

EPISCOPAL DIOCESE OF WYOMING

POLICIES FOR THE PROTECTION OF CHILDREN AND YOUTH FROM ABUSE

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Code of Conduct for Protection of Children and Youth

Relationships among people are at the foundation of Christian ministry and as such are central to the life of the church. Defining healthy and safe relationships through policies and codes of conduct is not meant, in any way, to undermine the strength and importance of personal interaction in our ministries. Rather, it is to assist in more clearly defining behaviors and practices that allow the church to more fully demonstrate its love and compassion for children and youth in sincere and genuine relationships.

Relationships in ministry should, ideally, always be experienced as caring and without intention to do harm or allow harm to occur. This Code of Conduct has been adopted by the Episcopal Diocese of Wyoming ("the Diocese") to help the Diocese and all parishes within the Diocese and all organizations related to or affiliated with the Diocese create safe environments for children and youth and for those who minister to them. All Church Personnel are asked to carefully consider each statement in the Code and within the *Policies for the Protection of Children and Youth from Abuse* before agreeing to adhere to the statements and continue in service to their church and/or the Diocese.

Code of Conduct for Protection of Children and Youth

- Church Personnel agree to do their best to prevent abuse and neglect among children and youth involved in church activities and services.
- Church Personnel agree to not physically, sexually or emotionally abuse or neglect a child or youth.
- Church Personnel agree to comply with the policies for general conduct with children and youth as defined in these *Policies for the Protection of Children and Youth from Abuse*.
- All Church Personnel agree to comply with the *Guidelines for Appropriate Affection with children and youth*.
- In the event that Church Personnel observe any inappropriate behaviors or possible policy violations with children or youth, Church Personnel agree to immediately report their observations.
- All Church Personnel acknowledge their obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities in accordance with these policies.
- Church Personnel understand that the church will not tolerate abuse of children and youth and agree to comply in spirit and in action with this position.

General Definitions

A. Church Personnel

For the purposes of this policy, the following are included in the definition of Church Personnel when they are functioning in their respective roles for the Diocese or a church:

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
2. All paid personnel whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies.
3. Those who contract their services to the diocese, its congregations, schools or other agencies.
4. Volunteers, including any person who enters into or offers him or herself for a church related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, vestries, Bishop's or Diocesan Committees, and boards of directors.

B. Children and Youth

A **child** is defined as anyone under the age of 12 years.

A **youth** is defined as anyone who is at least 12 years old, but not yet 18 years old.

For the purposes of this policy, a youth shall also be considered an individual who is 18 years old or older, but still attending high school.

C. Regularly or Occasionally Work With or Around Children or Youth

For the purpose of this policy, the following are included in the definition of Church Personnel who **Regularly Work With or Around Children or Youth**:

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
2. All persons who supervise or assist with supervising children or youth, including church school teachers and those involved in ministries, programs or activities involving children or youth more often than occasionally.
3. All persons who provide transportation to children or youth without other adults in the vehicle more often than occasionally (unless parental consent is received in writing and a copy is provided to the Church Personnel's supervisor or the program leader).
4. Any paid personnel whose living quarters are on the grounds of the church, school or other related agency.

Examples of Church Personnel who **Regularly Work With or Around Children or Youth** include, without limitation:

- Children's or youth choir or music directors
- Organists who work with children or youth
- Lay youth ministers
- Volunteer youth directors
- All Church Personnel who work or assist in the nursery more than four times a year
- All Church Personnel who work in the nursery if they are the only person over 21 present at any time
- All staff whether volunteer or paid, at church camps
- Adults who participate in overnight activities with children or youth more than twice a year

For the purpose of this policy, the following are included in the definition of Church Personnel who **Occasionally Work With or Around Children or Youth**:

1. All persons who supervise or assist with supervising children or youth in ministries, programs or activities infrequently, generally no more than three times a year or for one program or activity during a year that lasts less than a month (i.e. assisting with preparation for the Christmas pageant, or teaching one "unit" of Church School for a month).
2. All paid or volunteer Church Personnel whose work regularly takes them throughout the facility or grounds or who has keys giving them access to the buildings on the grounds.
3. All persons who provide transportation to children or youth without other adults in the vehicle infrequently, generally no more than three times a year (unless parental consent is received, which should be in writing, unless not practical, with a copy provided to the program leader or other appropriate person).
4. All persons who work or assist in the nursery four or fewer times a year, whether on an emergency basis or otherwise.
5. Adults who participate in overnight activities with children or youth once or twice a year.

D. Types of Abuse

1. Wyoming Statutory Definitions [§ 14-3-202(a)]:

(ii) "Abuse" means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child [or youth] other than by accidental means, including abandonment, unless the abandonment is a relinquishment substantially in accordance with W.S. 14-11-101 through 14-11-109, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child [or youth] as defined by law:

(A) "Mental injury" means an injury to the psychological capacity or emotional stability of a child [or youth] as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture;

(B) "Physical injury" means any harm to a child [or youth] including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;

(C) "Substantial risk" means a strong possibility as contrasted with a remote or insignificant possibility;

(D) "Imminent danger" includes threatened harm and means a statement, overt act, condition or status which represents an immediate and substantial risk of sexual abuse or physical or mental injury. "Imminent danger" includes violation of W.S. 31-5-233(m).

(vii) "Neglect" means a failure or refusal by those responsible for the child's [or youth's] welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's [or youth's] well-being.

2. Sexual abuse perpetrated by an adult is any contact or activity of sexual nature that occurs between a child or youth and an adult. This includes, without limitation, any activity, which is meant to arouse or gratify the sexual desires of the adult, child or youth, or to abuse the child or youth.

3. Sexual abuse perpetrated by another child or youth is any contact or activity of a sexual nature that occurs between a child or youth and another child or youth. This includes, without limitation, any activity which is meant to arouse or gratify the sexual desires of, or to abuse, any of the children or youth.

4. Economic exploitation is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a child or youth's belongings or money.

Safeguards for Children and Youth

A. Screening and Selection

1. Any and all Church Personnel who **Regularly Work With or Around Children or Youth** shall be screened and selected utilizing at least the following:

a. **A standard application** completed by the applicant that includes an authorization for the release of information to conduct background checks and the **Code of Conduct** (Appendix C).

b. **Criminal records check** in any state where the applicant has resided during the past seven (7) years, and other states, if any, as determined by the church.

c. **Sexual offender registry check** in any state where the applicant has resided during the past seven (7) years.

d. **Individual interview** with the applicant.

2. Any and all Church Personnel who **Occasionally Work With or Around Children or Youth** shall be screened and selected utilizing at least the following:

a. **A standard application** completed by the applicant that includes an acknowledgment for the release of information to conduct background checks and the **Code of Conduct** (Appendix C).

b. **Individual interview** with the applicant.

3. All information gathered about an applicant will be reviewed and evaluated to make a determination, in consultation with others as necessary, of whether or not the person is appropriate to work with children or youth.

4. Criminal records checks and sexual offender registry checks may be conducted periodically for Church Personnel who Regularly Work With or Around Children or Youth.

B. Education and Training Requirements

1. Child abuse prevention and child abuse awareness education and training is required for all **Church Personnel Who Regularly Work With or Around Children or Youth** and for all **Church Personnel Who Occasionally Work With or Around Children or Youth**. Completion of the "Safeguarding God's Children" program upon commencement of work (or as soon thereafter as is practical) and once every 3 years thereafter shall satisfy this requirement.

2. Church Personnel who are responsible for screening, selection and supervision of others in programs for children and youth are required to complete the "Safeguarding God's Children" program.

C. Monitoring and Supervision of Programs

The monitoring and supervision of programs and activities involving children or youth is important for safeguarding children and youth and involves several aspects. One aspect involves having structural guidelines or standards for the programs and activities for children and youth.

These include such things as who approves new programs, how many adults need to be present and the like. In addition to setting structural guidelines and standards, church leaders must make sure the structural safeguards are followed. Programs and activities have to be monitored and supervised to do that. Another aspect of monitoring and supervision is that supervisory personnel and others monitor and supervise the behavior of adults, youth and other children with children and youth so that inappropriate behaviors and interactions can be detected and stopped. Some behaviors and interactions are potentially harmful to children or youth in and of themselves. Examples include providing alcohol or drugs to children or youth or actually having sexual contact with a child or youth. Other behaviors and interactions are not necessarily harmful in and of themselves but are the same behaviors and interactions known to be used by those who abuse children or youth to “groom” them or their parents for eventual abuse or which provide the privacy child molesters need in order to abuse children or youth. Examples of those behaviors and interactions include holding children over the age of three on the lap, transporting a child or youth alone, and the like.

The structural guidelines and standards are covered in both this **Monitoring and Supervision** section and in the following section, **General Conduct for the Protection of Children and Youth**. The behaviors and interactions of persons with children and youth that need to be monitored and supervised are covered in the section on **General Conduct for the Protection of Children and Youth** and in the **Guidelines for Appropriate Affection**.

1. Programs for children and youth should have established ratios for adults and children.
2. Church Personnel are prohibited from being alone with a child or youth or multiple children or youth where other adults cannot easily observe them.
3. Church Personnel over the age of 21 must directly supervise Church Personnel under the age of 18.
4. Each program may develop age-appropriate procedures to ensure the safety of children and youth using restrooms and showers or baths.
5. When supervising or assisting private activities such as dressing, showering or diapering infants or children, Church Personnel will remain in an area observable by other adults or work in pairs.
6. At least two unrelated Church Personnel must supervise activities.

D. General Conduct for the Protection of Children and Youth

The following guidelines are intended to assist Church Personnel in monitoring and supervising behaviors and interactions with children and youth to identify and stop those that may be inherently harmful to children or youth, that are the type used by child molesters to groom children, youth and their parents, or that may create the conditions where abuse can occur more easily. These guidelines should also be used to make decisions about

interactions with children and youth in church sponsored and affiliated programs. They are not designed or intended to address interactions within families. When exceptions to these guidelines must be made, they should be reported to the supervisor of the Church Personnel making the exception as soon as possible.

1. All Church Personnel who work with children or youth must agree to comply with the Episcopal Diocese of Wyoming Guidelines for Appropriate Affection (Appendix A).

2. Volunteers who will **Regularly Work With Children or Youth** should be known to clergy and the congregation for a reasonable period of time.

3. Children under six (6) years old will be released only to their parents or legal guardians or those designated by them.

4. Church Personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs while participating in or assisting with programs or activities specifically for children or youth.

5. Parents or guardians must complete written permission forms before Church Personnel transport children and youth for a church sponsored activity or for any purpose on more than an occasional basis.

6. One-to-one counseling with children or youth will be done in an open or public or other place where private conversations are possible but occur in full view of others.

7. Church Personnel are prohibited from dating or becoming romantically involved with a child or youth.

8. Church Personnel are prohibited from having sexual contact with a child or youth.

9. Church Personnel are prohibited from possessing any sexually oriented materials (magazines, cards, videos, films, clothing etc.) on church property or in the presence of children or youth except as expressly permitted as part of a pre-authorized educational program.

10. Church Personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of children or youth.

11. Church Personnel are prohibited from discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with children or youth.

12. Church Personnel are prohibited from sleeping in the same beds, sleeping bags, tents, hotel rooms or other rooms with children or youth unless the adult is an immediate family member of all children or youth in the bed, sleeping bag, tent, hotel room or other room. It is acceptable to have multiple adults sleep with all the children or youth participating in one open space such as a church basement or camp lodge.

13. Church Personnel are prohibited from dressing, undressing, bathing, or showering in the presence of children or youth.

14. Church Personnel are prohibited from using physical punishment in any way for behavior management of children and youth. No form of physical discipline is acceptable.

This prohibition includes spanking, slapping, pinching, hitting, or any other physical force. Physical force may only be used to stop a behavior that may cause immediate harm to the individual or to a child, youth or others.

15. Church Personnel are prohibited from using harsh language, degrading punishment, or mechanical restraint such as rope or tape for behavior management.

16. Church Personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to children's or youth ministry or camp activities.

Responding to Problems

A. Reporting Inappropriate Behaviors or Policy Violations with children or youth

1. When Church Personnel observe any inappropriate behaviors, behaviors that are inconsistent with the **Guidelines for Appropriate Affection**, or which may violate any provision of these *Policies for Protection of Children and Youth from Abuse*, they must immediately report their observations. Examples of inappropriate behaviors or policy violations would be seeking private time with children or youth, taking children or youth on over-night trips without other adults, swearing or making suggestive comments to children or youth, or selecting or using staff or volunteers without the required screening.
2. Such inappropriate behaviors or possible policy violations that relate to interactions with children or youth should be reported in one of the following ways:
 - a. A telephone call or meeting with the immediate supervisor of the person;
 - b. A telephone call or meeting with the rector, ministry developer or clergy member in that congregation if the person is not the rector, ministry developer or clergy member in that congregation;
 - c. A telephone call or meeting with a church warden if the person is the rector, ministry developer or clergy member in that congregation;
 - d. A telephone call, meeting or fax to the bishop; or
 - e. Submit a **Notice of Concern** (Appendix B), signed or unsigned, to the bishop.
3. All reports of inappropriate behavior or policy violations with children or youth will be taken seriously.

B. Reporting Suspected Abuse of Children or Youth

1. All Church Personnel are required by this policy to report known or suspected abuse of children or youth to the appropriate state authorities.
2. With Regard to Reporting, Wyoming law provides:
 - (a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made.
 - (b) If a person reporting child abuse or neglect is a member of the staff of a medical or other public or private institution, school, facility or agency, he shall notify the person in charge or his designated agent as soon as possible, who is thereupon also responsible to make the report or cause the report to be made. Nothing in this subsection is intended to relieve individuals of their obligation to report on their own behalf unless a report has already been made or will be made.

(c) Any employer, public or private, who discharges, suspends, disciplines or penalizes an employee solely for making a report of neglect or abuse under W.S. 14-3-201 through 14-3-215 [W.S. 14-3-201 through 14-3-216] is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$ 750.00), or both.

(d) Any person who knowingly and intentionally makes a false report of child abuse or neglect, or who encourages or coerces another person to make a false report of child abuse or neglect, is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$ 750.00), or both.

3. With regard to Immunity, Wyoming law provides immunity from civil or criminal liability for persons required to report suspected abuse who act in good faith.

4. In addition to reporting to the state authorities, Church Personnel are required to report any suspected or known abuse of children or youth that may have been perpetrated by Church Personnel directly to the rector of their Parish (if applicable) or to the bishop so that immediate and proper steps may be taken to ensure the safety of alleged victims. Reports may be made confidentially or anonymously.

4. Reports of suspected or known abuse that involve Church Personnel may be reported to the Diocese in the following ways:

a. A telephone call, meeting or fax to the bishop;

b. A telephone call or meeting with the rector, if the rector is not the person being complained about.

c. Submit a **Notice of Concern** (Appendix B), signed or unsigned, to the bishop.

5. The Diocese of and all parishes within the Diocese and all organizations related to or affiliated therewith will cooperate with any investigation by state authorities to the fullest extent required by law.

Appendix

A. Episcopal Diocese of Wyoming **Guidelines for Appropriate Affection**

The Diocese, all parishes within the Diocese, and all organizations related to or affiliated with the Diocese are committed to creating and promoting a positive, nurturing environment for our children's and youth ministries that protect our children and youth from abuse and our Church Personnel from misunderstandings. When creating safe boundaries for children and youth, it is important to establish what types of affection are appropriate and inappropriate; otherwise that decision is left to each individual. Stating which behaviors are appropriate and inappropriate allows Church Personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with children or youth. These Guidelines are based, in large part, on avoiding behaviors known to be used by child molesters to groom children or youth and their parents for future abuse. The following guidelines are to be carefully followed by all Church Personnel working around or with children or youth.

1. Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with children and youth.

Some **positive** and **appropriate** forms of affection are listed below:

- Brief hugs.
- Pats on the shoulder or back.
- Handshakes.
- "High-fives" and hand slapping.
- Verbal praise.
- Touching hands, faces, shoulders and arms of children or youth.
- Arms around shoulders.
- Holding hands while walking with small children.
- Sitting beside small children.
- Kneeling or bending down for hugs with small children.
- Holding hands during prayer.
- Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).

2. The following forms of affection are considered **inappropriate** with children and youth in ministry setting because many of them are the behaviors that child molesters use to groom children or youth and their parents for later molestation or can be, in and of themselves, sexual abuse.

- Inappropriate or lengthy embraces.
- Kisses on the mouth.
- Holding children over three years old on the lap.
- Touching bottoms, chests or genital areas other than for appropriate diapering or toileting of infants and toddlers.
- Showing affection in isolated areas such as bedrooms, closets, staff only areas or other private rooms.
- Occupying a bed with a child or youth.
- Touching knees or legs of children or youth.
- Wrestling with children or youth.
- Tickling children or youth.
- Piggyback rides.
- Any type of massage given by a child or youth to an adult.

- Any type of massage given by an adult to a child or youth.
- Any form of unwanted affection.
- Comments or compliments (spoken, written, or electronic) that relate to physique or body development. Examples would be, "You sure are developing," or "You look really hot in those jeans."
- Snapping bras or giving wedgies or similar touch of underwear whether or not it is covered by other clothing.
- Giving gifts or money to individual children or youth.
- Private meals with individual children or youth.

B. Confidential Notice of Concern

Individual(s) of Concern: _____

Date of occurrence: _____

Time of occurrence: _____

Type of Concern:

- ___ Inappropriate behavior with a child or youth
- ___ Policy violation with a child or youth
- ___ Possible risk of abuse
- ___ Other concern: _____

Describe the situation:

(What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to the State, what was their recommendation about investigating?)

{Attach additional sheets if needed.}

Has this situation ever occurred previously? _____ *{Attach additional sheets if needed.}*

What action was taken? _____

How was the situation handled, who was involved, who was questioned, were police called?

_____ *{Attach additional sheets if needed.}*

What is the follow-up plan? _____

Does anyone else need to be notified? _____

Will the situation need monitoring? _____

Would you like someone to call you to discuss this situation? ____ *{Attach additional sheets if needed.}*

Submitted by: *(Please print)* _____

Telephone number: _____

Location and address: _____

Signature: _____ Date: _____

Reviewed by: _____ Title: _____ Date: _____

C: Sample Application Form, Code of Conduct, and Acknowledgment, Release and Signature Instructions

Please complete all of the questions accurately and fully. Attach additional sheets if needed.

Today's date: _____

Personal data

Name: _____

Street address: _____

City: _____

State: _____ Zip: _____

How long at current address: _____

Home phone: _____

Work phone: _____

Best time to contact you: _____

Email address: _____

If the Applicant may be driving children or youth, the Applicant hereby consents that a driving record may be obtained at any time and the Applicant affirms that he or she is able to lawfully transport children or youth in a motor vehicle.

The Applicant must disclose below all moving violations within the past five (5) years:

Driver license number: _____ State _____

Social Security number: _____

Please list all of your addresses in the past five years:

For what position are you applying? _____

Employment history

Please complete for your most recent employer(s), covering the past three (3) years.

Current employer

Company name: _____

Address: _____

City: State: Zip: _____

Immediate supervisor name: _____

Immediate supervisor phone number: _____

Position held: _____

Dates of employment: from _____ to _____

Reason for leaving position: _____

Previous employer

Company name: _____

Address _____

City: State: Zip: _____

Immediate supervisor name: _____

Immediate supervisor phone number: _____

Position held: _____

Dates of employment: from _____ to _____

Reason for leaving position: _____

Volunteer experience *Include all experience working with children or youth*

Organization: _____

Contact: _____

Phone: _____

Duties: _____

Dates: from _____ to _____

Professional/Civic References

Name: _____

Address _____

City State Zip _____

Daytime phone: _____

How long have you known this person? _____

Relationship to you: _____

Personal References

Name: _____

Address _____

City State Zip _____

Daytime phone: Evening: _____

How long have you known this person? _____

Relationship to you: _____

Have you ever been accused of physically, sexually or emotionally abusing a child or an adult? _____ Yes _____ No

If yes, please explain: _____

Code of Conduct for the Protection of Children and Youth

Read and initial each item to signify your agreement to comply with the statement.

____ I agree to do my best to prevent abuse and neglect among children and youth involved in church activities and services.

____ I agree not to physically, sexually or emotionally abuse or neglect a child or youth.

____ I agree to comply with the policies for **General Conduct for the Protection of Children and Youth** defined in the Policies for the Protection of Children and Youth from Abuse.

_____ I agree to comply with the **Guidelines for Appropriate Affection** with children and youth.

_____ In the event that I observe any inappropriate behaviors or possible policy violations with children or youth, I agree to immediately report my observations.

_____ I acknowledge my obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities in accordance with the ***Policies for the Protection of Children and Youth from Abuse***.

_____ I understand that the church will not tolerate abuse of children and youth and I agree to comply in spirit and in action with this position.

Acknowledgment, Release and Signature

I hereby certify that the information contained in this application is complete and accurate. I understand that providing false information is grounds for not hiring me or choosing me for a volunteer position or for my immediate discharge if I have already been hired or chosen.

I authorize any person or organization, whether or not identified in this application, to provide any information concerning my previous employment, education, credit history, driving record, criminal conviction record, sexual offender registry or other qualifications for my employment or volunteering.

I also authorize the Diocese or the church to request and receive such information.

If hired or chosen, I agree to be bound by the policies and procedures of the Episcopal Diocese of Wyoming related to the ***Policies for the Protection of Children and Youth from Abuse*** and ***Code of Conduct for the Protection of Children and Youth***. I understand that these may be changed, withdrawn, added to or interpreted at any time at the sole discretion of the Diocese or church and without prior notice to me.

I also understand that my employment or volunteering may be terminated, or any offer or acceptance of employment or volunteering withdrawn at any time, with or without cause, and with or without prior notice at the option of the Diocese or church or myself.

I have read and understand the above provisions.

Signature

Date