

ZION EVANGELICAL LUTHERAN CHURCH, Enola PA

Keeping Kids Safe Policy

Effective Date: May 1, 2003, Rev. July 2015, Rev. August 2017

POLICIES

STATEMENT OF PURPOSE

This congregation's ministry with children and youth begins by striving to provide a safe environment and to provide caring and effective leaders. Zion Evangelical Lutheran Church recognizes the importance of ensuring a safe and protected environment for its children and youth against abuse. The following policies and procedures outline necessary steps to educate our staff, volunteers and congregation to be proactive about the safety of our young people. The purpose is to create an effective system that will reduce the risk of abuse, deter predators from our congregation through screening, and offer guidance and direction if an incident occurs.

DEFINITIONS (for more information, go to <http://keepkidssafe.pa.gov/>)

* **Child or Youth**—A child or youth is any person under 18 years of age.

* **Child Abuse**—According to the Pennsylvania Child Protective Services Law (CPSL Title 23 PA.C.S. Chapter 63), child abuse means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- 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.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.

Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

"Recent Act" is defined as an abusive act within two years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

* **Direct Contact with Children**—The Child Protective Services Law (CPSL) defines direct contact with children as, "The care, supervision, guidance or control of children or routine interaction with children."

* **Mandated Reporter**—Any employee or Approved Adult 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 is considered a mandated reporter and is required to report suspected child abuse if s/he has reasonable cause to suspect that a child is a victim of child abuse.

* **Approved Adult**—An Approved Adult is anyone 18 years of age or older who has satisfied all the requirements of this policy. An approved adult can be a volunteer or an employee of the congregation.

* **Youth Volunteer**—A Youth Volunteer is anyone under 18 years of age who works under the supervision of two Approved Adults and who interacts with children.

* **Reasonable Suspicion**—Reasonable suspicion that a child has been the victim of abuse, and not actual proof, is sufficient to make a report. The initiative for investigating abuse resides with the Department of Human Services and should not be carried out by the reporter.

* **Permissive Reporting**—

1. Anyone – not only a Mandated Reporter - who witnesses or has reasonable suspicion that a child has been abused by anyone (including the child's family, guardians, an Approved Adult, or volunteer) may report it to the Pennsylvania Department of Human Services ChildLine and Abuse Registry (800-932-0313), or online at www.compass.state.pa.us/cwis.

2. The reporter should then notify the Pastor of the report (or the KKSC Chair if the Pastor is the suspected abuser).

POLICIES AND PROCEDURES

A. **Who is Qualified to Serve:** All volunteers must have maintained an active membership or participation in the life of the congregation for at least six months before they can apply to be a volunteer. Volunteers with less than six months active participation in the life of Zion Evangelical Lutheran Church shall be partnered with Approved Adults.

B. **Two-Adult Rule:** Two Approved Adults should be present during any church activity involving the supervision of anyone under the age of 18. Preferably, one of these adults should be a parent of one of the participating children or youth, or at a minimum, someone over 21 years of age. The two adult rule may be waived with prior permission from parent(s).

C. **Open-Door Policy:** When possible, doors should be left open so that persons passing by can observe inside. If the doors are closed, persons passing by should be able to see into the room.

D. **Expressions of Affection:** Adults must use caution when expressing affection toward children/youth. True expressions of affection contribute to a warm, healthy relationship. Remember to place reasonable limits on physical interaction: Respect a child's/youth's refusal of affection. Never make a child/youth feel uncomfortable. Be aware of where you place your hands (a pat on the bottom or a bear hug could be misinterpreted by a child or an observer). Note that a body-to-body embrace, a touch on private areas (those covered by a bathing suit) or any type of kiss is inappropriate.

E. **Parental Permission:** In a situation where an adult has a legitimate reason to be alone with a child, parental consent should be obtained. In addition, permission slips are to be completed by the parent or guardian of the

child/youth for any overnight activity or any activity that takes place away from church grounds in which the parent or guardian is not present. It must identify the activity in which the child or youth will be participating. The Permission slips will list Approved Adults who will serve as supervisors. (See Appendix A)

F. Overnight Rule: Only Approved Adults may serve as chaperones for overnight activities. Preferably, one adult of each gender will be present.

G. Transportation of Children: When children and youth are transported for church activities:

1. Children and youth shall be transported in groups with at least one Approved Adult.
2. 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.
3. When personal vehicles are used, the driver of the vehicle must be 18 years of age or older.
4. When only one child is being transported by a non-parental or non-guardian adult, there shall be two adults present, one of which must be an Approved Adult. However, parents or guardians may designate on the permission form an adult they trust to transport their child without a second adult present.
5. For rented vehicles, drivers will be approved by the KKSC. The committee will assure proper insurance coverage.

H. Adult/Child Ratio: One adult per every seven (7) youth is the preferred ratio.

I. Safe Ministry Communications: Texting, e-mailing, and other forms of electronic communication have become common today among children, youth, and adults. Texting and electronic communication can be a vital part of ministry work, but their improper use can produce serious consequences. In order to promote safety and to create a healthy environment for texting and electronic communication between staff, volunteers, and especially among our children and youth, the following guidelines must be our safe ministry practice:

1. Approved Adults may not transmit any content that is illicit, unsavory, abusive, pornographic, discriminatory, harassing, or disrespectful when communicating with each other or with minors involved in ministry activities.
2. Approved Adults are encouraged to talk to the youth about the potential harm to themselves and others in transmitting content that is illicit, unsavory, abusive, pornographic, discriminatory, harassing, or disrespectful.
3. Except in an emergency, Approved Adults should not transmit any personal information pertaining to a child, such as name, phone number, e-mail address, or photographs, without the consent of the child/youth participant and his or her parent or guardian. This applies to group texting, group e-mail, website posting, blogging, Twitter feed or any other public method of electronic communication.
4. Approved Adults will discourage students from using cell phones during ministry programs except in an emergency, to contact a parent or guardian, or to place calls specifically approved by a leader.
5. Approved Adults who have reasonable cause to suspect that a child is a victim of child abuse through electronic media must immediately follow the reporting procedures outlined in "Incident Reporting and Responses" section of this policy.
6. All information, images, or videos shared electronically through public ministry communications channels are not considered confidential.
7. Cellular phones can cause distraction if used while driving. For safety reasons, those involved in transporting youth are not to make or receive calls or text messages while driving. Passengers are permitted to use their cell phones.
8. Approved Adults are encouraged to talk to the youth to help them understand the potential harm to themselves and others when using cell phones while driving, especially for texting.

J. List of Approved Adults: A list of Approved Adults will be maintained and will be posted publicly, and all pertinent paperwork will remain confidential and kept on file in the church office.

INCIDENT REPORTING AND RESPONSE

A. A Mandated Reporter who witnesses or has reasonable suspicion that a child has been abused by anyone (including the child's family, guardians, an Approved Adult, or volunteer) must by law make an immediate and direct report in the following manner:

- Electronically at www.compass.state.pa.us/cwis, a confirmation of which will be received from the PA Department of Human Services.
- Orally to the Department of Human Services ChildLine (800-932-0313). An oral report must be followed up within 48 hours by a written report, which may be submitted electronically (www.compass.state.pa.us/cwis), within 48 hours. Paper written reports use PA State Form CY-47 (a copy of which is found at Appendix B or http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/form/c_137044.pdf)

B. After making a report to ChildLine, a Mandated Reporter is required to immediately thereafter notify the Pastor, Council President or the KKSC Chair if the Pastor is unavailable or is the suspected abuser.

C. After completing both A. and B. above, the Mandated Reporter must provide a copy of the confirmation received from electronic submission to the Department of Human Services to the Pastor or, if the Pastor is unavailable or if the Pastor is the suspected abuser, to the KKSC Chair.

D. Under CPSL, if a Mandated Reporter willfully fails to report child abuse, the penalties range from a misdemeanor of the second degree to a felony of the second degree.

E. Under CPSL, a Mandated Reporter is immune from civil and criminal liability as long as the report was made in good faith.

F. Under CPSL, a Mandated Reporter's identity is kept confidential with the exception of being released to law enforcement officials or the district attorney's office. 23 Pa.C.S.A. §6311

G. All parties with knowledge of a report of abuse must exercise proper judgment, confidentiality, sensitivity and compassion with the alleged victim(s) and perpetrator.

H. All allegations of child abuse or serious physical neglect will be taken seriously. All reporting steps should be documented, including a log of phone calls, personal visits, and written reports.

I. If the media contacts Zion Evangelical Lutheran Church regarding an incident, they will be referred to the person designated by the Congregation Council as the official spokesperson.

INSTRUCTIONS

A. All rostered staff, employees, and volunteers of Zion Evangelical Lutheran Church engaging in the care, teaching, supervising, escorting or any other activity with children under the age of 18 will be educated and screened according to the policies set forth. (This policy also applies to all Zion Evangelical Lutheran Church chartered scouting organizations.)

B. All of the above, without exception and regardless of length of time and service, working with children MUST:

1. Review this policy.
2. Complete the application form (see Appendix C). Note that by signing and submitting the application, you are agreeing to abide by this policy. These will be kept securely on file in the church office.
3. Provide copies of Act 33 Clearances (see C below).
4. Complete a Personal Interview.
5. Participate in a congregation-authorized training session.

C. All prospective volunteers must obtain the following clearances:

- State Police Criminal Record Check (SP4-164A for volunteers, SP4-164 for employees); and
- Child Abuse History Clearance from the Department of Human Services (CY113).

Additionally, an FBI Criminal Background Check is required if:

- You have a paid position; and
- You have lived outside the Commonwealth of Pennsylvania in the last 10 years.

Volunteers who are not required to obtain the FBI Clearance because they are applying for an unpaid position and have been a continuous resident of Pennsylvania for the past 10 years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344. (Appendix D: Disclosure)

D. Copies of clearances from another employer or volunteer organization are acceptable. As of July 25, 2015, fees for the Child Abuse History and Pennsylvania State Police Criminal Record Check have been waived for all volunteers.

E. Clearances for volunteers must be renewed every five years and every three years for employees.

F. All new applications will be reviewed by at least two members of the Keeping Kids Safe Committee (KKSC) and each new applicant will complete a Personal Interview with two members of the KKSC. Based on information provided by the applicant and his/her references, a recommendation for approval will be made to Congregation Council. The applicant will be notified in writing within 60 days of receipt of all documents. (See Appendix E)

G. The KKSC reserves the right to request updated clearances of any Approved Adult.

RESPONSE TO REPORTING OF SUSPECTED CHILD ABUSE

A. The Pastor or the Congregation Council President shall put the congregation's insurance carrier on notice of the filing of a report of suspected child abuse.

B. The congregation will cooperate with all state officials in the investigation of any reported instance of suspected child abuse.

- C. The Pastor or Congregation Council president will notify parents or guardians of all children involved in an alleged incident, unless the parents or guardians are the persons suspected of the abuse. The phone call or visit will be documented. This notification should remain factual and not offer opinions or thoughts about the event or how it occurred. The parent or legal guardian should be advised that any investigation of the claim will be under the auspices of the appropriate state agency.
- D. The Pastor or KKSC Chair will prepare for the Congregation Council a confidential written summary of all reports of suspected child abuse, keeping the name of the reporter confidential. The summary should include steps taken in response and should be updated as necessary. This reporting shall occur in an executive session of the council so that confidentiality can be maintained.
- E. The Congregation Council will determine whether the congregation should engage legal counsel in consultation with the insurance carrier.
- F. The Congregation Council will authorize the Pastor or one of the Council members to act as the official spokesperson for the congregation. Only the authorized person or persons can speak for the congregation to the news media, government agencies, attorneys, or others. If counsel has been appointed, assigned, or retained, any communication concerning the event should first be reviewed with counsel.
- G. All other steps taken to respond to an allegation of child abuse will be approved in advance by the Congregation Council and will as far as possible be documented by them.
- H. 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 in responsibility and law enforcement authorities remain fully informed.
- I. The congregation shall keep the Synod Bishop's Office apprised of all developments.