

Legal Checklist for Congregations

I. Corporate/Governance

- a. Is the congregation incorporated?
- b. Are annual state filings (if required) up to date?
- c. Are Articles of Incorporation correct (have correct name, etc.)?
- d. Who is registered agent?
- e. Has constitution been updated? Since 2013?

II. Tax

- a. Are W-2's/1099's being issued?
- b. Are contributions being acknowledged?
- c. Is congregation part of ELCA Group Exemption (or does it have its own)?
- d. Does congregation have state sales tax exemption?
- e. Does congregation have real estate tax exemption?

III. Property

- a. Is title clear (or are there deed restrictions)?
- b. Is it in the proper name?
- c. Are there any hazards in building/on property?
- d. Do all building users have written lease or license or permission?
- e. Do all building users have proof of insurance on file?

IV. Insurance

- a. Does church have sufficient coverage?
 - i. Property
 - ii. Theft/Crime
 - iii. Liability
 - iv. Sexual Abuse
 - v. Employment Practices (EPLI)
 - vi. Non-owned auto
 - vii. Directors and Officers (D&O)
 - viii. Workers Compensation (unless exempt)
 - ix. Purchasing Insurance
- b. Are insurance policies kept in organized records?
 - i. Is separate list of historical policies maintained?
 - ii. Is policy information listed on annual report?
 - iii. Insurance Record guide

V. Employment

- a. Is personnel policy in place?
- b. Include non-discrimination/non-harassment/EEO provisions?
- c. Are job descriptions/expectations in writing?
- d. Is discipline in writing?

VI. Abuse Prevention

- a. Is there policy for safeguarding children and volunteers?
 - i. Does it include screening/background checks/reference checks?
 - ii. Does it include "never alone" rule?
 - iii. Does it include waiting period to work with children/youth?
- b. Is policy being enforced/followed?
- c. Do all doors have windows?