



SafeChurch®

Child Abuse Prevention Resources Packet Contents

With allegations of sexual misconduct within the church community continuing to rise, GuideOne Insurance has found it necessary to require some minimum requirements to be in place to help reduce the risk of sexual misconduct within your organization.

With that in mind, we have compiled the following quick links to GuideOne resources that were developed to help you reduce the likelihood of a sexual misconduct occurrence at your organization. It is our hope that you will use these documents to create your own packet of resources that can help you avoid the difficult situation brought on by this type of claim.

Contents

1. [Preventing Sexual Misconduct](#)
(PDF) This overview reference includes statistics, loss trends, and prevention procedures.
2. [Child Protection Policy Sample](#)
This Word document includes policies and procedures for sexual misconduct prevention and response that you can customize for your organization.
3. [Child/Youth Worker Application Form Sample](#)
Use this sample form (Word document) to create a customized application for gathering information from individuals who will be working with children in your organization.
4. [Documentation of Reference Check](#)
Use this sample form (Word document) to create a customized reference check for individuals who will be working with children in your organization.
5. [Responding to an Allegation of Child Sexual Abuse](#)
(PDF) This reference offers suggestions for a planned response to allegations.
6. [Incident Report Sample](#)
This resource contains instructions for documenting an incident/allegation involving a child, a sample form (Word) for documenting the incident, and a form to use for witnesses to report what they observed.

(Updated 05.06.13)



© 2013 GuideOne Center for Risk Management, LLC. All rights reserved.

This material is for information only and is not intended to provide legal or professional advice. You are encouraged to consult with your own attorney or other expert consultants for a professional opinion specific to your situation.



SafeChurch® Preventing Sexual Misconduct

Hopefully, your organization will never have to face the financial and emotional devastation of sexual misconduct. But instead of relying upon hope and trust, there are a number of proactive measures and programs that every organization can implement to help prevent sexual misconduct from occurring and minimize the risks associated with an incident.

Obviously, the effects of sexual misconduct can devastate the victim and the victim's family. But the damage does not stop there. Just one incident of sexual misconduct can destroy the trust, credibility, and reputation of an organization for years. Adding further pain to an incident of sexual misconduct are the legal costs of a lawsuit, which can ruin an organization financially.

Please continue reading below to find more information related to sexual misconduct and to learn more about effective sexual misconduct prevention procedures.

Sexual Misconduct Statistics

While statistical information regarding child sexual abuse varies substantially, here are a number of dramatic findings from government and other authorities:

- Approximately 770,000 incidents of child abuse are reported per year, with 10 percent of those being sexual abuse.
- It is believed that less than 10 percent of sexual abuse cases are ever reported to authorities, so the actual incidence of sexual abuse each year is much greater than reported.
- The most common abusers of children are acquaintances of their victims.
- Sexual abuse occurs among all groups of society, in rural and metro areas, and regardless of race, education, or socioeconomic status.
- Child advocates commonly claim that one in four girls and one in seven boys are sexually molested before their 18th birthday.

GuideOne Insurance claims statistics are also startling:

- There are 10 to 15 new claims of sexual misconduct per month.
- Approximately 150 sexual misconduct claims are pending at any one time.

The following loss statistics are further alarming:

- The Catholic Church of America has paid more than \$2.6 billion dollars in child abuse claims (*The Washington Post*).
- In a 2011 Oregon lawsuit, more than 500 victims were awarded \$166 million dollars for abuse inflicted by priests (*The New York Times*).



Sexual Misconduct Prevention Procedures

Every organization that works with the public should have an official policy in place to help prevent sexual misconduct before it occurs. The following preventive measures are general guidelines only.

1. Screen employees and volunteers.
2. Establish organizational policies and procedures.
3. Educate staff, children, and parents.
4. Develop the best program for your organization.

1. Carefully Screen Employees and Volunteers

The first step in preventing sexual misconduct is to thoroughly screen the backgrounds of employees and volunteers. Legitimate workers will not be offended, and the process often scares off unwanted individuals. To screen staff members, organizations can take the following actions:

- ❑ Complete a criminal record background check.
GuideOne's preferred provider can help facilitate this important step. Visit SafeChurch.com and click the Background Checks tab to learn more. All employees and volunteers should sign an authorization form allowing criminal background checks to be completed.
- ❑ Require individuals to complete a screening application.
The screening application asks about previous employment, experience with children, references, criminal record information, and other pertinent details.
- ❑ Diligently verify all information provided.
Reference checks should include contacting, at a minimum, two institutional type references in which the applicant has worked or volunteered with minors in the past (for example, scouts and other churches).
- ❑ Resolve any irregularities before a candidate begins work.

2. Establish Organizational Policies and Procedures

As a second line of defense, organizations should establish written policies and procedures for its employees and volunteers. Once policies and procedures are established, they must be communicated effectively to the staff, and the rules have to be consistently enforced. Here are several examples:

- ❑ Include a procedure in which you ask if the employee or volunteer has ever been accused of, participated in, or been convicted of sexual misconduct.
- ❑ Have documented procedures in place on how to respond to a sexual misconduct allegation.
- ❑ Require six months of service before a volunteer has direct involvement with or supervises children.
- ❑ Include the proper ratio of adults to children. Require a minimum of two, non-related adults to be present with children at all times.

- ❑ Hold all activities for children in central, highly visible locations.
- ❑ Do not allow activities to take place in private rooms, offices or isolated parts of a building. Keep all remote areas, such as closets and unoccupied rooms, locked.
- ❑ Have a responsible supervisor randomly monitor all children's activities. Supervisors should make frequent, unannounced visits.
- ❑ Establish an action plan for suspicious behavior and to report complaints.
- ❑ Establish counseling guidelines for ministers and staff members.
- ❑ Have windows installed on doors where activities and meetings take place, or leave doors open if there are no windows present.

3. Educate Staff, Children, and Parents

An educational program offers your organization a third important line of defense against sexual misconduct. Education can be targeted toward employees, volunteers, parents and children to help everyone identify and avoid potentially dangerous situations. Effective education can include courses such as the following:

- **Training courses for all staff members** — All employees and volunteers should complete an initial training course on how to properly work with children and adolescents. This course should be repeated periodically.
 - ❑ Document records of attendance.
 - ❑ Have a written disciplinary policy.
 - ❑ Research and train on your state procedures about reporting sexual abuse claims.
- **Safety courses for children and parents** — Children can be taught to understand the difference between good touching and bad touching. And parents can learn about the organization's policies to prevent sexual misconduct.

4. Develop the Best Prevention Program for Your Organization

Through effective employee and volunteering screening, internal policies and procedures, and education, your staff can develop or further enhance its sexual misconduct risk management program to address the organization's specific needs. As a result, the entire organization and everyone it serves will be even safer from the nightmare of sexual misconduct.

For additional details about sexual misconduct prevention

- ❑ Consult with an attorney.
- ❑ Become familiar with state laws.
- ❑ Talk with a GuideOne Risk Management Specialist.
- ❑ Contact one of the many public agencies dedicated to stopping sexual abuse.
- ❑ If needed, add additional liability insurance coverage to your organizations' current policy. This can help protect an organization from legal liability, including defense costs, arising from sexual misconduct by staff members or volunteers.

(Updated 07.01.2013)

© 2013 GuideOne Center for Risk Management, LLC. All rights reserved.

This material is for information only and is not intended to provide legal or professional advice. You are encouraged to consult with your own attorney or other expert consultants for a professional opinion specific to your situation.



General Purpose Statement

_____ seeks to provide a safe and secure environment for the children who participate in our programs and activities. By implementing the below practices, our goal is to protect the children of _____ from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers (workers) from false accusations.

Definitions

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

Selection of Workers

All persons who desire to work with the children participating in our programs and activities will be screened. This screening includes the following:

a) **Six Month Rule**

No applicant will be considered for any position involving contact with minors until she/he has been involved with _____ for a minimum of six (6) months. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with children.

b) **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 _____ affiliation, reference and employment information, as well as disclosure of any previous criminal convictions. The application form will be maintained in confidence on file at the _____.

c) **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.

d) **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, preferably from organizations where the applicant has worked with children in the past. Documentation of the reference checks will be maintained in confidence on file at _____.

e) **Criminal Background Check**

A national criminal background check is required for all employees (regardless of position) and for the following categories of volunteers:

- Those who will be involved in our school/preschool/daycare center;
- Those who will be involved in overnight activities with children;
- Those counseling children;
- Those involved in one-on-one mentorship of children; and
- Those having occasional one-on-one contact with children (such as, church/temple sponsored athletic team coaches and vehicle drivers).

Before a background check is run, prospective workers will be asked to sign an authorization form allowing the church/synagogue/meeting to run the check. If an individual declines to sign the authorization form, s/he will be unable to work with children.

What constitutes a disqualifying offense that will keep an individual from working with children will be determined by _____ on a case-by-case basis in light of all the surrounding circumstances. Generally, 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. Failure to disclose a criminal conviction on the application form will also be a disqualifying event.

The background check authorization form and results will be maintained in confidence on file at the _____.

Two Adult Rule

It is our goal that a minimum of two unrelated adult workers will be in attendance at all times when children are being supervised during our programs and activities. Some youth classes may have only one adult teacher in attendance during the class session; in these instances, doors to the classroom should remain open and there should be no fewer than three students with the adult teacher. We do not allow minors to be alone with one adult on our premises or in any sponsored activity unless in a counseling situation.

Responding to Allegations of Child Abuse

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

- **Physical abuse** – any physical injury to a child that 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.
- **Sexual abuse** – any sexual activity between a child and an adult or between a child and another child at least four years older than the victim, including activities such as fondling, exhibitionism, intercourse, incest, and pornography.
- **Neglect** – depriving a child of his or her essential needs, such as adequate food, water, shelter, and medical care.

Childcare workers may have the opportunity to become aware of abuse or neglect of the children under our care. In the event that an individual involved in the care of children at this _____ becomes aware of suspected abuse or neglect of a child under his/her care, this should be reported immediately to the _____ for further action including reporting to authorities as may be mandated by state law.

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

1. The parent or guardian of the child will be notified.
2. The worker alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children pending an investigation and instructed to remain away from the premises during the investigation.
3. Civil authorities will be notified, and the _____ will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists. The _____ will fully cooperate with the investigation of the incident by civil authorities.
4. Our insurance company will be notified, and we will complete an incident report. Any documents received relating to the incident and/or allegations will immediately be forwarded to the insurance company.
5. _____ will be our spokesperson to the media concerning incidents of abuse or neglect, unless he or she is alleged to be involved. We will seek the advice of legal counsel before responding to media inquiries or releasing information to the congregation. All other representatives of the church should refrain from speaking to the media.
6. A pastoral visit will be arranged for those who desire it.
7. Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position working with children or youth.

You May Also Want to Consider the Following Provisions Regarding Child Protection

Open Door Policy

Classroom doors should remain open unless there is a window in the door or a side window beside it. Doors should never be locked while persons are inside the room.

Teenage Workers

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

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

Check-in/Check-out Procedure

For children below third grade, a security check-in/check-out procedure will be followed. The child will be signed in by a parent or guardian, who will receive a “child check” for the child similar to a claim check. The parent or guardian must present the “child check” in order to sign out the child from our care. In the event that a parent or guardian is unable to present the “child check,” _____ will be contacted.

_____ will be responsible for releasing the child to the care of a parent or guardian after discussing the surrounding circumstances with the parent or guardian.

Sick Child Policy

It is our desire to provide a healthy and safe environment for all of the children at _____. Parents are encouraged to be considerate of other children when deciding whether to place a child under our care. In general, children with the following symptoms should NOT be dropped off:

- Fever, diarrhea, or vomiting within the last 48 hours
- Green or yellow runny nose
- Eye or skin infections
- Other symptoms of communicable or infectious disease

Children who are observed by our workers to be ill will be separated from other children and the parent or guardian will be contacted to request that the child be picked up for the day.

Medications Policy

It is the policy of _____ not to 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 or severe allergic reactions). Parents of such children should address their situation with _____ to develop a plan of action.

Discipline Policy

It is the policy of _____ not to administer corporal punishment, even if parents have suggested or given permission for it. There should be no spanking, grabbing, hitting, or other physical discipline of children. Workers should consult with _____ if assistance is needed with disciplinary issues.

Restroom Guidelines

Children five years of age and younger should use a classroom bathroom if one is available. If a classroom bathroom is not available, workers should escort a group of children to the hallway bathroom. They should always go in a group, never taking a child to the bathroom alone. The workers should check the bathroom first to make sure that it is empty, and then allow the children inside. The workers should then remain outside the bathroom door and escort the children back to the classroom. If a child is taking longer than seems necessary, the worker should open the bathroom door and call the child's name. If a child requires assistance, the workers should prop open the bathroom door, and leave the stall door open as they assist the child.

For children over the age of five, at least one adult male should take boys to the restroom and at least one adult female should take girls. The worker should check the bathroom first to make sure that the bathroom is empty, and then allow the children inside. The worker should then remain outside the bathroom door and escort the children back to the classroom.

For the protection of all, workers should *never* be alone with a child in a bathroom with the door closed and never be in a closed bathroom stall with a child. Parents are strongly encouraged to have their children visit the bathroom prior to each class.

Accidental Injuries to Children

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

1. For minor injuries, scrapes, and bruises, workers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the child's parent or guardian of the injury at the time the child is picked up from our care.
2. For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be summoned in addition to the worker's supervisor. If warranted by circumstances, an ambulance will be called.
3. Once the child has received appropriate medical attention, an incident report will be completed in the case of injuries requiring treatment by a medical professional.

Training

_____ will provide training on this child protection policy to all new childcare workers and will strive to provide opportunities for additional training classes or events on an annual basis. All workers are strongly encouraged to attend these training events.



SafeChurch®

Child/Youth Worker Application Form Sample

It is the goal of this church to create a safe and secure environment for all children and workers who are involved in church activities. To facilitate this emphasis, it is necessary to gather pertinent information from those who desire employment or offer volunteer services to our children and youth program. This information will be used for the sole purpose of helping the church provide a safe and secure environment for children and workers.

Name: _____ Date: _____

Date of birth: _____ Social Security No.: _____

Have you ever used name(s) other than the one above? If yes, please list:

Current street address: _____

City, State, Zip: _____ Years at address: _____

Previous address: _____

Current phone number (Home): _____ (Work): _____

Please respond to all questions below that apply to the position for which you are applying/volunteering.

Position applying/volunteering for: _____

When are you available to work? _____

Do you have a valid driver's license? _____ Commercial license? _____

License number: _____ State issued: _____

Current employer: _____ Length of employment: _____

Name of supervisor: _____ Phone number: _____

Previous employers (within last five years):

Employer: _____ Dates employed: _____

Employer: _____ Dates employed: _____

Employer: _____ Dates employed: _____

Employer: _____ Dates employed: _____

Employer: _____ Dates employed: _____

Employer: _____ Dates employed: _____

Is there any reason you should NOT work with or around children or youth? _____

Have you ever been the subject of a child abuse investigation? _____

If yes, please provide details: _____

Have you ever been convicted of or pleaded guilty to a criminal offense? _____

If yes, please provide details: _____

Please list your education background:

	Name	Graduate?	Year	Degree or course of study
High School:	_____	_____	_____	_____
College:	_____	_____	_____	_____
Other:	_____	_____	_____	_____

Please provide the following church information:

What, if any, church affiliation do you have? _____

How long have you attended that church? _____ Are you a member? _____

List other churches with which you have been affiliated: _____

Have you ever worked with youth or children? _____ List where: _____

Please list two references (must be of a business or organizational nature):

Name: _____ Phone: _____

Address: _____ Years known each other: _____

Name: _____ Phone: _____

Address: _____ Years known each other: _____

I hereby give permission to make a thorough investigation of my past employment, education, and background, and release from liability all persons, companies, or corporations supplying such information. I also release the church from any liability that might result from making such an investigation. I understand that any false statements or implications made by me on this application or other required documentation shall be considered sufficient cause for denial of employment or discharge.

Signature: _____ Date: _____



SafeChurch®

Documentation of Reference Check

Youth/Children Worker or Volunteer

Applicant Name: _____

Reference Name: _____

Date of Contact: _____

Method of Contact and Contact Information:

Telephone: _____

E-mail: _____

Other: _____

Reference Check Type (check one):

Former Employer

Personal

Former Volunteer

Other Organization (please specify): _____

How long have you know the applicant? Under which circumstances?

What is your knowledge of this person's work with children/youth?

How would you describe this person's manner of interacting with children/youth?

Based on your observation, is this person reliable and dependable?

Would you feel comfortable with this person being alone with a small group of children/youth for a period of time? Why or why not?

Do you have any concerns we should know about regarding this person's ability to work with children/youth?

Were you ever made aware of circumstances in which this person's care of children/youth was called into question or criticized? If yes, please describe the circumstances.

Were you ever made aware of any criminal or civil investigations or actions taken against this person? If yes, please describe the circumstances.

Do you recommend this person to work with children/youth? Why or why not?

Is this person eligible to work with your organization's children again in the future? If no, why not?

Additional notes or comments:

Signed (person checking reference): _____

Printed Name: _____ Date: _____



SafeChurch®

Responding to an Allegation of Child Sexual Abuse

Many churches and religious organizations have never had a serious claim, legal concern or allegation of inappropriate sexual conduct. However, when an organization finds itself on the receiving end of either of these situations, it's helpful to know what to do. Responding correctly and in a timely manner can often reduce or eliminate the concern. Even if it does not, a proper and planned response can save the church thousands of dollars and protect the vitality of its ministries.

Should a misconduct claim or allegation take place, the following steps will assist you in responding in an appropriate way that will not only respect the victim and accused, but your organization as well.

- The parent or guardian of the child will be notified.
- The worker alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave pending an investigation and instructed to remain away from the premises during the investigation.
- Civil authorities will be notified, and the organization will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists.* The organization will fully cooperate with the investigation of the incident by civil authorities.
- The insurance company will be notified, and the organization will complete an incident report. Any documents received relating to the incident and/or allegations will immediately be forwarded to the insurance company.
- The organization will designate a spokesperson to the media concerning incidents of abuse or neglect. The advice of legal counsel will be sought before responding to media inquiries or releasing information to the congregation. All other representatives of the church should refrain from speaking to the media.
- A pastoral visit will be arranged for those who desire it.
- Any person who is not found innocent of the alleged abuse or misconduct will be removed from their position working with children or youth.

By planning ahead and having the above information readily available, you may be able to limit the severity of an allegation or claim, while safeguarding the resources and people that have been entrusted to your care.

*Information on reporting abuse in each state may be found at the following website link provided by the U.S. Department of Health and Human Services:

http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=11-11172



© 2011 GuideOne Center for Risk Management, LLC. All rights reserved.

This material is for information only and is not intended to provide legal or professional advice. You are encouraged to consult with your own attorney or other expert consultants for a professional opinion specific to your situation.



SafeChurch® Sample Incident Report

Instructions

Complete this report under any of the following situations:

- A. A child becomes ill or receives an injury that requires First Aid or medical treatment while in your care;
- B. A child receives a bump or blow to the head or other visible injury regardless of treatment;
- C. A child is transported by ambulance from your facility;
- D. An unusual or unexpected incident occurs that jeopardizes the safety of a child, such as a child left unattended, there is a vehicle accident (with or without injuries), or a child is exposed to a threatening person or situation;
- E. There is an allegation or reasonable suspicion of abuse of a child.
Important: Consult your state's mandatory reporting requirements for further information on abuse reporting; OR
- F. As otherwise required by any state licensing or other authority, such as childcare or daycare licensing. .

Date of Incident:	Time of Incident:
Name and Approximate Age of Child Involved (One Report per Child):	
Contact Information for Child Involved:	
Parent/Guardian: _____	
Address: _____	
Telephone: _____ Email: _____	
Nature of Injury/Incident:	
Location of Incident:	
Description of Incident:	

Was the above information:

Reported to you by someone else? If so, who: _____

OR

Directly observed/witnessed by you?

Action(s) Taken: (Check all that apply.)

Provided First Aid What/When _____

Call placed to 911 By Whom _____

Taken to hospital By Whom _____

Notified Parent/Guardian Who/When: _____

Notified Church Official Who/When: _____

Notified Authorities Who/When: _____

Other _____

Witnesses to Incident:

Name: _____

Address: _____

Telephone: _____

Email: _____

Name: _____

Address: _____

Telephone: _____

Email: _____

Printed Name of Person Completing This Report: _____

Position at the Organization: _____

Address: _____

Telephone: _____ Email: _____

Signature: _____ Date: _____

Signature of Church Official: _____ Date: _____

WITNESS REPORT

Name: _____

Address: _____

Telephone Numbers:
Home: _____ Work: _____

Cell: _____ Email: _____

Date/Time of Incident: _____

Fully Describe What You Observed:
Anyone else you know who may have witnessed the incident?
Name: _____
Address: _____
Telephone: _____ Email: _____

Printed Name of Witness: _____
Signature: _____
Date Signed: _____



Background Checks: How to Perform a Check and Use the Results

Anytime a child is violated, shock, horror, and blame follow. When such an incident happens while that child is in the care of a church or religious organization, the impact to both the victim and the organization can be emotionally, financially, and legally devastating.

Due to the emotion surrounding such crimes and the unfavorable publicity for religious organizations, it is recommended, and in many cases required, that every organization have a written and followed plan that calls for background checks. These checks should be conducted on every employee and volunteer who works with, or has contact with children or youth. The purpose of background checks is to protect children and youth who are entrusted to your care and to preserve the mission and ministry of the organization.

Process for Conducting Background Checks

Prior to conducting a background check, written permission must be obtained from the prospective employee or volunteer. Then, local and national organizations that conduct background checks should be contacted.

SafeChurch's chosen provider of background checks is SingleSource Services which has negotiated low-cost background checks.

By using SingleSource Services for all your background checks, your church has access to cost effective, easy-to-access, and timely searches.

SingleSource Services offers many different checks, including multi-state, state criminal, state sexual offender, employment, and motor vehicle checks to name a few. For complete screening information, go to the SafeChurch Home page; and select Background Checks. You will find all the necessary information to access this discounted service. Or call SafeChurch at 1-800-747-2154; and a trained service representative will be happy to assist you.

Once the background check is completed and reviewed on a prospective employee or volunteer, your organization must decide if it is going to hire the applicant or allow him or her to volunteer. If the person has offenses on his or her record, it is up to the organization to decide whether the individual should be hired. When making this decision, the following offenses should be taken into consideration:

- ❑ **Failure to disclose criminal history.** This includes convictions and deferred adjudication (sentencing).
- ❑ **Probation.** Consider if the person is currently, or has been, on probation for a crime.
- ❑ **Pending charges.** Even if the court has not heard the charge, this should be disclosed.



- ❑ **Adjudicated cases.** Take into consideration if the person has been convicted or sentenced for any of the following offenses (examples of disqualifying offenses from PA statute):
 - Criminal homicide
 - Aggravated assault or assault with a deadly weapon
 - Rape or sexual assault, including statutory rape or assault
 - Kidnapping or unlawful restraint
 - Other crimes of violence
 - Harassment or stalking
 - Indecent assault
 - Indecent exposure
 - Endangering or injuring the welfare of a child
 - Involuntary deviate intercourse
 - Felonies related to prostitution, obscene, and other sexual material or performances
 - Offenses involving corruption of minors, including child prostitution and child pornography
 - Sexual abuse of a child
 - Non-remote convictions involving theft or alcohol or drug offenses.
 - Crimes going against the mission of the organization.

In making your decision, it may be helpful to check with the local school district and/or other organizations serving children and youth in your area to see what offenses disqualify an individual from working with youth in their organization.

Maintain Confidentiality

Again, the hiring of an individual is done at the discretion of the organization, but should not be completed until all of the facts are known about the person. Any information collected should be kept confidential except to the person or committee making the selection. And, all background checks, records, and follow-ups should be kept confidential in the applicant's personal file.

Although there is more work involved in conducting background checks, the minor inconvenience and cost of these checks is worthwhile if it means you can play a role in maintaining a child's innocence and protecting your workers, leaders, and church from negative publicity or civil and criminal litigation.

(Updated 07.01.2013)

© 2012 GuideOne Center for Risk Management, LLC. All rights reserved.

This material is for information only and is not intended to provide legal or professional advice. You are encouraged to consult with your own attorney or other expert consultants for a professional opinion specific to your situation.



SafeChurch® Dealing with Sex Offenders

This fact sheet addresses the delicate situation in which a congregation learns that a convicted sex offender has been attending its services or activities. There are currently more than half a million registered sex offenders in the United States. With over 60 percent of convicted sex offenders under some form of community supervision, the likelihood that offenders are worshipping in local congregations is great.

How should a congregation respond to a known sex offender in its midst? One approach is to work through a four-step process, ideally in advance of the situation arising. The four steps include:

1. Learn local laws.
2. Formulate a plan.
3. Meet with the offender.
4. Implement the plan.

Learn Local Laws

The first thing you should do is be certain the individual is a convicted sex offender. You do not want to accuse someone of being a sex offender and find out that it was not true, which most likely would lead to lawsuits against the church. Check the National Sex Offender Public Website (NSOPW) at <http://www.nsopw.gov> for verification.

The next step is to research your jurisdiction's laws and ordinances regarding sex offenders. In recent years the rules pertaining to sex offenders have been tightening, particularly at the local level. While these laws typically involve restrictions on where an offender can live, some also prohibit an offender from having any contact with minors, or being anywhere that children congregate.

Formulate a Plan

Once church leaders clearly understand local laws and ordinances, they should decide in advance the approach they will take toward sex offenders. The following lists several options:

- Allow unfettered access to programs and facilities.
- Exclude the individual from the congregation entirely.
- Limit access to certain programs or areas at specific times.
- Require other conditions, such as monitored attendance and/or coordination with the individual's probation/parole officer or treatment provider.

At one end of the spectrum, treating the offender like every other member and allowing the individual unrestricted access to the congregation presents an extraordinary liability risk. On the

other end of the spectrum, totally barring the individual from the property is an action that should be taken only with the guidance of legal counsel. In the middle, a range of possibilities exist. Perhaps the safest approach, short of totaling excluding them, is to allow limited access to certain programs or activities within the church.

Once the policy is adopted, it's important that the church is consistent in how it is applied.

Meet With the Offender

Once a policy is formed, the organization is better prepared to address particular situations if they arise. When the congregation becomes aware of the involvement of a sex offender, the minister and at least one other person should schedule a meeting with the individual. Such a meeting serves several purposes, including the following:

- Lets the person know that the congregation is aware of his/her background;
- Affords an opportunity for the congregation to provide and explain its policy;
- Provides an opportunity to discuss ministry needs of the individual;
- Allows signing authorization for a background check and release of probation/parole information to your organization; and
- Provides a time to discuss who will be made aware of the situation.

If the individual will not agree to the guidelines, or is prohibited by the terms of his or her probation or parole from going where children congregate, by default the individual will be excluded from participation in the congregation's services and activities

Implement the Plan

If the guidelines are agreeable to the offender, a team approach should be used to implement the plan. Since it is too much to ask one individual to follow the offender around, the team should function cohesively to minister to the individual, while at the same time working to safeguard the congregation and its children. If monitored attendance is a part of the plan, the team should determine who will be the offender's chaperone on each Sunday, or during other church activities. Even a seemingly innocent violation of the agreed guidelines must be taken seriously.

Safeguarding Children is Key

While the precautions mentioned in this fact sheet may seem extreme to some, there is little margin of error for the church. If an incident was to repeat itself, a church with knowledge of an individual's past sexual misbehaviors with children will face enormous legal liability if it provided the setting for a later crime. In the delicate balance between ministering to the needs of an offender and providing for the safety of the church's children, it is better to err on the side of the children.