

# **STATEMENT OF POLICY ON CHILD PROTECTION AND PREVENTION OF CHILD ABUSE**

**“Then children were brought to him that he may lay his hands on them and pray. The disciples rebuked the people; but Jesus said, ‘Let the children come to me, and do not hinder them; for to such belongs the kingdom of heaven.’” Matthew 19:13-14**

Fourth Presbyterian Church, Greenville, South Carolina (the “Church”), remains committed to providing and maintaining a safe, nurturing environment for all its members, especially children and youth under the age of eighteen (18) while in its care during events which are sponsored or co-sponsored by the Church. Implicit in the involvement of persons in ministries to children and youth are the Biblically based terms COVENANT and SHEPHERD. There is an implied covenant between the leader and the child and the child’s parents to be a good shepherd of that child, leading him or her towards an understanding of the love and grace of Jesus Christ.

A commitment to this call includes the adoption and enforcement of this Policy on Child Protection and Prevention of Child Abuse. This policy applies to all clergy, leaders, volunteers, and other persons who work with children and youth in any paid or voluntary capacity. All children’s leaders and childcare providers who regularly interact with children and youth must read, be in agreement with, and sign this policy, affirm that they have not resigned or been terminated from a position or leadership role for reasons related to misconduct; and agree to submit information for a national background check which will be conducted by a third party organization. This is to insure the utmost in privacy.

## **SELECTION AND SCREENING OF EMPLOYEES AND VOLUNTEERS:**

The Church believes that appropriate personal relationships between adult leaders, children and youth of the Church foster the community of Christ. Common expressions of affection (hugs), affirmation (pats on the back), support (prayer), or physical care taking (changing diapers, etc.) are appropriate in our community of caring Christians.

## EMPLOYEES

- All prospective childcare employees shall provide at least two references. They will submit an application. Any person who is found to have made a material misrepresentation on this application shall immediately after such discovery be terminated.
- With respect to prospective employees who have been interviewed and who are considered to be viable candidates for employment with the church, and with respect to independent contractors having direct contact with children, the church will perform or cause to be performed a criminal background check of the prospective employee. The church will accomplish this task by hiring an outside organization that regularly performs such background checks and retains the utmost in privacy.
- Employee files shall be retained by the church for at least ten years after an employee's relationship with the church terminates.
- Fourth Presbyterian Church follows the guidelines established by the NCYS, National Council for Youth Sports. An excerpt (the "Guidelines") is as follows:

"Convictions for the five following crimes will prompt a determination that an applicant 'does not meet the criteria to serve a youth serving organization:

R1. Any felony (any crime punishable by confinement greater than one year)

- a. Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
- b. Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range > one year.

R2. Any lesser crime involving force or threat of force against a Person.

R3. Any lesser crime in which sexual relations is an element, including "victimless" crimes of a sexual nature (including pornography)

R4. Any lesser crime involving controlled substances (not paraphernalia or alcohol)

R5. Any lesser crime involving cruelty to animals”

Addendum to R4. above to state within the last twenty years

- All current and prospective employees shall read this policy and acknowledge in writing that they have read and understood this policy.
- All current and prospective employees shall attend a policy training session.

## APPEALS PROCESS

In the event that an individual receives a Red Light determination (see definitions) and still wishes to be considered as an employee or independent contractor, he or she must present a written appeal in person to the facilitator of the Child Protection Policy. The facilitator will then review the appeal with the Senior Pastor and the Christian Education Chairman in a private, confidential meeting. If deemed necessary, additional input will be sought from the Little Folks of Fourth Director. The request would be reviewed and a recommendation would be made to the Christian Education Committee for consideration. Any recommendation made by the Christian Education Committee would then be presented to the Session for their approval. The individual would be contacted with the decision by the Facilitator of the Child Protection Policy or the Senior Pastor.

## VOLUNTEERS

- Fourth Presbyterian Church follows the guidelines established by the NCYS, National Council for Youth Sports. An excerpt set forth as the “Guidelines” under “EMPLOYEES” above.
- No volunteer will be allowed to work with children unless that volunteer has been a member of the church for six months.
- No person who has been terminated from employment because of allegations of child abuse shall be allowed to work with children.
- All volunteers shall read this policy and acknowledge in writing that they have read and understood this policy.
- Each volunteer agrees to a criminal background check by an independent organization to insure the utmost in privacy.

- All volunteers must attend a Policy training session before volunteering with children.
- In addition to the foregoing, any current or prospective volunteer who chaperones or transports children or youth on overnight trips or who, by the nature of their activity, will spend unsupervised time with a child must:
  - (a) Be interviewed by a member of the staff (the Associate Pastor or Senior Pastor) and an application form completed for overnight volunteers.
  - (b) Agree to also have a motor vehicle records check, in addition to the criminal background check.

## APPEALS PROCESS

In the event that an individual receives a Red Light determination (see definitions) and still wishes to be considered as a volunteer, he or she must present a written appeal in person to the facilitator of the Child Protection Policy. The facilitator will then review the appeal with the Senior Pastor and the Christian Education Chairman in a private, confidential meeting. If deemed necessary, additional input will be sought from the Little Folks of Fourth Director. The request would be reviewed and a recommendation would be made to the Christian Education Committee for consideration. Any recommendation made by the Christian Education Committee would then be presented to the Session for their approval. The individual would be contacted with the decision by the Senior Pastor and either the Clerk of Session or the Christian Education Chairman.

## TRAINING OF PAID STAFF AND VOLUNTEERS

- All prospective workers and volunteers will attend a class that reviews and explains this policy, and the reasons for it.
- Training will include the viewing of a DVD by Church Mutual Insurance Company on *Safety Tips On A Sensitive Subject: Child Sexual Abuse*

## SUPERVISION OF VOLUNTEERS AND EMPLOYEES

It is the goal of the Church that two adults serve the children's activities during all Church-sponsored events. The Church recognizes that there will be times when an unaccompanied adult may be present with a group of

children or youth or with a single child or youth. In those circumstances, if an adult must be alone with children or youth for a brief given time (such as Sunday school or Bible class), he/she can only do so when subject is being visually observed at all times, such as through an open door or door with a window. During all church school classes, WNF programs, and Vacation Church School, a member of staff shall be a monitor. Such monitoring shall be conducted by making periodic visits to the classes. If children or youth need to be transported, it should be in groups. An unaccompanied adult will not transport an individual child to a Church-sponsored activity without the written permission of the child's parent or guardian.

No person under the age of 18 will work with children alone. No child under the age of 12 shall assist with care of children. There must be a four-year age difference between children and a caretaker.

Prohibited conduct includes any form of physical, emotional, or mental abuse of a child, including, but not limited to, the exploitation of a child, which breaches Christian ethical principles by misusing a trust relationship. Sexual exploitation of a child includes, but is not limited to, any interaction between a child and an adult in which the child is being used for the sexual stimulation of an adult. This may or may not include touching.

Prohibited conduct may include, but is not limited to:

- Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of sexual conduct towards a protected minor
  1. Use of sexual language, telling jokes of a sexual nature, inquiring about the sexual activities of a protected minor, use of any type of erotic language or images
- Inappropriate touching of a sexual nature
  1. Any type of touching, language or activity of a sexual nature which results or is designed to result in sexual gratification of the supervising individual or the protected minor
- Sexual advances or sexual activity of any kind between any adult and a protected minor
- Sexual advances or sexual activity of any kind between an older child and a younger child
- Infliction of physically abusive behavior or bodily injury to a minor

- Physical neglect of a minor, including failure to provide adequate supervision
- Causing mental or emotional injury to a minor
- Possessing obscene or pornographic (sexually explicit) materials at any function of the Church
- Possessing or being under the influence of any illegal substances
- Consuming or being under the influence of alcohol, or drugs, legal or illegal, while leading or participating in a minor's function of the Church
- Any kind of verbal remarks with sexual connotations, overtones, or innuendo directed to or about a minor
- Carrying any type of weapon on Church property

## **PROCEDURES FOR REPORTING MISCONDUCT TO LAW ENFORCEMENT**

a. Procedures for reporting instances of alleged abuse to law enforcement officials shall be those set forth in South Carolina Code Ann Section 20-7-510, as may be amended. This code Section states as follows:

Persons required or permitted to report; method; confidentiality. [SC ST SEC 20-7-510]

(A) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, or a judge must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 20-7-490.

(B) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity

which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.

- (C) Except as provided in subsection (A), any person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.
- (D) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child lives or is found.

Where reports are made pursuant to this section to a law enforcement agency, the law enforcement agency shall notify the county department of social services of the law enforcement's response to the report at the earliest possible time.

Where a county or contiguous counties have established multicounty child protective services, pursuant to Section 20-7-650, the county department of social services immediately shall transfer reports pursuant to this section to the service.

- E) The identity of the person making a report pursuant to this section must be kept confidential by the agency or department receiving the report and must not be disclosed except as provided for in this chapter.

b. Any person who is required, pursuant to South Carolina Code Ann Section 20-7-510, to report incidents of alleged abuse, must also report such incidents to the Senior Pastor or Assistant Pastor.

c. Any person not included in (a) above, pursuant to South Carolina Code Ann Section 20-7-510, that learns of an incident or misconduct toward a child or youth during a Church sponsored activity (either a

person witnessing or told about the incident, or the victim) may report such incidents to the Senior Pastor, or in the alternative, the Associate Pastor.

## **RESPONSES TO REPORT OF ALLEGED ABUSE**

- A. Upon any staff member becoming aware of any report of alleged abuse, said staff member shall notify the Senior Pastor, or in the alternative, the Associate Pastor, of such report as soon as is practicable.
- B. Anyone accused of abuse will be immediately suspended from further responsibilities involving direct contact with children in any church activity. Such suspension of the accused shall continue until an investigation of the report by law enforcement of alleged abuse has concluded, and it is found that such allegations have no merit.
- C. Upon becoming aware of any report of alleged abuse, the Senior Pastor, or in the alternative, the Associate Pastor, shall as soon as is practicable notify the clerk of Session and the Chairman of the Christian Education Committee of the report of alleged abuse.
- D. As soon as is practicable following the report to the Clerk of Session and the Chairman of the CE Committee as required in subsection 4(c) above, the senior pastor, or in the alternative, the Associate Pastor, along with the Clerk of Session and/or the CE Chairman, shall visit the parents or guardians of the child who is the alleged victim of abuse. Provided, however, that nothing herein shall be deemed to require any member of staff or the church to take any action that would materially interfere with an investigation of any law enforcement agency.
- E. Subject to subsections 4 (f) and 4 (g) below, all reports of alleged abuse shall be treated confidentially and should be discussed with no one except those whom this policy provides are to receive notice.
- F. The Session, in conjunction with the Senior Pastor, or in the alternative, the Associate Pastor, shall determine when and in what manner the congregation shall be informed of an allegation of abuse.

- G. The Session, in consultation with the Senior Pastor, or in the alternative, the Associate Pastor, shall determine when and in what manner the church shall inform its insurance carrier and/or legal counsel of an allegation of abuse.

#### **OTHER LAWS, POLICIES AND PROCEDURES**

- A. Whenever it may appear that this policy is in conflict with a federal, state or local law, such law shall be controlling.
- B. Whenever it may appear that this policy is in conflict with the Book of Order of the Presbyterian Church, U.S.A. said Book of Order shall be controlling.

## **DEFINITIONS**

### **ABUSE:**

**PHYSICAL ABUSE** – is that which results in physical injury, including but not limited to bruises, cuts, welts, fractures, and internal injuries.

**EMOTIONAL ABUSE** – is that which results in impaired psychological growth and development, including belittling, rejection, constant unequal treatment, verbal assaults, excessive demands on child's performance, and isolation from normal social activities.

**SEXUAL ABUSE** – is that which consists of sexual contact or interactions with a child, including physical contact (fondling, genital/oral stimulation, sexual intercourse) and nonphysical contact (exhibitionism, child prostitution, pornography, and voyeurism). The perpetrator may be another juvenile.

**CHILD/YOUTH** – Any person under the age of eighteen years old.

**CHURCH ACTIVITY** – Any activity involving children that is sponsored by the church. A church activity may be held on or off church grounds.

**CERTIFIED AUTHORITY**- The person or organization, who submits, reviews, evaluates and maintains background checks and other paperwork associated with Safe Sanctuary.

**EMPLOYEE OR STAFF MEMBER**- Any person who is employed and/or compensated by the church. Staff member does not include independent contractors. Nothing herein is intended to change the status of any employee or independent contractor as may be established by federal, state, local or common law.

**VOLUNTEER-** Any person who spends at least five hours collectively in a calendar year participating in any ministry of the church involving children or youth without pay, usually members of the church, who work, without pay, with children at church related events

**RED LIGHT/GREEN LIGHT –** A “Red Light” shall be the determination that a prospective child care employee or independent contractor or volunteer having direct contact with children does not meet the Guidelines (or any other internal guidelines or requirements set forth by Fourth Presbyterian Church in the Policy), based on the results of a criminal background check of such person. A “Green Light” shall mean the determination of such a person does meet the Guidelines (or any other internal guidelines or requirements set forth by Fourth Presbyterian Church in the Policy), based on the results of a criminal background check of such person.

**REQUIRED REPORTER-** Any person who observes or hears of sexual abuse or misconduct of children must report such incident to the Senior Pastor or in the alternative, the Associate Pastor.

**I have read and agree to comply with these policies. I also state that I have not been arrested or convicted of a crime as defined in the Policy Statement, or resigned from or been terminated from any position for reasons relating to sexual, physical, mental abuse or misconduct, as defined in the Policy Statement. I hereby agree to authorize any background check Fourth Presbyterian Church may choose to conduct, and to sign any documents necessary to do so.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_