

The Lutheran Church of the Redeemer

McLean, VA

Child Protection Policy

Adopted: April 14, 2014

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**CHILD PROTECTION POLICY OF
THE LUTHERAN CHURCH OF THE REDEEMER**

A. Mission Statement Regarding This Child Protection Policy

In Baptism, parents and sponsors promise to help baptized children live in the covenant of Baptism and in communion with the church. Parents and sponsors promise faithfully to bring children to the services of God's house, to teach them the Lord's Prayer, the Creed, and the Ten Commandments, to place in their hands the Holy Scriptures and to provide for their instruction in the Christian faith. The purpose of this congregation's ministry with children and youth is to support parents in fulfilling these responsibilities and to invite into participation those children and youth who have not yet been baptized. Our congregation recognizes that, for some children and youth, the church may be the only place where they will experience God's unconditional love and grace. Our community of faith provides opportunities for children and youth to learn about Christian faith, to develop an identity as part of the Christian community, and to serve others, following the example of our Lord Jesus.

This congregation's ministry with children and youth begins by striving to provide a safe environment and to provide caring and effective leaders. As Christians, we take our responsibilities to children and youth very seriously. When we neglect to take adequate precautions to protect them from abuse while in our care, we fail in our responsibilities as Christians. It is unlikely that we can prevent child abuse in every situation, but we are committed to providing as safe and secure an environment as possible for all children and youth who participate in the ministries and activities of our church.

In an effort to promote this safe environment, the congregation binds itself to the Child Protection Policy described in this document.

This policy has three goals:

- (i) to ensure that a nurturing Christian environment for children and youth is maintained within the congregation;
- (ii) to protect children and youth who participate in activities sponsored by the church from sexual and/or physical abuse in accordance with the requirements of Virginia law; and
- (iii) to protect the congregation's members and the church from false allegations of abuse.

The Child Protection Policy Committee ("CPPC") is committed to implementing and following this Child Protection Policy.

B. Definitions

Section I - Child Protective Services Definitions

According to the Code of Virginia (VA Code Ann. Sec. 63.2-100), an “abused or neglected child” includes any child less than 18 years of age whose caretaker:

- Creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child, a physical injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions.
 - Examples provided by Fairfax County’s Child Protective Services agency (“FCCPS”) include asphyxiation, cuts, abrasions, sprains, bone fractures, internal injuries, bruises, welts, burns/scalding, bizarre discipline, shaken baby syndrome, battered child syndrome, and exposure to the sale or manufacture of certain controlled substances, among others.
- Neglects or refuses to provide care necessary for his health.
 - FCCPS takes the position that this includes the failure of the caretaker to provide food, clothing, shelter, or supervision of a child to the extent that the child’s health or safety is endangered. This can be multiple occurrences or a one-time critical event that results in a threat to health or safety. Examples provided by FCCPS include abandonment, inadequate supervision, inadequate clothing, inadequate shelter, inadequate personal hygiene and malnutrition, and inadequate medical, dental or mental health care.
- According to FCCPS, creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a mental injury by other than accidental means, or creates substantial risk of impairment of mental functions.
- Commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.
 - Examples provided by FCCPS include incest, rape, fondling, indecent exposure, prostitution, or allowing a child to be used in any sexually explicit visual material.
- Causes the child to be without parental care or guardianship as a result of the unreasonable absence or the mental or physical incapacity of the caretaker.
- Creates a substantial risk of physical or mental injury by knowingly leaving the child along in the same dwelling with a person to whom the child is not related by blood or marriage and who the caretaker knows is required to register as a violent sexual offender.

Any person may make a complaint to the Virginia Department of Social Services concerning a child where the person suspects that the child is an “abused or neglected child.” VA Code Ann. Sec. 63.2-1510.

Any person who makes a report or a complaint to the Virginia Department of Social Services regarding a suspected “abused or neglected child” or participates in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent. VA Code Ann. Sec. 63.2-1512.

The Code of Virginia requires mandatory reporting by designated professionals who have reason to suspect that a child is an “abused or neglected child.” VA Code Ann. Sec. 63.2-1509.

In relation to the church’s activities, persons subject to mandatory reporting include:

- Any teacher or other person employed in a public or private school, kindergarten or nursery school.
- Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children.
- A representative from Fairfax County Child Protective Services has confirmed that volunteers involved with Sunday School and other Youth Education activities are subject to this requirement.
- Any person 18 years of age or older who has received training approved by the Virginia Department of Social Services for the purposes of recognizing and reporting child abuse and neglect.
 - Note that, while Virginia law exempts clergy from mandatory reporting, a clergy member may become subject to mandatory reporting by receiving such special training from the Department of Social Services.
- Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team.
- Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs.

The Code of Virginia explicitly provides that mandatory reporting “shall not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) information subject to confidential treatment under Virginia Code Sections 8.01-400 or 19.2-271.3.

VA Code Ann. Sec. 63.2-1509.

This exemption from mandatory reporting is consistent with Section 7.45 of the ELCA Constitution, which provides that:

"In keeping with the historic discipline and practice of the Lutheran Church and to be true to a sacred trust inherent in the nature of the pastoral office, no ordained minister of this church shall divulge any confidential disclosure received in the course of the care of souls or otherwise in a professional capacity, nor testify concerning conduct observed by the ordained minister while working in a pastoral capacity, except with the express permission of the person who has given confidential information to the ordained minister or who was observed by the ordained minister, or if the person intends great harm to self or others."

Copies of the Code of Virginia provisions cited herein are included in [Appendix C](#).

Section II - Child Protection Policy Definitions

An **Approved Adult** is anyone over 18 years of age who has satisfied all the requirements of the Child Protection Policy and the application procedure for Approved Adults. An Approved Adult can be a volunteer or an employee of the congregation. It is intended that Approved Adults shall include the following, as well as any additional persons identified by the CPPC:

- Sunday School teachers
- Vacation Bible School teachers
- Children's leaders
- Children's choir directors
- Nursery volunteers
- Chaperones
- Other adults who have satisfied all the requirements of Approved Adults.

An **Approved Teen** is anyone aged 15 up to 18 years of age who has been a member of the congregation for at least six months, or, as determined in the discretion of the Pastor, has attended church regularly for at least six months, and who has been approved by the Pastor and the CPPC to serve as an assistant to an Approved Adult.

A **child** (or youth) is any person who is under 18 years of age. A person who is incompetent is considered to be a child under this Policy irrespective of his/her age.

Pastor refers to the regularly called, ordained rostered leader, or interim pastor appointed by the Synod Bishop, to that congregation. In the absence of a called pastor, the Congregation Council shall appoint another called/hired staff person as the main point of contact until a called pastor assumes his/her duties in the congregation. The Pastor may also appoint such a staff person to serve in their place as preferred.

Social Media is forms of electronic communication (such as Web sites for social networking and micro blogging) through which users create online communities to share information, ideas,

personal messages, and other content (such as videos). Examples include Facebook, YouTube, Twitter, and similar sites.

A **volunteer** is anyone who provides services for the church and who receives no compensation in the form of salary, wages, or benefits.

A **youth volunteer** is anyone who provides services for the church, who receives no compensation in the form of salary, wages, or benefits, and who is under 18 years of age. Such a person should work under the supervision of two Approved Adults, unless the person is an Approved Teen.

C. Approved Adult Criteria

Approved Adults have:

- provided positive personal references;
- had experience working with children, or demonstrated an ability to learn, and are called by God to do his work;
- participated in church activities and either maintained an active church membership in this congregation for six months or more, or, as determined in the discretion of the Pastor, attended church regularly for at least six months; and
- completed successfully the application and, if requested, personal interview, which did not reveal information of concern to the interviewer(s).

Approved Adult status may be lost in the event of a failure to comply with the process or above criteria. The Pastor, in consultation with the CPPC, may waive one or more of the required criteria in appropriate circumstances.

D. Application Process to Becoming an Approved Adult

This congregation requires that adults complete the following application process in order to become an Approved Adult.

1. Complete the Approved Adult application form (see Appendix A).
2. Give church officials the written authorization to obtain a “VA National Criminal Background Check for Employees or Volunteers Providing Care to Children, the Elderly and Disabled” (see Appendix A) or other criminal background check (which will include a sex offender registry check), as deemed appropriate by the congregation. New background checks are required for all applicants. Previous checks from other sources are not valid for this process.
3. Have maintained an active membership in the congregation for the past six months, or, in the discretion of the Pastor, have attended church regularly for at least six months, and continue to be active in the church after being accepted as an Approved Adult.
4. Be prepared to act in a volunteer or employed capacity working with the children and youth of the congregation when called upon.

5. Attend a congregation-authorized training session.
6. Sign a Child Protection Participation Covenant acknowledging that the applicant has read and understood the Child Protection Policy and agrees to comply with it.
7. If requested by the Pastor, attend a personal interview with the Pastor or person(s) designated by the Pastor. This interview will include a standard inquiry about whether at any time in the past the applicant has abused or has been accused of abusing or physically neglecting children or youth or whether the applicant, himself or herself, was ever a victim of child abuse.
8. Applications and related papers will be locked in a confidential file under the jurisdiction of the Pastor.

E. Forms

All forms necessary for becoming an Approved Adult in a paid or non-paid capacity, as well as permission slips for events not held at the church and incident reports, are located in Appendix A. A brief description of each form follows.

1. Approved Adult Application

To be completed by all church members desiring to become an Approved Adult. Completed forms should be returned marked “Confidential” in a sealed envelope to the Pastor or CPPC Chair.

2. Child Protection Participation Covenant

To be signed by all church members desiring to become an Approved Adult and returned with the application, in a sealed envelope marked “Confidential,” to the Pastor or CPPC Chair.

This covenant includes an outline of those obligations of an Approved Adult representing the congregation in Social Media. All Approved Adults agree to comply with using their own names when representing the congregation in Social Media, and to understand that at all times that they are to represent the congregation’s ministry and ensure that their postings will be appropriate to the mission. All confidential and sensitive information will be kept private and will not be posted. Should any Approved Adult have a concern about the proper nature of a posting on behalf of the congregation, he or she agrees to consult with his or her supervisor and/or church leadership, as relevant, before posting.

3. Request for Virginia Background Check

This form, as approved by the congregation, is to be completed by all church members desiring to become an Approved Adult. Completed forms should be returned in a sealed envelope marked “Confidential” to the Pastor or CPPC chairperson. Results of the background checks will be mailed to the applicant’s home address.

4. Personal Interview Form

To be completed by the Pastor or designated representative during the personal interview of the church member desiring to become an Approved Adult. This form is signed by the applicant and the Pastor or designated representative and placed in the applicant's file following the interview.

5. Permission Slip

To be completed by the parent or guardian of the child and returned to the appropriate Approved Adult sponsoring a church-related event.

6. Incident Report Form

To be used to report suspected incidents of alleged misconduct to the proper authorities.

F. Appropriate Behavioral Guidelines

As set forth in the Mission Statement in Section A above, this policy has three goals:

- (i) to ensure that a nurturing Christian environment for children and youth is maintained within the congregation;
- (ii) to protect children and youth who participate in activities sponsored by the church from sexual and/or physical abuse in accordance with the requirements of Virginia law; and
- (iii) to protect the congregation's members from false allegations of abuse.

To achieve these goals, the congregation has adopted the following policy:

- 1. Child Abuse Prohibited:** Those who accept the special responsibility of working with the congregation's children and youth shall not violate that responsibility by causing physical injury, which is non-accidental; mental injury, which is non-accidental; sexual abuse; or serious physical neglect of children.
- 2. Sexual Abuse Prohibited:** Those who accept the special responsibility of working with the congregation's children shall not violate that responsibility by having any interaction with a child where the child is being used for sexual stimulation of the adult or a third person. The behavior may or may not involve touching.
- 3. Two Approved Adult Rule:** Two Approved Adults should be present during any children's church activity.
 - The Pastor, in consultation with the CPPC, may approve the presence of only one Approved Adult, or one Approved Adult plus one Approved Teen, or one Approved Adult plus one parent of a child attending the activity, at activities that take place on church premises provided that: (a) other Approved Adults are on the premises at all times during the activity; (b) the children involved in the activity satisfy a minimum age requirement of at least seven years; (c) the location in which the activity takes place allows easy observation of the room; and (d) at least two children are present at all times during the activity.

- IN NO EVENT SHALL AN ADULT, EVEN AN APPROVED ADULT, BE ALONE DURING A CHURCH-SPONSORED ACTIVITY WITH A CHILD THAT IS NOT THAT ADULT’S OWN CHILD. If this situation arises, the adult should immediately take steps to rectify the situation.
4. **Empty Room Policy:** After an activity, rooms should be checked to ensure that all participants have vacated the room and that the door is locked. This will prevent situations where abuse might occur.
 5. **Visibility Encouraged:** Where possible, doors should be left open or a window should allow easy observation of the room.
 6. **Building Supervision:** Children should not be left unsupervised in a room or in moving throughout the building or the church property.
 7. **Expressions of Affection:** True expressions of affection toward children can be a manifestation of Christ’s love for all of us. A kind word of encouragement to a child or a pat on the back can be a small but significant act for both the adult and the child. That being said, adults must use caution and common sense when physically expressing affection toward children.
 - Respect a child's refusal of affection.
 - Never make a child feel uncomfortable.
 - Be aware of appropriate hand placement. A child or an observer could misinterpret a pat on the bottom or a bear hug.
 - See Appendix B for additional “Guidelines for Appropriate Affection.”
 8. **Social Media – Best Practices for Online Presence:** We live in a digital age, and many of the young people and their parents with whom we interact have a presence in Social Media. We encourage our team also to be present in these communities. However, it is equally important to remember that the pages and materials that we post to those pages are viewed by our youth and need to be consistent with the ministry we conduct with them. Our pages should not have inappropriate postings or photos on them.

Occasionally, we will identify content on social networking sites that was posted by our youth and/or volunteers in our programs and that might be considered inappropriate. If we do, and if, in our judgment, it will jeopardize the potential relational ministry with that young person, it is our best practice to contact the person about the appropriateness of that posting.

It is also important to note that, with regard to information posted or sent online, our general practices on confidentiality apply. Our best practice for an adult presence on Social Media is for the adult to not “friend request” a young person, but, upon an adult’s acceptance of a friend request from a young person, for the adult to abide by the guidelines stated above.

Relationships with young people, whether through Social Media or not, are precious and therefore should be handled in an appropriate manner.

9. **Permission Slips:** Children and youth must have permission to participate in any overnight activity or any activity that takes place away from church grounds. That permission must be in writing and signed by a parent or guardian. It must identify the activity in which the child and youth will be participating. The permission slips will list Approved Adults who will serve as chaperones. (See Appendix A.)

The Pastor and/or person(s) designated by the Pastor may waive the requirement for permission slips where a permission slip serves no useful purpose (for example, when a child is accompanied by his or her parent or guardian to the activity).

10. **Overnight Rule:** Overnight activities involving children shall be chaperoned by at least two Approved Adults. In the event that a sufficient number of chaperones is not available, the event shall be canceled. If the event involves children of both genders, then there shall be at least one Approved Adult of each gender. Additional adult chaperones who are not Approved Adults must have a background check on file before participating in overnight activities.
11. **Transportation of Children:** When children and youth are transported for church activities, they shall be transported in groups with at least one Approved Adult in each vehicle. Drivers of rented or church-owned vehicles must be 25 to 70 years old. To transport children in a personal vehicle, the driver must be 21 years of age or older. No vehicle shall carry more persons than it has seatbelts. All passengers must wear seatbelts.
12. **Use of Alcohol or Tobacco:** Adult volunteers shall refrain from using tobacco or consuming alcohol in the presence of children at any event or activity (excluding communion). Adult volunteers shall refrain from drinking alcoholic beverages for four hours in advance of a youth ministry event.

G. **Reporting Suspected Child Abuse**

An employee or a volunteer of any age or an Approved Adult who witnesses or has reasonable cause to suspect that a child involved in a childcare program or activity has been abused by anyone (including the child's family, guardians, an Approved Adult, or volunteer) must report such knowledge or reasonable suspicions to the Pastor and/or persons designated by the Pastor, who, in turn, will forward the report by calling the FCCPS hotline number within 24 hours as required by law. The FCCPS hotline number is **703-324-7400, opt. 1**. In the alternative, a report may be made to the Child Abuse and Neglect Hotline, at **1-800-552-7096**.

The Pastor and/or chairperson of the CPPC may not make an independent determination of whether to forward the report of suspected child abuse. The Pastor and/or chairperson of the CPPC must forward the report of suspected child abuse to FCCPS and shall notify the person who made the report as to the date the report was forwarded to FCCPS. The employee, volunteer, or Approved Adult, in his or her discretion, may also report such knowledge or reasonable suspicions directly to FCCPS or the Child Abuse and Neglect Hotline. The congregation will cooperate fully with government authorities investigating allegations of abuse. The initiative for investigating alleged abuse resides with FCCPS and should not be carried out by the congregation.

The Pastor should forward the report of child abuse to the president of the Congregation Council and the chairperson of the CPPC.

All allegations of child abuse or serious physical neglect will be taken seriously by the Pastor, Congregation Council, and the CPPC committee. All reporting steps taken will be documented, including a log of phone calls, personal visits, and written reports. Whenever possible, at least the Pastor and the Congregation Council president should be involved so that there can be verification of the reporting activity. If the Pastor and Congregation Council president are unavailable to report to FCCPS, then the person who witnessed the abuse or reasonably suspects child abuse has occurred should report the suspected abuse by calling the FCCPS hotline or the Child Abuse and Neglect Hotline. Thereafter, the person also should promptly notify the Pastor of such report.

The Pastor and/or the Church Council president shall notify the Office of the Synodical Bishop immediately about any report of suspected child abuse to the FCCPS hotline or the Child Abuse and Neglect Hotline.

H. Response to the Reporting of Suspected Child Abuse

1. Within a reasonable amount of time following the reporting described in Section G, the Pastor or Congregation Council president will notify the parents or the persons suspected of the abuse. The phone call or visit will be documented.
2. The Pastor or Congregation Council president who reported the alleged child abuse to the relevant hotline will provide to the Congregation Council a written report of all the steps taken afterwards.
3. The Pastor or Congregation Council president will notify the congregation's insurance broker and/or carrier when the reporting procedures have been initiated. The phone call or written report will be documented. If the original notice is by phone, a letter memorializing that report will also be sent to the insurance broker and/or carrier.
4. The Pastor or Congregation Council president will determine whether the congregation should engage legal counsel, in consultation with the insurance carrier.
5. After consultation with legal counsel or the congregation's insurer, the Pastor or Congregation Council president will designate the Pastor, one of the Council members or another member of the congregation to act as the official spokesperson for the congregation. Only the designated person or persons can speak for the congregation to the news media, government agencies, attorneys, or others.
6. All other steps taken to respond to an allegation of child abuse or neglect will be approved in advance by the Pastor or Congregation Council president and will be documented.
7. All communications within the congregation 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 victim and the person suspected of child abuse, while at the same time ensuring that persons with responsibility in this area and law enforcement authorities remain fully informed.

There are times when allegations of abuse prove to be unsubstantiated and without merit. The Pastor or Congregation Council president should work to insure the confidentiality of the allegations and take measures to protect the reputation and standing of the individual in the life of the church and the community.

I. Confidentiality

Church leadership must respect the confidentiality of information acquired in the course of abuse accusation and investigations. Therefore, the Pastor, Congregation Council President, and lay volunteers in the church should:

- Discuss the nature of confidentiality and its limitations at the beginning of volunteer opportunities, with assurance that confidentiality will be respected.
- Disclose confidential information only for compelling professional reasons or as required by law.
- Exercise great care to limit the content of shared information when disclosure is necessary.
- Safeguard the confidentiality of information maintained in notes and files or by electronic means.

J. The Child Protection Policy Committee

The CPPC shall consist of at least three members, with three year staggered terms, plus the Pastor and Congregation Council president. The Pastor and Congregation Council president will appoint members with the approval of the Congregation Council. The CPPC chair shall be elected by the committee or appointed by the Pastor.

K. The Responsibilities of the Child Protection Policy Committee

1. Review and make recommendations to the congregation for revising congregation policy regarding the safety of our children. Conduct an annual review of the policy.
2. Provide training for all staff and volunteers working with children regarding child abuse (physical and sexual) and congregation policy. Training should be presented prior to work with children.
3. Accept applications from church members desiring to become Approved Adults.
4. Delegate to the chair of the CPPC and the Pastor (and others, as necessary) the task of reviewing all applications.
5. Obtain a “VA National Criminal Background Check for Employees or Volunteers Providing Care to Children, the Elderly and Disabled” or another background check, as approved by the congregation, for all applicants. Such background check shall include a review of the sex offender registry.
6. Submit a list of candidates for personal interviews. Standard personal interview forms will be completed by the interviewer and will be included in the personnel file for each candidate.
7. Identify steps necessary to monitor Approved Adults to ensure that policies are being followed.
8. Keep a file of all permission slips, which will be stored in the congregation office. Permission slips will be kept for three years following the event. If an incident of abuse is reported relating to an event, the permission slips for that event will be maintained indefinitely.

9. Keep Congregation Council apprised of all activities of the committee.
10. Submit periodic educational statements regarding the activities of the committee for publication in the church newsletter. Have a posted list of Approved Adults as a reference.
11. Determine appropriate action in response to a violation or violations of the Child Protection Policy.
12. Consult with the Pastor in determining the appropriate means of implementing the Child Protection Policy, identifying any “Approved Teens,” and in taking any other actions requiring the advice of the CPPC.

L. Creating a Safe Church Environment

In addition to creating a church where Approved Adults are trained to keep children safe from abuse, the church should be a place that is safe and hospitable for children of all ages throughout the facility. Among the many areas to consider, the following are suggestions of ways to create a safe and healthy church environment:

- Toys and books for younger children, whether in nursery or Sunday school classrooms or in activity bags for use during worship, should be safe, clean, and age appropriate.
- Cleaning supplies and other harmful chemicals should be kept in higher cabinets that are secured with child-proof latches. Similarly, rooms that can be unsafe for children, such as workrooms, basements, cleaning closets, boiler/HVAC rooms, and balconies should be kept locked at all times.
- Playgrounds, roadside property, and other commonly used outside gathering areas should be fenced-in.
- Electrical outlets should be properly child-proofed.
- Care should be taken when making decisions about furniture and accessories throughout the building.

M. Violations of Child Protection Policy

- 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 will be immediately, permanently, and completely disqualified by the CPPC committee from working with children in the congregation.
- Persons who admit to the CPPC committee any type of physical or sexual abuse of a child but who have not appeared in a court of law will not be permitted to work with children in the congregation.
- The CPPC committee and Congregation Council shall disqualify any person from working with children in the congregation while allegations of sexual or physical abuse are being investigated.
- Alleged violations of the policy, other than abuse, shall be immediately reported to the CPPC Committee chairperson, who will report it to the Pastor and the president of Congregation Council, if deemed appropriate. The alleged violations of the policy will be investigated by the CPPC committee, which shall meet with the person(s) involved. If the person(s) is found to be in violation of the policy, the CPPC committee will determine what disciplinary action, if any, is necessary.
- The CPPC committee can temporarily or permanently disqualify any person(s) from working with children as the committee deems appropriate.

Appendix A

Resources

The FCCPS hotline number is **703-324-7400, opt. 1.**

In the alternative, a report may be made to the Child Abuse and Neglect Hotline, at **1-800-552-7096.**

Virginia Department of Social Services:

Printed Resources: <http://www.dss.virginia.gov/abuse/mr.cgi>

Training Modules:

http://www.dss.virginia.gov/family/cps/mandated_reporters/cws5691/index.html

http://www.dss.virginia.gov/family/cps/mandated_reporters/cws5692/CWS5692%206.21.12.htm

ELCA Legal Resources: <http://www.elca.org/en/Resources/Legal>

Virginia Criminal Record Check: Virginia State Police, 7700 Midlophian Turnpike, Richmond, VA 23235. Tel: (804) 674-2000. www.virginiatrooper.org

Virginia Sex Offender Registry Hotline: (804) 674-2000.

Virginia Sex Offender Registry: <http://sex-offender.vsp.virginia.gov/sor/>

For a completely online resource: www.protectmyministry.com

The Reducing the Risk II kit is an educational and training kit available to buy from www.reducingtherisk.com (telephone 1-800-222-1840).

Safe Sanctuaries book and DVD series by Joy Thornburg Melton at www.Cokesbury.com or www.Amazon.com

<http://metrodcelca.org/for-congregations/>

**The Lutheran Church of the Redeemer
1545 Chain Bridge Road
McLean, VA 22101
(703) 356-3346**

Application to Become an Approved Adult

This application is a mandatory part of a process to assist the congregation in providing a safe, nurturing Christian environment for our children. Persons responsible for the supervision and care of our children are in a special position of trust and confidence. Therefore, all adults (18 years of age or older) seeking to work with the children of the Lutheran Church of the Redeemer (the "Congregation") must complete this application to become an "Approved Adult."

PERSONAL INFORMATION

Please attach photographic identification, e.g., a copy of a driver's license

(1) Name _____ (2) Date of Application _____

(3) SSN _____ (4) Driver's License (State) _____

(5) Current Residence and Mailing Address _____

(6) Tel (home) _____ (7) Tel (work) _____ (8) Cell Phone _____

(9) E-mail Address _____

(10) Permanent addresses you have maintained during the last five years, beginning with the most recent.

(11) Are you 18 years of age or older? Yes No

Before you answer questions 12 through 18 on this application, please read the pages attached to this application on which appear definitions of an "abused and neglected child" under Virginia law. In the questions below, the words "abuse," "abusing a child" or "child abuse" are intended to include the conduct described in the definitions of an "abused and neglected child."

(12) Is there any reason why you should not work with children? Yes No

If yes, please explain.

(13) Have you ever abused a child (a person less than 18 years of age?) Yes No

If yes, please explain.

(14) Have you ever been accused of abusing a child? Yes No
If yes, please explain.

(15) Have you ever been involved in a child abuse investigation as a witness, alleged victim, or alleged abuser? Yes No
If yes, please explain.

(16) Were you ever abused as a child? Yes No
If yes, please explain.

(17) Was the abuse reported? Yes No
If yes, please explain.

(18) Have you ever been arrested for or convicted of or plead guilty to a criminal offense against a person? Yes No
If yes, please explain

CHURCH OR CHILD-RELATED WORK

(19) Name and address of church (if any) of which you are now a member, if other than the Congregation.

(20) Names and addresses of all churches you have attended on a regular basis at any time during the last five years.

(21) Describe any church work you may have done with children at any time during the last five years. Include the church's name, address, dates of participation, and the names of persons that would know about your work.

(22) Describe any non-church related work you may have done with children at any time during the last five years. Include the organization's name, address, dates of participation, and the names of persons that would know about your work.

(23) List your talents, training and/or education that might help enrich the lives of our children. Describe the type of work you prefer.

SOCIAL MEDIA

(24) Do you actively participate in any level of Social Media? (For example, Facebook, Twitter, Google Plus, Tumblr.)

Yes No

If so, what applications do you access? _____

What is your screen name? _____

PERSONAL REFERENCES

(25) Give the name, address, phone number and/or email address of two persons, not relatives, who have known you for at least five years. These may, but are not required to, include persons listed in question (21) or question (22).

(1) _____

(2) _____

I agree that the information contained in this application is correct to the best of my knowledge.

Applicant's Signature _____ Date _____

**The Lutheran Church of the Redeemer
1545 Chain Bridge Road
McLean, VA 22101
(703) 356-3346**

**APPLICANT’S PERMISSION FOR THE DISCLOSURE OF INFORMATION ABOUT THE
APPLICANT AND APPLICANT’S RELEASE OF ALL CLAIMS AGAINST PERSONS OR
ENTITIES THAT DISCLOSE INFORMATION OR GIVE OPINIONS ABOUT THE APPLICANT**

I understand and agree that the Congregation may contact the churches and references identified above and others who may be identified by those listed above. I authorize these references or churches or others to give you any information (including opinions) that they may have regarding my character and fitness for work with children. I also understand and agree that law enforcement authorities or any other person or entity with access to records of criminal arrests or convictions may be contacted during the consideration of this application. I authorize these law enforcement authorities or any other person or entity to provide information regarding criminal arrests or convictions. In consideration of the receipt and evaluation of this application by the congregation, I hereby release the Congregation and any individual, church, youth organization, employer, reference, or any other person or entity, including record custodians, both collectively and individually, from any and all liability for damages of whatever kind or nature which may at any time result to me, my heirs, or family, on account of any person’s or entities disclosure of information about me or the expression of an opinion about me.

I further state that I have carefully read the foregoing release and understand its content. I am signing this release freely and voluntarily.

Applicant’s Signature _____ Date _____

Definitions

According to the Code of Virginia (VA Code Ann. Sec. 63.2-100), an “abused or neglected child” includes any child less than 18 years of age whose caretaker:

- Creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child, a physical injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions.
 - Examples provided by Fairfax County’s Child Protective Services agency (“FCCPS”) include asphyxiation, cuts, abrasions, sprains, bone fractures, internal injuries, bruises, welts, burns/scalding, bizarre discipline, shaken baby syndrome, battered child syndrome, and exposure to the sale or manufacture of certain controlled substances, among others.
- Neglects or refuses to provide care necessary for his health.
 - FCCPS takes the position that this includes the failure of the caretaker to provide food, clothing, shelter, or supervision of a child to the extent that the child’s health or safety is endangered. This can be multiple occurrences or a one-time critical event that results in a threat to health or safety. Examples provided by FCCPS include abandonment,

inadequate supervision, inadequate clothing, inadequate shelter, inadequate personal hygiene and malnutrition, and inadequate medical, dental or mental health care.

- According to FCCPS, creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a mental injury by other than accidental means, or creates substantial risk of impairment of mental functions.
- Commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.
 - Examples provided by FCCPS include incest, rape, fondling, indecent exposure, prostitution, or allowing a child to be used in any sexually explicit visual material.
- Causes the child to be without parental care or guardianship as a result of the unreasonable absence or the mental or physical incapacity of the caretaker.
- Creates a substantial risk of physical or mental injury by knowingly leaving the child along in the same dwelling with a person to whom the child is not related by blood or marriage and who the caretaker knows is required to register as a violent sexual offender.

**The Lutheran Church of the Redeemer
1545 Chain Bridge Road
McLean, VA 22101
(703) 356-3346**

Participation Covenant for All Workers with Children/Youth

“I ... will tend the flock of God that is in my charge... willingly, as God would have me do it...” --I Peter 5:2

The congregation of the Lutheran Church of the Redeemer is committed to providing a safe and secure environment for all youth and volunteers who participate in ministries and activities sponsored by the church. The congregation has adopted a Child Protection Policy that reflects our commitment to preserving the church as a holy place of safety and protection for all who would enter and as a place in which all people can experience the love of God through relationships with others.

As a volunteer in this congregation, I agree:

1. To observe and abide by the policies and procedures set forth in the Child Protection Policy regarding working in ministries with children or youth.

_____ Yes _____No

2. To observe the two-adult rule, as defined in the Child Protection Policy.

_____ Yes _____No

3. To abide by the six-month rule requiring active participation in the congregation before beginning a volunteer assignment.

_____ Yes _____No

4. To participate in training and follow-up educational events provided by the church related to my volunteer assignment.

_____ Yes _____No

5. To report promptly any behavior that seems suspicious, questionable, harmful, and/or inappropriate.

_____ Yes _____No

6. To inform the pastor of this congregation if I have ever been accused in writing, charged in a criminal proceeding, or convicted of child abuse.

_____ Yes _____No

7. That when I refer to an activity of the congregation on any social networking site such as Facebook, YouTube, Twitter, or similar sites:

I will use my own name;

I understand I represent the congregation's ministry and my postings will be appropriate to the mission;

I will not post any confidential or sensitive information;

I have read the congregation's policies on use of the internet and social media; and

If I have a question, uncertainty or concern about the proper nature of a posting, I will consult with my supervisor and/or leadership before posting.

Please note: If you are a survivor of child abuse, do you desire the opportunity to speak with the Pastor? _____ Yes

I have read and understand and agree to abide by this Participation Covenant of the Lutheran Church of the Redeemer.

Signature

Date

Print Full Name

The Lutheran Church of the Redeemer
1545 Chain Bridge Road
McLean, VA 22101
(703) 356-3346

Personal Interview Form
[To be completed by interviewer when interviewing an applicant
seeking to become an Approved Adult.]

Interview Date: _____	Final Approval Date _____
Interviewed By: _____	

Name of Applicant _____

Address _____

Phone (home) _____ Phone (work) _____ Phone (cell) _____

[The interviewer should carefully read the application completed by the applicant and ask any relevant questions raised by the applicant's answers to the questions on the application. If the answers on the application do not raise any questions, the Interviewer, at a minimum, should read each question below to the applicant and mark the appropriate response.]

	Yes	No
Have you read and understand the Lutheran Church of the Redeemer Child Protection Policy?	_____	_____

1. Do you have any specific questions regarding that policy?
(If so, please list below.)

2. Have you ever been accused of and/or have a previous record of child abuse? _____

3. Concerning your previous experience with children, what would you say have been the highlights of that experience? (Please list specifics.)

4. In what specific areas would you particularly like to work with children? (e.g., Sunday School, Youth Group)

Event Date: _____
Return Slip by: _____

The Lutheran Church of the Redeemer
1545 Chain Bridge Road
McLean, VA 22102

Permission Slip

1 and 6 through 9 should be completed by the parent or guardian.
2 through 4 should be completed by the organizer(s) of the event.

(1) _____ has my permission to participate in the following child/youth group activity, (2) _____, on _____.

(3) The group will leave from the church at _____ and return at _____.

(4) Chaperones for this event will be: _____

(5) Your child is asked to bring _____.

(6) In case of emergency, call _____.

(7) Child/Youth's Physician's Name and Tel. No.: _____

(8) Child/Youth's Insurer and Insurance I.D.: _____

(9) Allergies/Other Health Issues: _____

(10) I am willing to chaperone/drive if needed: YES NO

Signature of Parent or Guardian

Date

**The Lutheran Church of the Redeemer
1545 Chain Bridge Road
McLean, VA 22101
(703) 356-3346**

Incident Report

Name of child:

Date of report:

Parents/Guardians of child:

Person(s) involved in alleged misconduct:

Date, time and location of incident:

Description of
incident:

.....
.....
.....

Were there any other witnesses? Yes _____ No _____

Please
comment:

.....
.....

<input type="checkbox"/> I am a mandatory reporter.
<input type="checkbox"/> I choose to remain anonymous regarding this incident.
<input type="checkbox"/> I have reported or intend to report this incident to criminal authorities.

THE ABOVE INFORMATION IS FREELY PROVIDED AND IS TRUE TO THE BEST OF MY KNOWLEDGE.

Reporter's signature

Relationship to child

I have received this report and agree to follow appropriate policy and procedures.

Signature _____

Date _____

Request for Virginia Background Check

[Form attached]

DRIVER INFORMATION FOR THE LUTHERAN CHURCH OF THE REDEEMER

Each driver must provide a signature. This form applies only to church-owned or rented vehicles.

By signing this form, drivers (employees and volunteers) understand that a Motor Vehicle Record (MVR) may be secured for a record of their driving history. Drivers also give permission for subsequent MVRs to be run, without the need for a new signature.

DRIVER'S NAME as shown on License PLEASE PRINT	M/F	DATE OF BIRTH	<u>DRIVERS</u>	<u>LICENSE</u>	VEHICLE DRIVEN	DRIVER SIGNATURE
			Number	State		
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

** If there are more than 10 drivers, please copy this form for use. **

NOTE:

1. It is strongly recommended that **ALL** employees/volunteers who drive their personal vehicles for insured activities have minimum liability limits of \$100,000/\$300,000/\$100,000.
2. Personal Vehicles: Drivers must be 18 years of age or older.
3. Rented or church owned vehicles: Drivers must be 25 – 70 years old. Youth Pastor can be 21-70 years old, with **NO** moving violations in the past three years. Drivers must have **NO** major moving violation and **NO MORE THAN ONE** minor moving violation for the prior three years. See list of violations below.

MAJOR	MINOR
Driving while intoxicated or under the influence of drugs.	Speed equal to less than 10 mph over the limit.
Failure to stop and report accident involvement.	Moving violation resulting in filing of evidence of Financial Responsibility.
Homicide/Assault while operating a vehicle.	Altered license or unlawful use of license or permit.
Driver's license suspended, revoked, cancelled, or barred	Driving on the wrong side of the road or in the wrong direction.
Violation of Open Container Law	Any passing violation.
Possession of alcohol or drugs	School bus or school zone.
Motor vehicle theft	Failures to yield at intersection, stop sign, or traffic device.

Manslaughter or vehicular homicide.	Failure to yield to emergency vehicle.
Carrying a concealed weapon.	
Felony use of a motor vehicle	
Careless/reckless driving.	
Drag racing or participating in speed contests.	
Speed in excess of 10 mph over the limit	

Appendix B

Guidelines for Appropriate Affection

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, **when in the presence of others**, include:

- Brief hugs.
- Pats on the shoulder, arm or back.
- Kisses on the tops of heads of small children.
- Handshakes.
- “High-fives,” hand slapping, fist bumps.
- 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 actions are considered **inappropriate** with children and youth in ministry settings, 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 sleeping facilities, restrooms, 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, tickling or other acts of “horse-play” with 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 (whether spoken, written, or electronic) that relate to physique or body development. Examples would include: “You sure are developing,” or “You look really hot in those jeans.”
- Snapping bras or giving wedgies or a similar touching of underwear, whether or not it is covered by other clothing.

- Giving gifts or money or granting special privileges or opportunities to individual children or youth.
- Private meals with individual children or youth.
- Offering a child or youth an alcoholic beverage, tobacco, drugs or anything else that is prohibited by law.
- Engaging in inappropriate conversations or using age-inappropriate humor, vocabulary, recording, films, printed materials or games with children or youth.
- Photographing single or specific children without the knowledge and permission of a parent or guardian.

UNDER NO CIRCUMSTANCES SHOULD AN ADULT ENGAGE IN THE PHYSICAL DISCIPLINE OF A CHILD OR YOUTH.

Appendix C

Selected Provisions of West's Annotated Code of Virginia

VA Code Ann. § 63.2-100

Formerly cited as VA ST § 63.1-55.2; VA ST § 63.1-55.8; VA ST § 63.1-87; VA ST § 63.1-172; VA ST § 63.1-194.1; VA ST § 63.1-195; VA ST § 63.1-196.001; VA ST § 63.1-219.7; VA ST § 63.1-238.1; VA ST § 63.1-248.2; VA ST § 63.1-250

§ 63.2-100. Definitions

Effective: July 1, 2013

As used in this title, unless the context requires a different meaning:

“Abused or neglected child” means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child’s parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of [§ 18.2-248](#);
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child’s best interest. Nothing in this subdivision shall be construed to limit the provisions of [§ 16.1-278.4](#);
3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;
5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child’s parent, guardian, legal custodian or other person standing in loco parentis; or
6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in [§ 55-79.2](#), with a person to whom the child is not related by blood or marriage and who the parent or other

person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to [§ 9.1-902](#).

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

“Adoptive home” means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

“Adoptive placement” means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

“Adult abuse” means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

“Adult day care center” means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

“Adult exploitation” means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

“Adult foster care” means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

“Adult neglect” means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

“Adult protective services” means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

“Assisted living care” means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

“Assisted living facility” means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to [§ 22.1-214](#), when such facility is licensed by the Department as a children’s residential facility under Chapter 17 ([§ 63.2-1700 et seq.](#)), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

“Auxiliary grants” means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

“Birth family” or “birth sibling” means the child’s biological family or biological sibling.

“Birth parent” means the child’s biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

“Board” means the State Board of Social Services.

“Child” means any natural person under 18 years of age.

“Child day center” means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

“Child day program” means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

“Child-placing agency” means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to [§ 63.2-1819](#) or a local board that places children in foster homes or adoptive homes pursuant to [§§ 63.2-900, 63.2-903, and 63.2-1221](#). Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

“Child-protective services” means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

“Child support services” means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

“Child-welfare agency” means a child day center, child-placing agency, children’s residential facility, family day home, family day system, or independent foster home.

“Children’s residential facility” means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children’s residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by [§ 35.1-18](#); and
3. A licensed or accredited hospital legally maintained as such.

“Commissioner” means the Commissioner of the Department, his designee or authorized representative.

“Department” means the State Department of Social Services.

“Department of Health and Human Services” means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

“Disposable income” means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

“Energy assistance” means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with [§ 63.2-805](#), or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of [Public Law 97-35](#)), as amended.

“Family day home” means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider’s own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider’s own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider’s own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

“Family day system” means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

“Foster care placement” means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

“Foster home” means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

“General relief” means money payments and other forms of relief made to those persons mentioned in [§ 63.2-802](#) in accordance with the regulations of the Board and reimbursable in accordance with [§ 63.2-401](#).

“Independent foster home” means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of [§ 16.1-278.2](#), [subdivision 6 of § 16.1-278.4](#), or subdivision A 13 of [§ 16.1-278.8](#).

“Independent living” means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

“Independent living arrangement” means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

“Independent living services” means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. “Independent living services” may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

“Independent physician” means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

“Intercountry placement” means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity

authorized to make such placements in accordance with the laws of the foreign country under which it operates.

“Interstate placement” means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child’s parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child’s parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

“Kinship care” means the full-time care, nurturing, and protection of children by relatives.

“Local board” means the local board of social services representing one or more counties or cities.

“Local department” means the local department of social services of any county or city in this Commonwealth.

“Local director” means the director or his designated representative of the local department of the city or county.

“Merit system plan” means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

“Parental placement” means locating or effecting the placement of a child or the placing of a child in a family home by the child’s parent or legal guardian for the purpose of foster care or adoption.

“Public assistance” means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

“Qualified assessor” means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

“Registered family day home” means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

“Residential living care” means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of “residential living care” includes the services provided by independent living facilities that voluntarily become licensed.

“Social services” means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 ([§ 51.5-144 et seq.](#)) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 ([§ 51.5-148](#)) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

“Special order” means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in [§ 2.2-4001](#).

“Temporary Assistance for Needy Families” or “TANF” means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

“Temporary Assistance for Needy Families-Unemployed Parent” or “TANF-UP” means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under [§ 63.2-609](#).

“Title IV-E Foster Care” means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

Credits

[Acts 2002, c. 747, eff. Oct. 1, 2002](#); [Acts 2003, c. 467](#); [Acts 2004, c. 70](#); [Acts 2004, c. 196](#); [Acts 2004, c. 245](#); [Acts 2004, c. 753](#); [Acts 2004, c. 814](#); [Acts 2006, c. 868](#); [Acts 2007, c. 479](#); [Acts 2007, c. 597](#); [Acts 2008, c. 475](#); [Acts 2008, c. 483](#); [Acts 2009, c. 705](#); [Acts 2009, c. 813](#); [Acts 2009, c. 840](#); [Acts 2011, c. 5](#); [Acts 2011, c. 156](#). Amended by [Acts 2012, c. 803, eff. July 1, 2013](#); [Acts 2012, c. 835, eff. July 1, 2013](#); [Acts 2013, c. 5](#); [Acts 2013, c. 362](#); [Acts 2013, c. 564](#).

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report

Effective: July 1, 2013

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department’s toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;

9. Any mediator eligible to receive court referrals pursuant to [§ 8.01-576.8](#);
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 ([§ 9.1-151 et seq.](#)) of Chapter 1 of Title 9.1;
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department as defined in [§ 63.2-100](#) who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to [§ 32.1-111.5](#), unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team;
17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs; and
18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client.

This subsection shall not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) information that would be subject to [§ 8.01-400](#) or [19.2-271.3](#) if offered as evidence in court.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report,

immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act ([20 U.S.C. § 1232g](#)). Provision of such information, records, and reports by a health care provider shall not be prohibited by [§ 8.01-399](#). Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall include (i) a finding made by a health care provider within six weeks of the birth of a child that the results of toxicology studies of the child indicate the presence of a controlled substance not prescribed for the mother by a physician; (ii) a finding made by a health care provider within six weeks of the birth of a child that the child was born dependent on a controlled substance which was not prescribed by a physician for the mother and has demonstrated withdrawal symptoms; (iii) a diagnosis made by a health care provider at any time following a child's birth that the child has an illness, disease or condition which, to a reasonable degree of medical certainty, is attributable to in utero exposure to a controlled substance which was not prescribed by a physician for the mother or the child; or (iv) a diagnosis made by a health care provider at any time following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 ([§ 18.2-61 et seq.](#)) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

Credits

[Acts 2002, c. 747, eff. Oct. 1, 2002](#); [Acts 2002, c. 860](#); [Acts 2006, c. 530, eff. Jan. 1, 2007](#); [Acts 2006, c. 801, eff. Jan. 1, 2007](#); [Acts 2008, c. 43](#); [Acts 2008, c. 268, eff. March 31, 2009](#). Amended by [Acts 2012, c. 391](#); [Acts 2012, c. 504](#); [Acts 2012, c. 640](#); [Acts 2012, c. 698](#); [Acts 2012, c. 728](#); [Acts 2012, c. 740](#); [Acts 2012, c. 815](#); [Acts 2013, c. 72](#); [Acts 2013, c. 331](#).

§ 63.2-1510. Complaints by others of certain injuries to children

Any person who suspects that a child is an abused or neglected child may make a complaint concerning such child, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline. If an employee of the local department is suspected of abusing or neglecting a child, the complaint shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment; or, if the judge believes that no local department in a reasonable geographic distance can be impartial in responding to the reported case, the judge shall assign the report to the court service unit of his court for evaluation. The judge may consult with the Department in selecting a local department to respond to the report or complaint. Such a complaint may be oral or in writing and shall disclose all information which is the basis for the suspicion of abuse or neglect of the child.