



Child / Youth / Vulnerable Adult Safe Church Policy

Neffsville Mennonite Church

2371 Lititz Pike, Lancaster, PA 17601

Approved by Elder Team, April 2016

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SafeChurch/Samaritan Center and Neffsville Mennonite Church

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A. Commitment

Each person is a special gift from God. Accordingly, Neffsville Mennonite Church (NMC) is committed to protecting its children, youth and vulnerable adults, and does not and will not tolerate their abuse or neglect. Because we recognize God's love and concern for our children, youth and vulnerable adults, it is our desire to make our church environment a safe place for all who seek to worship and fellowship with us, remembering Jesus' words in Luke 18:16-17. "16 But Jesus called the children to him and said, "Let the little children come to me, and do not hinder them, for the kingdom of God belongs to such as these. 17 Truly I tell you, anyone who will not receive the kingdom of God like a little child will never enter it." Thus, we believe it is our responsibility to:

1. Protect the children, youth and vulnerable adults to whom we minister from abuse while they are in our care.
2. Guard our paid staff and volunteers from suspicion or false accusation of wrongful behavior toward a child, youth or vulnerable adult.
3. Report any incidents or suspected incidents of abuse.

B. Child Abuse As Defined Under Pa Child Protective Services Law (CPSL)

Required Language

Although this policy focuses primarily on child sexual abuse, all forms of child abuse are prohibited, and are included under this policy. Any recent act or failure to act is defined as occurring within the last two years.

DEFINITION OF ABUSE - Definitions of abuse from the Pennsylvania Child Protective Services Law (CPSL [Title 23 PA.C.S. Chapter 63], as amended December, 2013, to be effective December 31, 2014, as follows: Intentionally, knowingly or recklessly doing any of the following:

1. **Physical abuse:** Causing bodily injury through any recent act or failure to act. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act. Bodily injury is impairment of physical condition or substantial pain. The following are "per se" acts of child abuse (meaning the act itself, apart from the outcome, is considered child abuse).
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one year of age.
 - d. Forcefully slapping or otherwise striking a child under one year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present at a location while a violation of 18 PA.C.S. §7508.2 (relating to operation a methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
2. **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.

3. **Mental abuse**: Causing or substantially contributing to serious mental injury to a child through an act or failure to act or a series of such acts or failures to act. Serious mental injury is a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:
 - a. renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or
 - b. seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

4. **Neglect**: Causing serious physical neglect of a child. Serious physical neglect is any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:
 - a. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
 - b. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

5. **Causing the death of the child through any act or failure to act.**

6. **Sexual abuse**: Causing sexual abuse or exploitation of a child through any act or failure to act. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act. Sexual abuse or exploitation is any of the following:
 - a. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
 - (1) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - (2) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - (3) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - (4) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.

7. **The following are per se acts of child abuse:**
 - a. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - (1) 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. Any of the following offenses committed against a child (Criminal Code)
- (1) Rape, as defined in 18 PA.C.S. § 3121 (relating to rape).
 - (2) Statutory sexual assault, as defined in 18 PA.C.S. § 3122.1 (relating to statutory sexual assault).
 - (3) Involuntary deviate sexual intercourse, as defined in 18 PA.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
 - (4) Sexual assault, as defined in 18 PA.C.S. § 3124.1 (relating to sexual assault).
 - (5) Institutional sexual assault, as defined in 18 PA.C.S. § 3124.2 (relating to institutional sexual assault).
 - (6) Aggravated indecent assault, as defined in 18 PA.C.S. § 3125 (relating to aggravated indecent assault).
 - (7) Indecent assault, as defined in 18 PA.C.S. § 3126 (relating to indecent assault).
 - (8) Indecent exposure, as defined in 18 PA.C.S. § 3127 (relating to indecent exposure).
 - (9) Incest, as defined in 18 PA.C.S. § 4302 (relating to incest).
 - (10) Prostitution, as defined in 18 PA.C.S. § 5902 (relating to prostitution and related offenses).
 - (11) Sexual abuse, as defined in 18 PA.C.S. § 6312 (relating to sexual abuse of children).
 - (12) Unlawful contact with a minor, as defined in 18 PA.C.S. § 6318 (relating to unlawful contact with minor).
 - (13) Sexual exploitation, as defined in 18 PA.C.S. § 6320 (relating to sexual exploitation of children).

C. Terms Used In This Policy ▼ **REQUIRED LANGUAGE**

1. **Child or Youth** – any person considered a minor under the laws of the Commonwealth of Pennsylvania, that is, a person who is under 18 years of age.
2. **Vulnerable adults** are individuals 18 years of age and older who are unable to protect themselves from abuse, neglect, or exploitation because of a mental, developmental or physical impairment.
3. **Mandated Reporter:** Effective 12/31/14, the PA CPSL imposes a reporting mandate, or requirement, on any adult who comes into contact with children in the course of his or her work or professional practice, specifically including “clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization,” or “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.” These adults are known as “mandated reporters.” (as defined CPSL Title 23 PA.C.S. Chapter 63). This includes volunteers, as well as staff.
4. **Pastor(s)** – Lead Pastor, Youth Pastor, Associate Pastors.
5. **Child Protection Committee (CPC)** – Implements and enforces the Child Protection Policy.

6. **Approved Adult** – anyone over 18 years of age who has satisfied the requirements of the Child Protection Policy. An Approved Adult can be an employee or a non-employee of the congregation, and is considered a mandated reporter if the person is 18 or older. Mandated reporters are required to report directly to authorities when abuse is suspected. Approved Adults are required to have state-specified screening/certification. (See Section 2 of this policy for certification, and Section 4 for mandated reporting procedures.) Approved Adults include, but are not limited to:
 - a. All employed staff
 - b. Sunday School teachers/helpers
 - c. Children’s Club leaders
 - d. Vacation Bible School teachers, volunteers and helpers
 - e. Youth Group Leaders, assistants and chaperones
 - f. Children’s choir director and assistants
 - g. Day camp staff
 - h. Nursery volunteers
 - i. Anyone else who works directly with children/youth
 - j. Child Protection Committee members
7. **Person in Charge or Designee:** Effective 12/31/14, the “Person in Charge of the Institution or their designee” is responsible for facilitating cooperation with authorities on a suspected child abuse investigation; and is also responsible for receiving notification from the mandated reporter that a suspected abuse report has been filed. For these specific purposes, the Person in Charge at our church is Lead Pastor or Designee.
8. **Child Advocate** – The Chair of the Safe Church/Child Protection Committee or a Member of the Child Protection Committee.
9. **Youth Volunteer** – anyone 17 or less years of age who works under the supervision of two approved adults.
10. **Teaching Assistant/Helper/Adult Volunteer** – a person who may or may not be a member of the congregation and who has a specific talent or experience to share with children/youth at a particular event/class. A teaching assistant’s opportunity is temporary and must be supervised by approved adults.
11. **Adult** – An individual 18 years of age or older.
12. **Direct contact with children** - The care, supervision, guidance or control of children or routine interaction with children.
13. **Routine interaction** – Regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.

D. The Child Protection Committee (CPC)

The CPC shall consist of the Administrative Assistant, Christian Education designee, the Youth Pastor, the Child Advocate and at least one member appointed at large. All members of the committee will be approved by the Council of Ministries.

The Committee will:

1. Implement and enforce this Child Protection Policy.
2. Determine whether subject is eligible for employment or as volunteer based on result of certification and other factors. Certain convictions or founded CPS reports will result in automatic denial of placement in work with children. (See Appendix forms Approved Adult - Review of Application and Certification and Approved Adult - List of Legal Disqualifications for Application.)
3. Review and make recommendations to the Council of Ministries for revising congregation policy regarding the safety of our children/youth.
4. Provide/arrange for training for all staff and approved adults working with the children/youth regarding child abuse and the Child Protection Policy.
5. Maintain a list of Approved Adults and disseminate within the church community.
6. Monitor Approved Adults to ensure that policies are being followed.
7. Keep Council of Ministries apprised of all activities of the committee.
8. Be kept apprised of investigations.
9. Receive and process reports of suspected abuse.

The Administrative Assistant will:

1. Review all applications.
2. Collect and forward requests for certification, with cover letters, to PA State Police and PA Department of Public Welfare; as well as FBI Fingerprint certification for staff, and volunteers who haven't been residents of Pennsylvania for ten years.
3. Maintain all certification.
4. Make available, upon request of an individual, his/her certification reports.
5. Maintain records of dates of initial training and refresher courses attended by adults/volunteers.

The CPC Chair will be appointed by the Child Protection Committee and will:

1. Ensure that required forms are received for all applicants and proper records are maintained.
2. Call meetings as often as needed, but no less than once each year.

E. Prevention and Education

To protect the children/youth in our care, the following guidelines are established for those who desire to work with children/youth less than 18 years of age. Approved Adults must:

1. Attend Neffsville Mennonite Church for a minimum of 6 months.
2. Complete an Approved Adult application form and the required certification forms. Certifications are required for all applicants.
3. Attend a standard initial training session.
4. Sign and comply with the Child Protection Covenant.
5. Once accepted as an Approved Adult, notify the Child Advocate if arrested or convicted of an

offense that would constitute grounds for denial of employment or volunteer work with children, or named as a perpetrator in a founded or indicated report of abuse (See Appendix Form Review of Legal Disqualifications). Such notification is required within 72 hours under PA law effective 12/31/14.

F. Education and Training

1. Policy

This policy will be available to the entire congregation in a manner and at a web-based and/or physical location easily accessible. New members will be directed to the web or physical location, and/or given a copy of the policy.

In order to be an Approved Adult, a volunteer or staff member must participate in an initial training that covers recognizing and responding to child abuse, mandated reporting requirements, and church guidelines and practices. A refresher course for all Approved Adults will be held at least every two years. Volunteers or staff who cannot attend sessions in person will be required to review a video or a power point of the training prior to serving with youth.

All Approved Adults and staff will receive a full copy of the Child/Youth/Vulnerable Adult Safe Church Policy.

2. Procedures for Education and Training

NMC Nurture Commission through the Child Protection Committee will periodically offer abuse awareness/prevention education opportunities for children and adults.

a. Staff and Volunteers

- (1) Training will be offered at the beginning of each church school year. It will be considered a mandatory part of volunteer training and employee orientation.
- (2) Once an individual has participated in the initial training, a refresher training will be required every two years to ensure that the individual's knowledge is current and accurate.
- (3) The church's Administrative Assistant will maintain a record of who has received training and the dates.
- (4) Training will include the use of professional training materials on child abuse, including specific information about child sexual abuse, behavioral signs, and how to respond to a disclosure; the grooming process sexual offenders often use to engage children; a review of policies and procedures that are specific to Neffsville Mennonite Church and pertinent to the work in which the employee or volunteer will be involved, information about mandated reporting and instruction in the use and completion of the various forms.

b. Parents and other Congregants:

- (1) Child Abuse Awareness education will be offered at least once each year for parents and other congregants, and shall include information about the spiritual, as well as psychological and physical, impact of abuse. The educational sessions will be at least one hour in length, may be provided in various formats, such as an adult education class, a whole-congregation meeting, a special workshop in the evening or weekend, etc.

c. Children and Youth:

(1) Christian Education curriculums on healthy physical, emotional, and sexual boundaries, including sexual abuse prevention, shall be offered for several weeks at least once every two (2) years. The purpose is to provide our children and teens with the opportunity to receive age-appropriate information in a faith-based context to help them to recognize inappropriate conduct on the part of an adult or older child, and to empower them to say no, and tell a “safe adult” at church, home, school. Teachers will be provided with any needed training, as well as curriculum material to use.

d. Supervisors of Sexual Offenders:

(1) Should the church decide to welcome a known sexual offender into fellowship in accordance with the guidelines established in this policy, a group of supervisors will receive at minimum 3 hours of training to include the following items prior to welcoming the offender to the congregation.

(2) If the offender is currently on probation or parole, permission by the supervising county office to include the offender, as well as their approval of the organization providing the training and the curriculum, may be required.

a) Dynamics of sexual offending (blame, impulsiveness, denial, deception; role of fantasies)

- Summary information about different types of offenders
- General characteristics of a pedophile, lifestyle issues, access to victims, orientation
- The grooming process
- Sex offense therapy (brief overview) – Use of polygraph

b) Dynamics of victimization (shame, secrecy, trauma symptoms)

- Defining child sexual abuse under PA CPSL
- Long and Short Term Consequences of child sexual abuse

c) Role of the supervisor

- Close accompaniment of offender while on church property
- Assure no contact with children, including verbal/emotional/physical
- Monitor offender compliance with policy & covenant guidelines

d) Specific information about the particular offender, including any terms of probation or parole, and guidelines agreed to by covenant with the church.

- The church will inform membership of the inclusion of known sexual offender and the agreed upon guidelines using various means of communication.

G. Use of Facilities by Outside Organizations

Outside groups and organizations using the church facilities on a recurring basis where children are on-site as part of the organizational activity are to be made aware of this policy and must adhere to it or must provide evidence of their own policy and procedures*, subject to review and acceptance by Neffsville Mennonite Church.

*If their policy does not include a “two adult” rule, certifications and training for volunteers, procedures for immediate reporting of suspected child abuse to ChildLine, and a prohibition on adults being alone in the facility with a child not their own, the organization is required to comply with these provisions.

An adult representative of any outside group will be required to sign a Statement of Compliance for the sponsoring organization before use of the facilities will be granted.

H. Required Application Forms to Become an Approved Adult

Forms listed below are used to apply to become an approved adult. (Located in the Appendix).

1. Approved Adult Application
2. Consent/Release for return of Child Abuse Certification to Church
3. Pennsylvania State Police Request for Criminal Records Check Form
4. Pennsylvania Child Abuse History Certification Form
5. FBI Fingerprint Record Check required for employees; and required for volunteers who have not lived in PA for the past 10 years and who don't have a prior FBI check ◀electronic only!

Forms listed below are used after clearance results are received

1. Approved Adult - Review of Application and Certification
2. Approved Adult – Review of Disqualifications for Application in PA ◀Legal requirements; do not modify
3. Letter of Acceptance as an Approved Adult
4. Child Protection Covenant

I. Required Certification ▼REQUIRED POLICY LANGUAGE Do not change:

All adult church workers “applying for or holding a paid or unpaid position with a child-care service, a school or a program, activity or service as a person responsible for the child’s welfare or having direct volunteer contact with children,” will be required by the Child Protective Services Law (CPSL) to obtain certifications (previously called background checks or certification). The staff member supervising each volunteer or employee is legally required to obtain these certification, and is subject to prosecution for deliberately failing to do so. In compliance with this law, Neffsville Mennonite Church requires volunteers working with children and youth to obtain the following certifications before working with children/youth:

1. Child Abuse History Clearance Form (CY-113) (\$8 for employees, no fee for volunteer)
2. Pennsylvania State Police Request for Criminal Record Check Form (SP4-164) (\$8 for employees, no fee for volunteer)

3. Applicant must swear or affirm in writing (Approved Adult Application) he/she is not disqualified from employment related to working with children {pursuant to§6344(C)},* or “has not been convicted of an offense similar in nature to those crimes listed in subsection (C) under the laws or former laws” of any other jurisdiction.
4. FBI Fingerprint Record Checks (\$27-\$29 – approximate):
 - a. Employees must obtain the fingerprint record regardless of duration of residence in PA.
 - b. Volunteers who have not lived in PA for 10 years are also required to get the FBI fingerprint records check if they haven’t previously done so for other volunteer service or employment.
 - c. Currently, FBI Fingerprint Record Check information may be obtained via COGENT; see https://www.pa.cogentid.com/index_dpw.htm to locate a fingerprint processing center near our church. Note: Effective 12/31/14, PA State Police have responsibility to either process fingerprints directly, or designate an agent.

Effective 12/31/14, all employee certifications, including FBI fingerprint checks, must be obtained every 60 months, with a one year period, or until 12/31/15, to bring all employees current. New volunteers are required to have background checks by 8/25/15. Current volunteers (approved before 8/25/15) who have certifications more than 60 months old (as of 7/1/16) or no certifications have until 7/1/16 to get updated certifications. Volunteers whose certifications are within 60 months need to renew in time to meet the 60 month deadline. Volunteers whose certifications are otherwise current are required to complete a Current Volunteer Statement to accept responsibility as mandated reporters and to swear or affirm that they are not disqualified from service working with children {pursuant to§6344(C)},* or have “not been convicted of an offense similar in nature to those crimes listed in subsection (C) under the laws or former laws” of any other jurisdiction. This Statement should be completed every 60 months as part of renewal, and includes a box to check to indicate PA residency. Any volunteer not a resident for the past 10 years need not repeat the FBI fingerprint record check. Renewal date is from the oldest current certification.

***See list of disqualifiers in the appendix**

Certifications may be obtained electronically, rather than completing and mailing paper forms. If application for certification is filed directly by the applicant, the applicant shall provide the Administrative Assistant with access to the electronic record of results, or a printed certification. If application for certification is filed by the church, the Administrative Assistant will receive results of the certification directly, and provide a record of the results to the applicant.

Volunteers must submit all required certifications and internal documents prior to working with children. In lieu of obtaining new certifications, volunteers may submit copies of certifications obtained through other employment or volunteer service which are still current, defined as given within the last 60 months. The Church needs to retain a copy for the files.

Prospective employees “14 years of age or older applying for or holding a paid position as an employee with a program, activity or service, as a person responsible for the child’s welfare or having direct contact with children” must obtain certification as a condition of employment, but may transfer current certifications from other employment. This would include (for example) a Christian

Education Director, Youth Pastor, and other church staff expected to have regular contact with children. Direct contact with children is defined by Statue as, “the care, supervision, guidance or control of children, or routine interaction with children.” Employees are required by the CPSL to obtain background checks.

Certifications will be repeated every 60 months, or as otherwise required by state law; and, after a break in service of more than three years. Certifications obtained for employment may be transferred to other employment or volunteer service, as long as they are current. Certifications obtained for volunteer service may be transferred to other volunteer service, but may not be transferred to employment.

Employers may employ applicants who do not have current certifications for positions where they will have contact with children, or supervise those who do, on a provisional basis for a single period of no more than 90 days, if ALL of the following conditions are met:

1. Applicant has applied for all required certifications and employer has copy/documentation of completed request
2. Employer has no knowledge of anything that would disqualify the applicant{pursuant to §6344(C)}*
3. Applicant swears or affirms in writing he/she is not disqualified from employment related to working with children {pursuant to§6344(C)},* or “has not been convicted of an offense similar in nature to those crimes listed in subsection (C) under the laws or former laws” of any other jurisdiction. (See PA Prospective Employee Statement.)
4. The employer requires that the applicant not be permitted to work alone with children, and that applicant work in the immediate vicinity of a permanent employee.

*see List of Disqualifiers – Appendix

If the information obtained via the required certifications reveals that the applicant is disqualified from employment, the applicant shall be immediately dismissed.

J. Special Circumstances

1. Non-Resident Volunteer Certification

In cases where one or more volunteers, coming from outside the state on a short-term basis of no more than 30 days, will be serving with children or are to work on a specific project working with children, these volunteers will not be required to become Approved Adults or get new certification as long as they are “in compliance with the clearance standards under the law of the jurisdiction where the volunteer is domiciled.” Under PA law, the short-term volunteer must provide documentation of certification from employment or other service in the state where he/she lives which would allow work with children in that state, the Non-Resident Volunteer Form should be completed, and that will be sufficient to allow the volunteer to work with children in this church for that short time.

2. Exchange Visitor

An individual in possession of a nonimmigrant visa (a J-1 visa), defined as an “Exchange visitor,” is not required to submit certification if:

- a. The individual is applying for or holds a paid position with a program, activity or service for a period not to exceed 90 days in a calendar year.
- b. The individual has not been employed previously in the Commonwealth or another state, the District of Columbia or the Commonwealth of Puerto Rico.
- c. The individual swears or affirms that the individual has not been disqualified from service based on a founded report of abuse, or committed an offense similar in nature to any of the crimes listed as disqualifying under current 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.

3. Minor Employee

“An individual between 14 and 17 years of age who applies for or holds a paid position as an employee who is a person responsible for the child’s welfare or a person with direct contact with children through a program, activity or service” is only required to submit the 2 state certifications,

- a. If the individual has been a resident of Pennsylvania for the last 10 years or has already received FBI fingerprint certification and,
- b. The individual and the individual’s parent or legal guardian swear or affirm in writing that the individual is not disqualified from service based on a founded report of abuse, or conviction of a disqualifying criminal offense.

K. Record Management

Applications and related forms for staff and volunteers will be locked in a confidential file under the jurisdiction of the Administrative Assistant. Certifications are confidential and will only be made available to the Administrative Assistant, Lead Pastor under "call" to the congregation and to the members of the Child Protection Committee.

Administrative Assistant recordkeeping steps:

1. Create and maintain a master list of all personnel and volunteers who have regular contact with children in the course of their work.
2. Determine which certifications you possess, and note the dates of the certification on the list;
 - a. For staff and volunteers who have the required certifications and are less than 60 months old, no new certifications are required until 60 months from the date of the existing certification.
 - b. For such personnel and volunteers who do not have the required certifications, or in cases where the required certifications are over 60 months old, new certifications are required.
3. Note on the list when the certifications need to be renewed, and note on the list the date 60 days before to initiate the process of obtaining renewed certifications;
 - a. New certifications are to be obtained every 60 months from the date of the existing certification.
 - b. New certifications are required for all personnel and volunteers who have had a three (3) year break in continuous service.
4. Retain copies of all certifications, even ones that are superseded by renewed certifications, in confidential locked files; or if certifications are obtained electronically ensure digital records are strongly password protected with limited access.

Record Retention and Management

Because any records pertaining to children and youth, and staff/volunteers who work with them, may become the subject of legal proceedings at some future date, no such records should be part of any automatic records destruction plan by the church. This includes child and youth registration and permission forms, as well as staff and volunteer certification. Such records should only be destroyed with the written approval of the CPC, and in accordance with the state statute of limitations related to sexual abuse of minors. In PA, the statute for filing criminal charges for certain types of sexual abuse of a minor extends to 50 years past the victim's 18th birthday; civil complaints may be filed up to 12 years after the victim's 18th birthday. Records may be digitized and stored electronically, in an appropriately secure, password-protected manner.

L. Appropriate Behavior toward Children/Youth/Vulnerable Adults – General Guidelines for Protection of Children and Youth REQUIRED LANGUAGE

To ensure that a nurturing Christian environment for children/youth is maintained within the congregation, to protect children/youth who participate in activities sponsored by the church from sexual, mental, and/or physical abuse, and to protect the congregation's members from false allegations of abuse, the congregation has adopted the following policy:

1. **Child Abuse Prohibited:** Those who accept the special responsibility of working with the congregation's children/youth shall not violate that responsibility by intentionally, knowingly or recklessly causing physical injury; mental injury; sexual abuse or serious physical neglect of children/youth; induce or fabricate medical symptoms or any other act described as child abuse in this policy or the laws of our state.
2. **Sexual Abuse Prohibited:** Those who accept the special responsibility of working with the congregation's children/youth shall not violate that responsibility by having any interaction with a child/youth where the child/youth is being used for sexual stimulation of the adult or a third person regardless of whether or not the behavior involves touching, or by any other act described as sexual abuse in this policy or the laws of our state.
3. **Two Approved Adults Rule:** Two Approved Adults should be present during any church sponsored children/youth activity.
 - a. If two Approved Adults are not available, the door to the room must be left open at all times (Sunday School, nursery, WNO clubs, etc.). A designated Approved Adult will circulate outside the classroom or nursery area and be within easy reach to provide assistance if needed. In a mixed group, whenever possible, a male and a female Approved Adult should be present.
 - b. Helpers (youth under age 18 caring for children up to age 12) or occasional care assistants may work under the supervision of Approved Adults.
4. **Visibility:** All activities/meetings with children/youth must be conducted in a way that allows visibility, e.g., glass areas of doors should not be obstructed, curtains/blinds should be open, when possible, door should be open or a window should allow easy observation of the room. Where possible, conduct activities in a public place, with another person within sight and sound of the activities.

- a. Because abuse is sometimes perpetuated by an older, stronger child/youth, do not send two children/youth with a four or more year age difference to an isolated setting, e.g., bathroom, tent, empty classroom.

5. **Bathroom and Diapering:**

In general, children should be encouraged to use the bathroom before and after classes or other activities. In this way parents can assist as needed.

If you need to take a child to the toilet, be aware of your visibility and the child's privacy, e.g., adult stands holding public bathroom door open while child enters toilet stall alone.

- a. **Diapering:** Two approved adults must be present when clothes or diapers are being changed. A parent can also be recruited to change clothes or a diaper.
 - b. **Two and Three Year Olds:** An approved adult must accompany children to and from the bathroom and inform another adult when this takes place. The adult will assist the child only when necessary. If assistance is needed, the adult must leave the stall door open.
 - c. **Preschool:** An approved adult must accompany preschoolers to the bathroom. The adult will remain outside the stall. If assistance is required, the approved adult should encourage independence but can assist with minimal tasks if necessary (belts, snaps, etc.).
6. **Empty Room Policy:** After an activity, check rooms to ensure that all participants have vacated the room.
7. **Physical Touch:** True expressions of affection toward children/youth can be a manifestation of Christ's love for all of us. A kind word of encouragement to a child/youth or a pat on the back can be a small but significant act for both the adult and the child/youth. That being said, adults must use caution and common sense when physically expressing affection toward children/youth.
- a. Respect a child's/youth's refusal of affection.
 - b. Be aware of appropriate hand placement. A child/youth or an observer could misinterpret a pat on the bottom or a bear hug. Note that a touch on private areas, those areas covered by a bathing suit; or a kiss on the mouth is inappropriate.
 - c. Physical discipline of any type is not permitted.

K. **Permission Slips, Overnight Activities, Transportation**

1. **Permission Slips:**

- a. General-Children/youth must have permission to participate in activities. Parents/guardians need to complete and return a Child and Youth Registration form, which includes pertinent medical information and emergency phone numbers, a medical release, and general permission for field trips. These forms will be updated every year and filed in the church office. (Appendix Form: Registration, Medical Information & Release.)
- b. Specific-Children/youth must have permission to participate in any overnight activity or any activity that takes place away from church grounds. The permission must be written, signed by a parent or guardian, and must identify the activity in which the child/youth will be participating. (Appendix Form: Permission for Special Event / Activity)

2. **Medical Release Forms for field trips:** All youth participating in a youth group or going on a field trip with either a youth group or the Sunday school must have a Medical Release Form on file before they will be allowed to participate.
 - a. A copy of the completed form will be kept on file in the Church office.
 - b. Each time a field trip or overnight event occurs, the original must be taken with an adult leader while a copy remains in the Church office.
3. **Overnight Activities:** Overnight activities involving children/youth shall be chaperoned by at least two Approved Adults. Boys and girls will sleep in separate areas with at least two approved adults of the same gender directly supervising each group. If the minimum level of supervision cannot be achieved, the activity must be cancelled; this may result in the loss of deposit fees for which the church cannot be responsible.
4. **Transportation of Children/Youth:** When children/youth are transported for church activities they shall be transported in groups with at least one Approved Adult in each vehicle.
 - a. Personal Vehicle Transportation. To transport children/youth in a personal vehicle, the driver must be 21 years of age or older. Drivers must have a copy of their driver's license, registration, and proof of insurance on file in the church office. Anyone who has had their license revoked or suspended within the past two years will be ineligible to drive for youth activities.

N. Key/Code Holder Policy

Church Doors – During Sunday school and worship times, and during Wednesday Night Out club times, the upper (office) and lower (kitchen) exterior church doors shall remain locked, and no one shall be permitted to enter through them. The porch and carport doors will remain unlocked during those times. An usher will remain in the lobby at all times during Sunday school and worship to monitor persons entering the porch and carport doors.

Key/code holder policy

1. Certain people are authorized by virtue of their position in the church to hold key/codes. These people include, but are not limited to, paid employees, officers of the church, commission chairs and youth group leaders. NMC's Office Administrator will approve the list of positions to whom key/codes are given and their current holders once each year.
2. Any other person who seeks possession of a key/code to the church facilities will have a clearly stated reason for needing a key/code and will need to be approved by NMC's Office Administrator.
3. All key/codes shall be of a type that cannot be duplicated, in order to eliminate unauthorized reproduction.
4. A list of persons with keys and access codes to NMC and the Journey House shall be maintained by NMC's Office Administrator.
5. It will be the responsibility of NMC's Office Administrator to monitor who is in possession of keys and request the return of keys from persons no longer authorized to hold them. Key/codes are not to be loaned to unauthorized persons, duplicated, or kept beyond the time that they are needed.
6. Key/code holders will be required to sign a Statement of Compliance, and submit a Key/code Receipt Form.
7. **REQUIRED** No key/code holder will use his/her key/code to access the church with a child or children not his or her own (or of whom the key/code holder is not a legal guardian or foster

parent) at a time when there is no church related activity being held in which the child and the key/code holder are involved. This is intended to prevent a situation where an adult key/code holder is alone with a child in the facility. In the rare case an exception is to be made to this provision, a written note from the child's parent or legal guardian must be submitted to the church office and approved by Safe Church Advocate prior to entry.

O. Reporting Required

Reporting Suspected Child Abuse / How "Mandated" Reporting Works In Pa

Anyone may report suspected child abuse. However, the PA CPSL imposes a reporting mandate, or requirement, on any adult who comes into contact with children in the course of his or her work or professional practice, specifically including "clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization," and "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, is a person responsible for the child's welfare or has direct contact with children." These adults are known as "mandated reporters."

Church staff that should be considered mandated reporters under the CPSL would include those who routinely come into contact with children, such as pastors, music ministers, youth directors and any other paid staff expected to come into contact with children on a regular basis, as well as their supervisors. Volunteers who accept the responsibility of caring for children ("Approved Adults" under this policy) are also considered mandated reporters under the CPSL beginning December 31, 2014. Staff or volunteers whose job or service responsibilities do not include care or direct contact with children as defined by the CPSL (such as most administrative or custodial staff, kitchen workers, adult ministry volunteers) are not considered mandated reporters unless they supervise those who are.

When To Report

The CPSL stipulates that a report is required when:

1. 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;
2. 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; and,
3. The mandated reporter has reasonable cause to believe that a child under the care, supervision, guidance or training of the church or the reporter, has been abused.
4. The following two items require a report, regardless of whether the child is under the care of the reporter, or the church:
 - a. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse; or
 - b. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Examples of children considered by the CPSL to be under the care or supervision of a church would include pre-school or other students, children enrolled in child-care programs, children being “babysat” during worship services or gatherings, children participating in educational, sports, music, recreational or other church ministries such as summer camp, Bible school, youth group, etc.

The mandate to report applies to all suspected child abuse, not just abuse that has been perpetrated by someone within the church. Possible abusers could include, for example, parents, relatives, older siblings, neighbors, coaches, school teachers, family friends and other children. If neither the victim nor the alleged offender is connected with the church, the mandated reporter does not need to notify the church or complete internal church policy requirements.

A mandated reporter need not be able to determine who is responsible for the abuse, i.e., identify the alleged offender.

A mandated reporter need not make a first-hand observation of the suspected child abuse victim. The CPSL specifically grants legal immunity to any individual who, in good faith, makes a report of suspected child abuse. Failure to report suspected abuse by a mandated reporter can result in charges and fines. A mandated reporter may also be charged as a “perpetrator” in some cases for failure to protect a child.

The new law also specifically preserves previous law on confidential communications to clergy, but that is a very narrow exception that rarely applies beyond the Catholic confessional. Persons being counseled by church staff should understand that reporting of child abuse is required by law.

REPORTING And DOCUMENTING SUSPECTED ABUSE – Overview Required

An overview of the action steps and the sequence in which they must be taken is provided below, with details in the following section of policy. Again, if neither the victim nor the alleged offender is connected with the church, the mandated reporter does not need to notify the church or complete internal church policy requirements. From here after the denotation of “Person(s) in Charge” refers to the Lead Pastor and Child Advocate.

- First: The mandated reporter must “immediately” report to ChildLine. (Legal requirement)
- Second: The reporter must then “immediately thereafter” inform the Lead Pastor and Child Advocate a report has been made. (Legal requirement)
- Third: The reporter must complete an internal Child Abuse Incident Report and give it to Lead Pastor and Child Advocate. (Policy requirement)
- Fourth: The reporter must complete and file a written CY47 report with local CPS within 48 hours after making an oral report to ChildLine. An electronic report does not require a written CY47. (Legal requirement)
- Fifth: The reporter must provide a copy of the CY47 report to the Lead Pastor and Child Advocate along with documentation of when it was filed. (Policy requirement)
- Sixth: The Department of Human Services (DHS) will inform the reporter of the results of the

investigation no later than 3 days after it is concluded, which is generally within 30-60 days. The reporter will then inform the Lead Pastor and Child Advocate of the results. (Policy requirement)

Seventh: The Lead Pastor and Child Advocate will note on the internal Child Abuse Incident Report the date the results were provided by the reporter, and file any related documentation. (Policy requirement)

Reporting & Documenting Suspected Abuse –Detail

An employee or an Approved Adult who has reasonable cause to suspect that a child/youth has been abused by anyone (including but not limited to the child/youth's family, guardians, church staff member, an Approved Adult or volunteer) or who receives a specific disclosure as previously described in this policy shall make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313, the Pennsylvania ChildLine and Abuse Registry (ChildLine) as required by law. The legal reporting obligation is met by contacting ChildLine, either electronically or by telephone. However, as of 12/31/14, there is "no wrong door" for reporting, and mandated reporters that make reports directly to local Child Protective Services or the police will not be in technical violation of the law.

The legal obligation of the mandated reporter as of 12/31/14 (including volunteers, i.e., "Approved Adults") is to "REPORT IMMEDIATELY" to ChildLine and immediately THEREAFTER notify the person(s) in charge designated by the church. The mandated reporter must provide his/her name, telephone number and email address when making the report to ChildLine.

The reporter shall then document the suspected abuse by completing a Suspected Child Abuse Incident Report. (See Appendix). The Lead Pastor and Child Advocate will then have the responsibility for facilitating the cooperation of the church with the investigation of the ChildLine report.

Neither the mandated reporter nor the church is responsible for investigating or determining whether or not abuse has occurred prior to making a report. The standard under the law for reporting is that "a reasonable person has cause to believe the child has been abused." It may be necessary to ask the child or person alleging the abuse has occurred for some clarification solely in order to determine if there is cause to believe abuse may have occurred.

Detailed interviews and extensive questioning with the child and/or the alleged abuser should be conducted by legal authorities, not the church.

If a child is injured or in pain, call 911 for an ambulance.

If anyone is in immediate physical danger, call 911 for police assistance.

Following the required oral or electronic notification to ChildLine, the Lancaster County Children and Youth may also be contacted by the Lead Pastor or Child Advocate or the reporter, as this follow-up call puts the reporter directly in touch with the persons who are familiar with the community and

will be taking action on the report made to ChildLine. This may also facilitate a faster response.

Within 48 hours of the oral report to ChildLine, the mandated reporter who made the original report must complete a written or electronic report of the suspected abuse on Form CY-47 (See Appendix), based on the mandated report and Suspected Child Abuse Incident Report of the Approved Adult or volunteer and send it your County agency. If the original report was electronic, the follow up report is not needed.

Lancaster County Children and Youth
900 East King Street
Lancaster, PA 17602

717-299-7925

(CY-47) This is a legally required report.

The reporter shall notify the Lead Pastor or Child Advocate of the date the written report on Form CY-47 was sent, and provide a copy for the church records. The staff person so notified may also report reasonable suspicions directly to ChildLine; however, such a report does not relieve the obligation under this policy of the original reporter to inform the Lead Pastor or Child Advocate and complete an Incident Report. The initiative for investigating alleged abuse resides with the Department of Human Services (DHS) and/or law enforcement, and shall not be carried out by the congregation. There is no requirement that multiple reports of the same alleged incident(s) of abuse be filed by the church.

All allegations of child/youth abuse or serious physical neglect will be taken seriously by the pastor(s), Board of Elders, and the Child Protection Committee. These allegations will be treated in strict confidence. All reporting steps taken will be documented, including a log of phone calls, personal visits, and written reports. Documentation should be kept secure.

All communications regarding the report of suspected child abuse shall attempt to protect the dignity and privacy of those persons affected by the report including the alleged child/youth victim and the person suspected of child abuse, while at the same time ensuring that persons in responsibility and law enforcement authorities remain fully informed. The name of the mandated reporter and anyone who cooperates in an investigation should also remain confidential. Release of the name of the mandated reporter or anyone who cooperates in an investigation is prohibited by law.

Follow-Up, Investigation, Documentation

1. Following placement of the call to report suspected abuse to ChildLine, the Child Advocate or lead pastor will inform the parent (provided that neither of the custodial parents is suspected of abuse), being careful not to reveal the identity of the mandated reporter. If the alleged abuser is a custodial parent, or resides in the same household as the child, his or her first contact about the allegation should come from either Child & Youth Services or the police, not the church.
2. The church should not enter into discussion with the alleged abuser after a report has been filed and during the course of the legal investigation about the details of the complaint. The alleged abuser will be removed from any position in which he or she has supervisory authority over children pending the completion of the investigation.

3. The insurance company and Atlantic Coast Conference of Mennonite Church USA should be contacted after the report is filed as a matter of routine practice if the alleged abuse involves a staff person, if the abuse occurred on church property, or if the abuse involved a volunteer caregiver. The alleged abuser will have his/her ministry restricted to exclude contact with children immediately; and if employed by the church, may be placed on leave for a designated period of time during the investigation.
4. The Department of Human Services has 3 days from the date it receives the “results” of the investigation based on the report to inform the mandated reporter (NOT the church) as to:
 - a. the final status of the child abuse report, in other words, whether it is indicated, founded or unfounded and
 - b. any services provided, arranged for or to be provided by the county agency to protect the child.
 - c. In accordance with this policy, the mandated reporter will share the above with Lead Pastor and Child Advocate as soon as practicable after receiving results from DHS. Investigations are to be concluded by Child Protective Services within 30-60 days. The Lead Pastor and Child Advocate will indicate in the space provided on the Suspected Child Abuse Incident Report the date that the mandated reporter provided the information (if applicable) and file any documentation with the report.
5. If an incident is reported that does not rise to the level of making a mandated report, the Child Advocate will inform the child’s parent(s) or guardian(s) of the concern and document the meeting.

Sharing Information

1. The extent to which information will be shared with the congregation will be determined by the board of elders, and others as appropriate. The input of the Conference Minister of the Atlantic Coast Conference may be sought. The identity of the victim and the mandated reporter are confidential by law and it is legally prohibited to share their identities.
2. All necessary parties will cooperate with the investigations made by the police.
3. The Board of Elders will authorize the Lead Pastor or designee to act as the official spokesperson for the congregation. Only the authorized person or persons may speak for the congregation to the news media, government agencies, attorneys, or others.

Continuing The Ministry Of The Church

1. Pastoral support will be offered to all parties involved, including those who have made the complaint, the alleged abuser, the families of both, and the congregation. Decisions about how this support will be given will be made by pastoral staff and Board of Elders.
2. If the allegations involve pastoral staff, the ministry of the church will need to be maintained while the issue is being addressed. Decisions regarding how this will be accomplished will be made by the Board of Elders with assistance from the Atlantic Coast Conference Minister.

Response To Allegations/Admissions; Or Criminal Charges

1. Persons who admit to or plead guilty to or are convicted in a court of law of any form of physical or sexual abuse of a child/youth will be immediately, permanently, and completely disqualified by the Child Protection Committee (CPC) from working with children/youth in the congregation. Persons who admit to a Pastor or any member of the CPC any type of physical or sexual abuse of a child/youth but who have not appeared in a court of law will be disqualified from working with children/youth in the congregation.
2. Allegations of sexual or physical abuse of anyone shall disqualify any person from working with children/youth until an investigation is completed. If an arrest has been made and charges filed by the police for any violent crime, including any physical or sexual abuse of anyone, the volunteer or staff person will be immediately removed from any susceptible environments with children or vulnerable populations until the investigation and legal process are complete. This serves not only as protection to children and vulnerable others but also as protection for the person alleged to have transgressed, as such a person is often highly vulnerable to accusations of inappropriate conduct based on perception of risk, which may or may not be well-founded. An Approved Adult or staff member who is under investigation for alleged abuse, or criminally charged for an offense involving a child is required to notify the CPC or a supervising staff member as soon as the investigation begins.
3. The CPC may temporarily or permanently disqualify any person(s) from working with children/youth, as the committee deems appropriate. Effective 12/31/14, certain offenses automatically disqualify anyone from working in a paid or unpaid position with children. (SEE APPENDIX FORM: Approved Adult - Review of Legal Disqualifications for Application)

Violations Of Child Protection Policy

Alleged violations of the policy, other than abuse, shall be immediately reported to the CPC Chair who will report it to the Lead Pastor and the Board of Elders, if deemed appropriate. The Child Protection Committee will investigate the alleged violations of the policy. If a person(s) is found to be in violation of the policy, the CPC will determine what disqualification or disciplinary action, if any, is necessary.

Allegations Where not Abuse, but a Demonstration of Poor Judgment

1. The Pastoral Team will hold the offender responsible and accountable for the behavior. Grace and mercy are extended in the context of repentance, accountability and justice.
2. Education and/or counseling will be expected to correct unhealthy behavior patterns.
3. The church may consider helping with the cost of sessions as an extension of the church ministry.
4. The offender will be removed from susceptible environments for a stated period of time, and not function in any supervisory capacity over children and youth for at least one year, after which an evaluation determining fitness for this ministry should be made by the Pastoral team. The second such occurrence of demonstration of "poor judgment" will result in the individual being precluded from any future ministry with children.
5. Communicate action taken with complainant and congregation as needed.

P. Providing Community for Known Sexual Offenders ▼REQUIRED LANGUAGE

Brothers, if someone is caught in sin, you who are spiritual should restore him gently....Carry each other's burdens, and in this way you will fulfill the law of Christ. Galatians 6:1-2 (NIV)

Individuals who have been adjudicated by a court or child protective services findings as sexual offenders and/or have admitted to past sexual abuse of children and are willing to abide by the guidelines set forth in this policy, are welcome to attend worship services and adult educational activities. Such individuals are hereafter referred to as "known sexual offenders" or "offenders."

The minimum guidelines by which any known offender may participate in the life of the congregation are set forth below, and shall be incorporated into a covenant specific for the individual offender which is to be signed by the offender prior to participation.

Depending on the circumstances and at the discretion of the CPC, additional restrictions may be incorporated into an individual covenant. If an individual is on probation or parole, specific provisions related to contact with children, participation in counseling, and others, will be incorporated into the covenant. The individual covenant may also permit participation in additional church activities (other than those involving children) if circumstances warrant.

An individual on probation or parole for a child sexual offense may have restrictions placed on church attendance as part of their probation/parole condition. On occasion, an exception to a "no church attendance" provision of probation or parole may be made by an officer of the court, based on the church's capacity to manage the offender in a way that keeps them from contact with children. Any individual on probation or parole must provide the Lead Pastor and Elders with a copy of the probation and parole agreement, including its terms and conditions, as well as the contact information for the parole or probation officer assigned.

REQUIRED Minimum guidelines under which a known sexual offender may participate:

1. Offenders are expected to comply fully with all restrictions and requirements placed upon them as a result of any legal actions, and provide the designated Lead Pastor or Elders with copies of any judgments, conditions of parole, or other documents in which restrictions on or requirements as a result of convictions or judgments are stated.
2. Offenders are expected to participate in a professional counseling program, specifically addressing their abusive behaviors. Offenders will provide the name of the agency and mental health professional to the Lead Pastor or elders at the time of request for participation. The offender may be asked to periodically sign a limited disclosure authorization for the therapist to verify to the Lead Pastor or elders that the individual is in treatment.
 - a. In a case of extreme financial hardship where the offender cannot afford counseling (and is not required by the court to be in counseling) the Lead Pastor or elders will work with the offender to create an alternative plan that may include regular pastoral counseling, participation in a community-based group for sexual offenders, or other affordable venues.
3. Offenders will not accept any leadership or representational position within or on behalf of this church. Known sexual offenders can never become Approved Adults.

4. The CPC will assign supervisors to any offender participating in the life of the congregation. They will be adults who are not related to the offender. They will receive training by a professional agency that will include information on sexual offender dynamics, the long-term impact of sexual abuse on victims, and any specific conditions related to participation under the specific covenant established. If the offender is on probation or parole, the training may need to be approved by the officer of the court handling the case.
5. The CPC will identify a small group of “covenant partners” for offenders. This small group will provide spiritual, emotional and practical support and will meet with the offender on a regular basis. The supervisors and “covenant partners” will not be the same individuals.
6. The offender may participate in worship in the sanctuary and attend adult Sunday school classes. The CPC may designate a specific service and time for attendance. Any other activities the offender is permitted to participate in will be detailed in the covenant.
7. A supervisor must accompany the offender at all times when on church property.
8. At no time should the offender deliberately place him or herself in or remain in any location in or around the church facilities which would cause undue distress to others.
9. At least twice each calendar year and as otherwise requested, the offender shall meet with and report to the designated Lead Pastor or Child Advocate regarding status of adherence to these guidelines.
10. If the offender should decide to relocate membership (or substantially attend) another congregation, the designated pastor will seek to inform the leadership of that congregation of the conditions of these guidelines.

Q. Policy Supplements

Policy Supplement #1 - Guidance on What to do When a Child or Youth is the Offender

This material is intended to supplement your policy. It deals with the very difficult situation of what to do when a teen or a child in the congregation has been accused of inappropriately sexually touching a child in the congregation. These cases are not “cut & dried,” but often take a lot of discussion to figure out. The memo is intended to inform and guide response, rather than to be a determinant.

- Approximately 1/3 of sexual offenses of children are committed by teenagers. Adolescent sex offenders commit a wide range of illegal sexual behaviors, ranging from limited exploratory behaviors committed largely out of curiosity to repeated aggressive assaults. Adolescent sex offenders are considered to be more responsive to treatment than adult sex offenders.
- In some cases these children may simply be acting on their sexual feelings impulsively, not quite understanding the importance of boundaries. In other cases, youth and children who engage in sexual activity with younger children may become future adult offenders. And some children who behave this way are acting out of their own history of abuse. In our county of Lancaster (PA) Child and Youth Protective Services attempts to interview a child who sexually abuses a younger child as a potential “victim” who is acting out a learned behavior. It is important to remember, however, that the majority of those who are sexually abused do not go on to abuse others. If an older child forces sex on a younger child or exposes his or her genitals to a younger child, both of these children should receive professional help. If an older child demonstrates

inappropriate sexual interest in younger children that doesn't extend to these behaviors, there may or may not be cause for intervention. However, any child who engages in sex play with a much younger child, or children who coerce or force someone to engage in sex, is beyond normal sexual exploration. Remember also, that "consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age" is not abuse and not criminal. (See the separate Age of Consent handout.)

Reporting

- 1. Perpetrators:** According to the new PA law passed in 2014 defining child abuse, "Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator." Remember that a child is under 18 years of age. A perpetrator is one of a set of people with specific relationships to the victim which imply some duty of care: a parent or step-parent, someone 14 or older who lives in the household or is responsible for the care of the child. So, for example, the 15 year old babysitter, the 14 or older sibling could be a perpetrator, but a neighbor child is not. Any kind of injury that is defined as abuse would be covered in this situation, and would trigger a mandated report to PA ChildLine. Of course, a physical assault by a child on a child that causes bodily harm may be reported to the police regardless of the relationship between the victim and offender. Injuries sustained in a mutual fight between children (again under 18) are not reportable as abuse.
- 2. Sexual offenses:** There is an exception to the previous rule for certain criminal sexual offenses; rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, and indecent exposure. These acts require a mandated report, no matter whether the offending child is a perpetrator or not, and no matter the age of the offending child. Reporting may be very difficult if the offender is younger, but this is extreme conduct which should be handled professionally and with the ability to develop an enforceable treatment plan.

If both children are under age 10, the protocol of Lancaster County Children and Youth has been generally to contact the parents of the victim to see if they have questions or concerns and refer them to appropriate resources. They would also contact the parent of the offending child and request to interview him or her as a potential victim. If the parents refused, they would be encouraged to follow-up with counseling and supervision. If the parents allow the child to be unsupervised and the child continues to sexually act out with other children, the parents may then be considered "perpetrators" for failure to act and be charged with child abuse themselves. A report to ChildLine is warranted in this case.

Talking to parents

If a mandated report results in a formal CPS investigation, the church's response is governed by the same policies as if the offender were an adult: to cooperate with the investigation and maintain confidentiality. After an incident which is not a mandated report, or one where Lancaster County Children & Youth Social Service Agency takes no formal action, comes to the attention of the pastor, staff or volunteer, the pastor or designated leader should initiate contact individually with the parents of both children to discuss the allegation and next steps. Because these cases are so complex and often fall into a "gray" area, local Children & Youth involvement may not resolve the issue of getting help for both children, and of how to keep the other children in the congregation safe.

The pastor should encourage the parents of the child who was inappropriately touched or exposed to sexual activity to seek an evaluation for the child with a licensed child therapist. Some children may seem unchanged by the incident; however, a child who has been sexually abused in any way may need some specialized help and attention to process their feelings through treatment with a therapist trained in this area.

The parents of the child who initiated the sexual contact should ensure their child receives an extensive assessment by a child psychologist or psychiatrist with experience with children with sexual behavior problems. One of the goals of the evaluation should be to determine if the child has a behavior problem that is likely to be repetitive. The pastor should seek the parents' written permission to talk with the therapist after completion of the evaluation for a recommendation on whether the child can safely attend church activities with other children.

The child should not be allowed unsupervised time with other children until the assessment is complete. While this review is occurring, it is important that the child's Sunday School teacher, youth group leader, etc. be informed of the allegation so that the child may be closely monitored during church/church related activities.

If the evaluation finds that this was simply a case of inappropriate boundaries or impulsive behavior, and with the recommendation of the therapist that the child can safely attend church functions with other children, the minister and the parents can meet with the child to discuss the importance of never repeating the behavior, the harm it can do to other children, and the consequences should such a situation occur again.

On the other hand, if the treatment provider reports that the child has a sexual behavior problem that is likely to be repetitive, the pastor, Safe Church Advocate (or other designee), and the parents need to meet to decide how and if the child can safely be involved with the church programs. It may be necessary to develop a written "limited access" agreement signed by the parents restricting activities and access to the church.

In some cases, it may be necessary to deny the young person continued involvement with other children until treatment is completed and to consider alternative ways to provide religious education such as having a mentor come to the parent's home to meet with the child, or through home schooling.

In any of these cases, pastoral care and support for the families involved is crucial. This will be very difficult for the parents involved, and they will need the support of their church community.

Policy Supplement #2- Age of Consent Issues in PA

Age of Consent laws vary widely from state to state. The idea behind "an age of consent" is to determine that a minor under a certain age is not able to legally consent to sexual activity. The theory is that he/she isn't able to meaningfully understand the consequences and have the ability to say no to an older partner with authority or power, who can overwhelm objections. Therefore, the law determines that the minor did not effectively consent, even though no force was used and the participation in the sexual activity was willing. For PA criminal law, sexual activity with someone less than 13 is without qualification a criminal act, i.e. rape. The sexual assault statute, and some other sexual crimes, also say that sexual activity with one under 16 is a criminal offense, unless the other party is within four years of the same age as the "complainant." Again, the idea is that a similar age has a greater likelihood that there is not an authority or power differential that would cause the "complainant" to submit even when not really willing. "Under 16" carries with it, "but at least 13" in this context, because the standard for under 13 is not qualified by the age of the other party. It is also possible to charge someone over 18 with "corruption of a minor" for sexual activity with a minor, without the age qualification in the statute, but that requires evidence to convince a judge or jury.

In PA there is, sitting side by side with the criminal law, the child abuse system. Criminal complaints are handled by police and the courts; child abuse is handled, at least initially, by the county Child Protective Services office. The definition of child sexual abuse specifically excludes "consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age." Again, the idea is that real consent without a power imbalance is what matters for that age range. This definition is only for the purposes of investigating child abuse, and child abuse perpetrators may or may not ever become involved in the criminal justice arena. Don't get confused because one law says 14 or older and another says less than 13, and start wondering what limbo the 13 year olds live in. These are separate systems of law, and 13 year olds are protected by both. Under the child abuse system, a 13 year old would be the subject of an abuse investigation, and might also be the "complainant" in a sexual assault case (depending on the age of the other person and the circumstances).

In both systems, there is a clear desire not to punish passionate adolescents for what is truly consenting activity, while protecting the young from coercion and abuse. DAs and social workers don't want to label young adults or minors as sex offenders when they are not, and they do want to stop predators as soon as possible. So the legal system has gaps that seem confusing at times, but that's what it says.

Examples:

Example: Victim is 14, perpetrator is 18 =statutory sexual assault, even if sexual activity is "consensual/" also reportable as abuse.

Example: 14 year old & 17 year old are having "consensual" sex =NOT statutory (age difference is NOT 4 or more years, so not reportable.)

Example: 14 year old is coerced/forced into sexual activities by 17 year old= criminal (Because activity is not consensual) also reportable.

Example: If a 14 year old and a 12 year old are having "consensual sex" - this is a mandated report. 14 year old could be charged as perpetrator. 14 year old could also be charged with rape.