

Protection of Minors Policy 7'6'15

**NEW JERUSALEM EVANGELICAL LUTHERAN CHURCH**

**27 Lyons Road, Fleetwood, PA 19522**

*The Mission Statement of New Jerusalem Evangelical Lutheran Church:*

*We are a group of people who gather together in friendship and love to worship God, to spread God's Word, and to care for God's people.*

**PROTECTION OF MINORS POLICY AND PROCEDURE**

**General Purpose Statement**

New Jerusalem Evangelical Lutheran Church seeks to provide a safe and secure environment for the children and youth who participate in our programs and activities. By implementing the practices listed below, our goal is to protect the children and youth of New Jerusalem Evangelical Lutheran Church from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers from false accusations.

**Definitions**

For purposes of this policy, the terms "child" or "Children", "minor" or "minors" include all persons under the age of eighteen (18) years. The term "worker" includes both paid and volunteer persons who work with children.

A staff person is an employee who is monetarily compensated for his or her position. Staff members over the age of 18 are mandated reporters.

Representatives of the Congregation are staff or adult members of the Congregation Council of New Jerusalem Evangelical Lutheran Church and are mandated reporters.

The Leader/Coordinator of an Activity is an adult volunteer responsible for all minor participants in a particular church activity. All Leaders/Coordinators of An Activity are mandated reporters.

A volunteer who is a minor is of an age 14 to 17 and is not compensated for their time.

An adult volunteer is of age 18 or older, is not compensated for their time, and is a mandated reporter.

An activity with minors is an activity specifically for children and/or youth under the age of 18.

An overnight activity with minors is an overnight activity that includes children and/or youth under the age of 18.

A church or congregational activity is an activity open to the entire congregation. Most or all parents of minor participants are expected to attend the church activity. **Parents bear the responsibility for their children.** If a parent is not attending the activity, the parents must complete a Waiver of Liability.

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Pennsylvania Act 31, requires any individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child to report any reasonable suspicion of child abuse or neglect. This means that all rostered leaders, paid church employees who work with children, and also volunteers over age 18 who work with children in activities and programs are mandated reporters. This would include *ALL* Sunday school teachers, nursery attendants, VBS volunteers, youth group leaders, etc.

Mandatory reporters are those who, when they have reasonable suspicion of child abuse or neglect, are required to immediately call the state ChildLine. After the report is filed with Childline, the mandated reporter “shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.” Since “immediately has not (as of 5/6/15) been defined in state law, the practical guidance offered by The Center for Children’s Justice says that the “practical guidance often provided to mandated reporters is to have a report made to Childline within the same day. (*Children’s Justice and Advocacy Report*) Willful failure to report is punishable by law.

In addition, *all* adults are encouraged to report directly to Childline if they become aware of child abuse or neglect outside congregational activities. (Childline 1.800.932.0313) See below: Responding to Allegations of Abuse of a Minor/Child Abuse.

### **Selection of Workers**

All employees and all persons who desire to work with the children participating in our activities who meet the criteria listed below will be screened.

- Those who participate in activities with minors four or more times from September 1 through August 31 of any given year;
- Those who represent the congregation and/or lead/coordinate some or all of the activity with minors;
- Those who will be involved in overnight activities with minors;

This screening includes the following:

#### **1. Six Month Rule**

No adult volunteer will be considered for any position involving contact with minors until s/he has been involved with New Jerusalem Evangelical Lutheran Church for a minimum of six (6) months with regular attendance and active involvement. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with children.

An adult volunteer who does not meet the six month rule may participate in but not lead/coordinate or represent the congregation.

#### **2. Written Application**

All persons seeking to work with children must complete and sign a written application in a form to be supplied by us. The application will request basic information from the applicant and will inquire into previous experience with children, previous church affiliation, reference and employment information, as well as disclosure of any previous criminal convictions. The application form will be maintained in confidence in a locked file at the church.

### 3. Personal Interview

Upon completion of the application, a face-to-face interview may be scheduled with the applicant to discuss his/her suitability for the position.

### 4. Reference Checks

Before an applicant is permitted to work with children, at least two of the applicants' references will be checked. These references should be of an institutional nature as opposed to personal or family references, and preferably from organizations where the applicant has worked with children in the past. Documentation of the reference checks will be maintained in confidence in a locked file at the church.

### 5. Criminal Background Check

Act 31 requires the following two background clearances for ALL mandated reporters every 36 months.

1. Child Abuse History Clearance Form (CY-113) (\$10) – Obtained from the Department of Human Services.
2. Pennsylvania State Police Request for Criminal Record Check Form (SP4-164) (\$10)

FBI Fingerprint Record Checks are additionally required for all employees (including rostered leaders) and for any volunteers who have not lived in PA for 10 years. The new laws give volunteers until July 1, 2015 to obtain the background checks. Paid employees are required to submit the background checks after Dec. 31, 2014.

The congregation will pay for these clearances.

Before a background check is processed, prospective workers will be asked to sign an authorization form giving permission to the church to request the background check. If an individual declines to sign the authorization form, s/he will be unable to work with children.

If an individual has the original record of their criminal record check and child abuse checks which were performed within the last 12 months, he or she may submit that in place of a background check. A copy will be made and kept in confidence in a locked files of the church.

Background checks will be considered valid for three years, providing the person who has been cleared has continued to be active in the congregation.

The decision about what constitutes a disqualifying offense that will keep an individual from working with children will be made by Pastor and/or the President of the Congregation Council on a case-by-case basis using the guidelines for the State of Pennsylvania and in light of all circumstances, timeframe, and patterns, if any.

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While we confess that we are all sinners and, when repentant, are forgiven by God, a person may be denied any paid employment or volunteer work with minors if he or she has ever been convicted of or pled guilty to any of the offenses listed below. These include convictions which disqualify an individual from work with minors in the Commonwealth of Pennsylvania (Reference: Section 6344 of the Child Protective Service Law).

In general, convictions for an offense involving children and/or for offenses involving violence, dishonesty, illegal substances, indecency and any conduct contrary to our mission will preclude someone from being permitted to work with children. (Our current mission statement is stated as an Addendum to this document.) Failure to disclose a criminal conviction on the application form will also be a disqualifying event.

Specific attention will be paid to the following:

1. **Failure to disclose criminal history.** This includes convictions and deferred adjudication (sentencing). False statements are subject to immediate termination of work or volunteering at New Jerusalem Evangelical Lutheran Church and to the penalties of 18Pa.C>S>A 4904, relating to unsworn falsification to authorities.
2. **Probation.** This will be considered if the applicant is currently or has been on probation for a crime.
3. **Pending charges.** Even if the court has not heard the charge, an applicant is expected to disclose any pending charges. If there are pending charges of any of the items listed below, approval for employment or volunteer work with minors will be deferred until the charges are upheld or cleared.
4. **Adjudicated Cases.** Whether the applicant has been convicted or sentenced for any of the following offenses (ex: disqualifying offenses from PA statute):
  - a.) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
    - Chapter 25 (relating to criminal homicide, capital murder or murder).
      - Voluntary or involuntary manslaughter.
    - Section 2702 (relating to aggravated assault or assault with a deadly weapon).
    - Section 2709.1 (relating to stalking or harassment).
    - Section 2901 (relating to kidnapping).
    - Section 2902 (relating to unlawful restraint).
    - Section 3121 (relating to rape).
    - Section 3122.1 (relating to statutory sexual assault).
    - Section 3123 (relating to involuntary deviate sexual intercourse).
    - Section 3124.1 (relating to sexual assault).
    - Section 3125 (relating to aggravated indecent assault).
    - Section 3126 (relating to indecent assault).
    - Section 3127 (relating to indecent exposure or public lewdness or indecency with a child).

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Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering or injuring the welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors, including child prostitution & child pornography.)

Section 6312 (relating to sexual abuse of children).

b.) An offense designated as a felony under the act Act 64-1972 (relating to controlled substance, drug device and cosmetic act) committed within the past five years.

c.) An out-of-State or Federal offense similar in nature to those crimes listed in Clauses (a) and (b).

Once the background check is completed and reviewed concerning a prospective staff or volunteer of New Jerusalem Evangelical Lutheran Church has the right to decide whether or not it will hire, call or confirm the volunteering of the applicant.

Applicants will be notified in writing if any deferral or denial of employment or volunteer service is based entirely or in part on any of the background check information.

### **Maintenance of Confidentiality**

The Pastor and/or a person designated by the Mutual Ministry/Staff Support Committee will process the background check. They may consult with each other on questionable reports, but all info will be kept confidential.

All hiring, calling or volunteering of an individual is done at the discretion of New Jerusalem Evangelical Lutheran Church but should not be completed until all of the facts are known about the applicant. The Background Investigation Consent Form, background checks, records, and results will be maintained in confidence on file in a locked cabinet at New Jerusalem Evangelical Lutheran Church.

### **Policies Regarding Drivers of Minors for Church Activities**

When children are transported for a church activity, unless they are driving with their parents, there will be 2 adults in each vehicle, at least one of whom has been cleared. Those who are one-time volunteers do not need a background check.

All drivers must be 21 or older and submit proof of auto insurance. Each driver will complete the Driver's Covenant specifying how they comply with our safety requirements. A seatbelt will be provided for and used by each person in the vehicle.

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The congregation understands that adoption of this policy will result in fewer children in each car, that, on occasion, leaders will need to be more assertive in finding more adults to travel in cars, and that congregation members and friends must volunteer more often.

### **Christian Conduct**

Just as Jesus did, minors and adults alike will treat other people with respect and love. They will love and respect themselves as well. They will not for any reason strike anyone or abuse anyone verbally or physically. They will not misuse drugs or alcohol or use illegal drugs.

It is the policy of New Jerusalem Lutheran Church to not administer corporal punishment, even if parents have suggested or given permission for it. There will be no spanking, hitting or other physical discipline of minors. There will be no grabbing of a minor except in the rare instance when it is necessary to do so to ensure someone's safety. Staff or adult volunteers should consult with the person in charge of the activity if assistance is needed with disciplinary issues. Verbal harassment or threats are not to be tolerated.

### **Illegal Drugs, Alcohol, Tobacco, Weapons**

Possession or use of any kind of illegal drugs or alcohol by any person is strictly prohibited on church property or during any church activity. All weapons, knives, firearms, laser pointers or fireworks are strictly prohibited. The use of tobacco products is prohibited by minors and only permitted outside by adults. Adults are to be aware that even second hand smoke is harmful. An exception to the policy on use of knives and bow and arrows is made when a scout leader has given permission to an individual scout and is supervising the use of the knife or bow and arrow.

### **Two Adult Rule**

It is our goal that a minimum of two adult workers will be in attendance at all times when minors are present. It is suggested that four adults be present at every event so that in the event of any emergency, two adults would be able to handle the emergency and two adults would stay with the rest of the group. Some classes of minors may have only one adult teacher in attendance during a session. In these instances, at least one other cleared adult must be present in the nearby vicinity, doors to the classroom are to remain open and there should be no fewer than two students with the adult teacher. Minors are not permitted to be alone with one adult on our premises or in any sponsored activity unless in a counseling or teaching situation and then only if there is another adult present nearby who is alerted to the counseling or teaching activity.

### **Volunteers Who are Minors**

We recognize that there may be times when it is necessary or desirable for babysitters (paid or volunteer) who are under age 18 to assist in caring for minors during activities. The following guidelines apply to such volunteers:

- Volunteers who are minors must be at least age 14.
- Must be screened as specified above.
- Volunteers who are minors must be under the supervision of an adult and must never be left alone with children

### **Open Door Policy**

Doors should remain open unless there is a window in the door or beside the door with a clear view into the room. Doors should never be locked while people are inside the room.

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### **Restroom Guidelines**

Parents are strongly encouraged to have their minor visit the bathroom prior to class or an activity and/or accompany their child(ren) to the bathroom.

Staff or adult volunteers should escort minors through grade two to the hallway of the bathroom. The staff or adult volunteer should check the bathroom first to make sure that it is empty, then allow the minor inside. The staff or adult volunteer should then remain outside the bathroom door and escort the minor back to the classroom.

If a minor is taking longer than seems necessary, the staff or adult volunteers should open the exterior bathroom door and call the minor's name. If a minor requires assistance, the staff or adult volunteers should prop open the bathroom door and leave the stall door open as he/she assists the minor.

If when the adult accompanies a minor to the bathroom, there is an adult inside, then the person accompanying the child will step inside the bathroom so that there are 2 adults present.

For the protection of all, staff or adult volunteer should *never* be alone with a minor in a bathroom with the door closed and never be in a closed bathroom stall with a minor.

### **Annual Permission Form for Minors**

At the beginning of the activity / Sunday School year (September) or whenever new children come to our programs, parents must complete and submit the Annual Permission Form for Minors. This form must be submitted at least one week in advance of activity to the staff or designated leader/coordinator or representative of the congregation, so that adequate time is available to review medical conditions and develop an emergency plan of action. This form will include the names of those authorized to pick up the child from Sunday School or any activity as well as allergy and medical information.

### **Check-in/Check-out Procedure**

For children below third grade, a security check-in/check-out procedure will be followed.

As stated above, the persons who are permitted to pick up a child will be listed on the Annual Permission Form for Minors. If there is a change in who is permitted to pick up a child, the leader of the activity must be notified in writing. For children grade four and older, a parent may indicate on the Annual Permission Form for Minors that his/her child is permitted to leave Sunday School independently. If an unauthorized person arrives to pick up a minor, the teacher or adult leader will remain at the church activity until the parent arrives. The minor will not be released to an unauthorized person.

Any person authorized to pick up children under age 12 a parent is to come into the building to get his or her child(ren) and must let the leader/coordinator/teacher know when he or she is leaving with his or her child(ren).

For larger activities, such as parties in the fellowship hall, all parents must come into the area to pick up their children.

Adults present at an activity are to make sure that at least two adults will be present until all minors have been picked up. At no time is one adult to be left alone in a building or at an activity site with any minors. Adults leading/coordinating or representing the congregation in an activity are not to leave the classroom, church facility, or activity site until all minors (ages 0-17) have been picked up.

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### **Sick Policy**

It is our desire to provide a healthy and safe environment for all people involved with activities at New Jerusalem Lutheran Church. Parents are encouraged to be considerate of other individuals when deciding if a sick child should participate in an activity. Minors who are observed by our staff or adult volunteers to be ill will be separated from other minors and the parent or guardian will be contacted to request that the minor be picked up from the activity.

### **Medications Policy**

It is the policy of New Jerusalem Evangelical Lutheran Church to not administer either prescription or non-prescription medications to the children under our care. Medications should be administered by a parent at home. Parents are reminded of our sick child policy.

Exceptions to the medications policy may be granted to parents of children with potentially life-threatening conditions such as asthma, diabetes, or severe allergic reactions. Parents of such children should address their situation with the head of the Christian Ed Committee or the pastor, indicate the needed medications on the Medical and Allergy Information section of the Annual Permission Form for Minors, and make sure this form has been filled out and signed. (The Annual Permission Form for Minors is stated as an Addendum to this document.)

For overnight events, medications may be administered by a medically trained person, designated adult, parent or guardian of a minor. A minor may administer his or her own prescription medications or over the counter medications only with the consent of his or her parent and the staff for the event. All medications, prescription or over the counter, will be kept in a secure place by the adult in charge of medications so that minors will not have direct access to medications. Every effort will be made to keep medical information and medical forms confidential.

If, for whatever reason, a minor or parent or guardian of a minor is not able to administer a medication needed by the minor; the staff or designated leader/coordinator or representative of the congregation for an activity has the right to decline responsibility for administering the medication and to limit the participation of the minor.

The Annual Permission Form for Minors must be completed and submitted one week in advance of activity to the staff or designated leader/coordinator or representative of the congregation, so that adequate time is available to review medical conditions and develop an emergency plan of action.

A well-equipped and fully stocked First Aid Kit will be available and maintained at all on site church activities, activities with youth, and overnight events.

### **Accidental Injuries to Minors**

In the event that a minor is injured while under our care, the following steps should be followed:

1. For minor injuries, scrapes, and bruises, staff or adult volunteers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the minor's parent(s) or guardian of the injury.
2. For injuries requiring medical treatment beyond simple First Aid the parent and/or guardian will immediately be summoned. If warranted by circumstances, an ambulance will be called.



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3. Once the minor has received appropriate medical attention, if the injury has required more than a band aid, a report of the incident will be completed.
4. One copy of the incident report will be given to the parent and/or guardian, and another to the representative of the congregation or leader/coordinator of the activity, who will file the incident report.
5. A written report of any incident requiring attendance by a medical professional will also be given to the Pastor and/or the Congregation Council President.

### Training

New Jerusalem Evangelical Lutheran Church will provide training on this Protection of Minors Policy to all new staff and adult volunteers who will care for minors and will strive to provide opportunities for additional training classes or events on an annual basis. All staff and representatives of the congregation are required to complete an initial training, including a review of the current state law concerning reporting child abuse. Adult leaders/coordinators are strongly encouraged to attend the additional training events. All staff and adult volunteers working with children will be required to sign the Adult Compliance Form, acknowledging that he or she has received this Policy, will abide by this Policy, and be held accountable to this Policy.

### Responding to Allegations of Abuse of a Minor/Child Abuse

For purposes of this policy, “abuse of a minor” or “child abuse” is any action (or lack of action) which endangers or harms a child’s physical, psychological or emotional health and development. Child abuse occurs in different ways and may include any of the following:

- **Physical abuse** – any physical injury to a child which is not accidental, such as beating, shaking, burns, and biting;
- **Emotional abuse** – emotional injury when the child is not nurtured or provided with love and security, such as an environment of constant criticism, belittling and persistent teasing, bullying;
- **Sexual abuse** – any sexual activity between a minor and an adult or between a minor and another minor at least four years older than the victim, including activities such as fondling, exhibitionism, intercourse, incest, and pornography.
- **Neglect** – depriving a minor of his or her essential needs, such as adequate food, water, shelter, and medical care.

*All forms of sexual misbehavior by clergy and lay leaders with church members are unacceptable within the life of the church. The church should be a safe place where people can worship, learn, work, love, and receive care in a manner that is free from sexual misconduct.*

ELCA

Staff or adult volunteers interacting with minors may have the opportunity to become aware of abuse or neglect of the children under their care. In the event that an individual involved in the care of children at this church becomes aware of suspected abuse or neglect of a child under his/her care, this should be reported immediately to ChildLine and then to the staff person, representative of the congregation, or lay leader in charge of the activity and/or the pastor for further action including reporting to authorities as may be mandated by state law. In every event the pastor is to be notified immediately. If the pastor is not available, the president of the congregational council is to be notified.

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1. In the event that an incident of abuse or neglect is alleged to have occurred at New Jerusalem or during our sponsored programs or activities, the following procedure shall be followed:

- a. The mandated reporter will immediately report the suspected child abuse to ChildLine (800.932.0131) and then to the pastor, or, if the pastor is not available, to the president of the congregation council.
- b. The mandated reporter will complete the PA State Form CY-47, Report of Suspected Child Abuse, within 48 hours and send the report to Children & Youth Services. A copy of the form will be given to the pastor.
- c. The parent(s) or guardian of the minor will be notified. If possible the pastor or president of the congregation will do the notification.
- d. New Jerusalem Evangelical Lutheran Church's legal counsel and insurance company agent will be notified.
- e. The incident will be kept confidential for the sake of all the parties.
- f. Unless deemed necessary by the pastor or senior officer of Congregation Council, the person alleged to be the perpetrator of the abuse or misconduct will **not** be notified by the mandated reporter or anyone else because it would interfere with the investigation.
- g. The PA authorities will contact the alleged perpetrator and carry out the investigation.
- h. Any person accused of an incident will be temporarily placed on administrative leave or removed from all positions of contact with minors until the allegations are dismissed. The pastor, or in the pastor's absence, the president of the congregation will handle this placement or removal. The PA authorities will contact the alleged perpetrator and carry out the investigation.
- i. If the alleged perpetrator is a rostered leader (pastor, associate in ministry, diaconal minister, deaconess) of the ELCA, the NEPA Synod bishop must be contacted. An incident report will be completed.
- j. The congregation will cooperate with any investigation of the incident by state or local authorities. In the event there is no investigation of the incident by state or local authorities, a team from New Jerusalem Lutheran Church will be formed by the pastor and Congregation President to review the incident. The team will consult with the pastor and/or Congregation Council President, with the church's legal counsel and the church's insurance company agent .
- k. Any person who is found guilty of the alleged abuse or misconduct will be removed from their position with minors.

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l. The Pastor and/or the Congregation Council President will be the spokesperson(s) to the media concerning incidents of abuse or neglect, unless he or she is alleged to be involved. All other staff or adult volunteers or other persons involved should refrain from speaking to the media or discussing the incident. If asked, they will respond, "no comment."

m. A pastoral visit will be arranged for those who may desire it.

n. It is affirmed and expected that persons who report harassment or misconduct will not be retaliated against, that everyone with knowledge of alleged wrongs is expected to come forward, and that persons who give false information and/or reports will be disciplined.

**NEED TO ADD:**