out an enrollment card giving the basic information on their child. No child should be given to a parent/guardian without that parent/guardian identifying himself/herself with and returning the token, receipt or card.

A secondary procedure should require that parents or guardians provide correct answers to identification questions.

Managing Reporting Obligations (Questions and Answers)

A. Q: What constitutes sexual/child abuse?

A: In Kansas, child abuse is typically defined as any non-accidental physical injury, physical neglect, emotional injury or sexual act inflicted upon a child by a parent or caregiver. (See "Symptoms of Abuse/Molestation".)

- B. Q: Who must report sexual/child abuse?
 A: Under Kansas statute, teachers, administrators and other employees of schools (including day cares) are MANDATORY reporters. If they suspect sexual/child abuse, they are required to report it under penalty of law.
- C. Q: Who else may report sexual/child abuse?
 A: Anyone who is not a MANDATORY reporter is strongly encouraged to report any suspected child abuse. As a Christian, we have a moral obligation to report any suspected child abuse.
- D. Q: Can the reporter of child abuse be sued for reporting child abuse?
 A: Kansas law provides immunity from lawsuits against reporters of child abuse.
- E. Q: Can the identity of the reporter be protected?
 A: Under most circumstances, the reporter's identity will not be disclosed.

Symptoms of Abuse/Molestation

Church workers and staff **should be alert** to the physical signs of abuse and molestation, as well as the behavioral and verbal signs that a victim may exhibit. **Some** of the signs are summarized below:

Physical signs may include:

- Lacerations and bruises
- Nightmares
- Irritation, pain or injury to the genital area
- Difficulty with urination
- Discomfort when sitting
- Torn or bloody underclothing
- Venereal disease

Behavioral signs may include:

- Anxiety when approaching church or nursery area
- Nervous or hostile behavior toward adults
- Sexual self-consciousness
- "Acting out" of sexual behavior
- Withdrawal from church activities and friends

Verbal signs may include the following statements:

- I don't like (a particular church worker).
- (A church worker) does things to me when we're alone.
- I don't like to be alone with (a church worker).
- (A church worker) fooled around with me.