

Child Protection Policy

Document will be reviewed by Session and CE/ Children's Committee on even numbered years

The members of First Presbyterian Church of Richardson (FPCR) believe that we are called by God to create a safe haven for all of the children and youth in our care. During each baptism of an infant, child or adult into this covenant community of faith, the members of this church pledge to uphold that person in Jesus Christ and to teach, strengthen and support the individual's relationship with the household of God. Therefore, the members of the Church are committed to the safety, welfare and protection of all children and youth as they participate in its activities and programs.

This policy also seeks to prevent any form of abuse or harassment, whether physical, mental or sexual, by FPCR employees, teachers, volunteers or participants while on church property or while engaged in church activities or programs. Should such an event ever occur, however, we must remember that we are called to have compassion for each other. We believe that any person who has been accused of committing an act of abuse can expect due process, our prayers, and acceptance as a child of God.

Note: Throughout this document, 'children and youth' encompasses newborns through age seventeen, and the terms 'people' and 'workers' address both paid church employees and volunteers who work with children in a church activity.

1. Screening employees and volunteers

Unless waived by Session, volunteers must be a member of FPCR for six months before serving, or be related to or recommended by an FPCR member of six months or longer duration.

To be approved as an FPCR employee, or as a volunteer for child or youth activities:

- Persons age 18 or older must complete a background information form and a child protection covenant, provide personal and/or professional references, and successfully satisfy a nation-wide criminal background check. Applications should be submitted to the church office accompanied by a photocopy of a valid pictured identification that includes date of birth (i.e., Texas driver's license).
- There must be a 5 year difference in the age of the worker and the age of the child/youth with whom the worker is placed.
- Persons age 13 to 18 must have written permission from their parent or guardian and approval of the activity director to volunteer with children. The teen volunteer must sign a child protection covenant and a document describing the scope of their responsibilities for that event.

The Child Protection Policy will be distributed together with the background information and covenant forms to potential applicants.

Session will be notified when outside guest clinicians/presenters participate in child or youth activities. These guests must be under the direct supervision of an FPCR employee or approved volunteer.

The church will keep all application information confidential. If the church learns of incorrect or misleading information on an application that might cause potential danger to children, that worker will be relieved of any duties with children.

1.1. *Nation-wide Criminal background check*

Completing and signing the application packet authorizes the church to conduct criminal background checks and sexual abuse registry checks required for all employees and those volunteers who work with children and to repeat the checks periodically. **However, no more than 24 months shall elapse between repeating the background checks for each individual continuing to serve.**

No one who has been convicted of any crime involving misconduct with a child will be allowed to work with children. Whether disclosed voluntarily or by result of the background check, the following items will automatically disqualify an employee, teacher or volunteer from participating in the leadership or sponsorship of any children or youth activity or program:

Any pending indictment or information alleging the offense of, any deferred or regular probation for, or any conviction for: murder; aggravated assault; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child; incest; indecency with a child; inducing sexual conduct or sexual performance of a child; possession or promotion of child pornography; the sale, distribution, or display of harmful material to a minor; employment harmful to children; or abandonment or endangerment of a child.

The administrator and pastor, or moderator of the session if necessary, will review all dismissed charges for crimes listed above and all other convictions or charges for any other crimes not listed above. If an applicant disputes information that appears in his or her criminal history record transcript, he or she may appeal through the Texas Department of Public Safety.

Background checks are kept confidential. The church administrator, or other designated staff member, will supervise the criminal background checking process, notifying the appropriate staff member (or event supervisor) of the results. The administrator will maintain a locked storage cabinet in the church for all Information Forms and results of all record checks. The results of the background checks will be destroyed periodically if required by the appropriate local agency.

The clearance process shall allow applicants the opportunity to correct or respond to information obtained from a background check. The pastor and church administrator shall determine the manner in which clearances shall be conducted.

1.2. *Reference checks*

All references provided by the applicant will be checked. References must have personal knowledge of the applicant.

2. *Maintaining a safe environment*

All children's workers share the responsibility to promote the emotional and physical safety of the participants. If an unsafe condition or evidence of abuse exists, the worker should immediately take

precautions to protect the children either by isolation or removal. Nothing contained in any other church procedure relieves children's workers of this responsibility.

2.1. Annual orientation

At least once each year, someone holding the staff responsibility for education of children and youth, or a designee of the pastor, shall conduct an orientation session about the procedures for safeguarding the well-being of children and youth. All employees and all volunteers working with children and youth should attend one orientation per year. Upon completion of the orientation, participants shall renew their Child Protection Covenant.

2.2. Identification badges

People working with children are required to wear a name badge at all times when they are in supervision of children.

2.3. Two-adult rule

At no time may an employee or volunteer be in a room, or an enclosed area, alone with a child. There must be at least two unrelated workers in attendance any time children are participating in a church activity. At least one worker must be at least 18 years of age.

In addition to the 2-adult minimum, the following adult-child ratios shall be maintained:

ages 2 and under	1 adult to 3 children
ages 3 to 5 years	1 adult to 4 children
ages 6 to 12 years	1 adult to 6 children
ages 13 to 17 years	1 adult to 10 youth

Exceptions to the two-adult rule:

- Written parental permission shall be obtained for the involvement of any youth/child in an activity or program that is church sponsored and where an adult might be spending time alone with a child in an unsupervised situation. This permission is to be filed with the church office.
- If an unaccompanied child worker meets with a single child/youth to conduct a private discussion, that meeting shall be held at FPCR when the church is open for scheduled activities, or shall be held at a public place. If the meeting takes place at FPCR, at least one other employee or volunteer should be in the building who is aware of the private meeting and its location, though the identity of the child/youth may remain confidential.
- For any church-sponsored activity for which FPCR arranges transportation, one worker may transport children/youth as long as there are two or more children/youth in the vehicle. Children/youth will be dropped off as a group. Exceptions may be made in case of emergency or with written permission of a parent/guardian and acknowledgement of responsibility by the worker.

2.4. Observation of children

Church activities for children will be scheduled in areas visible from adjoining areas. Visibility should be maintained by leaving blinds open and, whenever possible, the door to the room left open. Exception may be made when noise reduction is necessary for children's naps. Two approved workers must remain

in the room at all times. Windows are installed in the doors of all rooms typically occupied by children and into the doors of all offices in the church.

At no time can an adult meet alone with a child in any room where the door is closed, or in an area where they cannot be seen.

2.5. *Appropriate and Inappropriate Behaviors*

All persons who work with children will follow handbook guidelines concerning appropriate and inappropriate behaviors of adults toward children and of children toward adults. Some examples of inappropriate behaviors: lengthy embraces; holding children over the age of 5 on the lap; wrestling with children or youth; tickling; piggyback rides; any type of massage given below the shoulders.

2.6. *Discipline policy*

It is the policy of FPCR not to administer corporal punishment. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, shaking, hitting, or any other physical force. Restraint may only be used to stop a behavior that may cause immediate harm to the acting individual or another individual, or damage to property. If discipline advice or assistance is needed, workers should consult with the event director or the youth or children's committees.

All persons who work with children will follow handbook guidelines concerning the use of discipline.

Decisions concerning discipline are reserved for adults and are not within the scope of responsibilities given to teen helpers.

2.7. *Diaper changing/restroom monitoring*

Diaper changing stations must be in public areas of the classroom.

The outside doors of restrooms used by children under 12 years of age shall remain open for adult monitoring.

2.8. *Preschool identification system*

The church maintains a child identification system to ensure that the adults who drop off a small child are the same adults who pick up the child. The person in charge of the area will supervise the system to identify persons authorized to pick up children and take responsibility for preschool children leaving a church activity.

2.9. *Children's pickup*

If a child younger than six (6) years of age is not picked up by their parent or guardian on time, they will be kept by their teachers in the children's activity/area until the parent or guardian is located.

Children six years old and older are not permitted to leave the area of a completed church activity without supervision unless otherwise requested by the parent or guardian.

Children under the age of thirteen (16) are not allowed to leave church property, either unattended or in a group, without parental permission.

2.10. Vehicle safety

If a church employee or volunteer is driving children/youth in a personal vehicle, the driver must be 25 years of age or older, have a valid driver's license, complete an Application for Qualified Driver Status, drive the speed limit or below it, adhere to all traffic laws, and carry a minimum of \$100,000 in personal auto liability insurance.

In all cases, the driver must wear his/her seat belt and require the children/youth to do the same. The use of a hand held cell phone or other hand held communication device (including texting) is prohibited for any driver while driving any vehicle that is transporting children/youth.

2.11. Off-site and/or overnight events -

Participation in off-site and overnight events requires a completed registration form for each child/youth signed by the parent or guardian. The registration form includes space for notation of any special medical or emotional conditions and specific permission and instructions with regard to administration of medications.

An "event contact person" must be designated to facilitate communications and must be reachable at all times. This person's phone number will be given to parents for use in an emergency and this person will be contacted by event workers during the event with information to be given to parents.

3. Texas Child Protection Definitions and Laws

Child abuse or neglect as defined by the Texas Family Code:

Child abuse is defined as acts or omissions which cause or permit:

- mental or emotional injury to a child.
- physical injury or threat of physical injury to a child.
- failure to make reasonable efforts to prevent action by another person that results in physical injury to a child,
- sexual contact with a child
- failure to make reasonable efforts to prevent sexual contact with or in the presence of a child

Neglect includes:

- leaving a child in a situation where the child would be exposed to a risk of harm
- requiring the child to use judgment or take actions beyond the child's level of maturity, physical condition or mental abilities
- failure to obtain medical care for a child
- failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child

Sexual misconduct

Sexual misconduct claims include all crimes involving sexual conduct under the Texas Penal Code. They include indecent exposure, indecency with a child, and sexual assault including rape. They also include conduct that may not violate a penal statute but is sexually oriented, as in sexual harassment and sexual suggestion. If this conduct is committed by workers in the church, either employed or volunteer, claims are often made against the individual and the church.

It is every person's duty to report child abuse or neglect.

The Texas Family Code **requires** that any person who learns of, or believes that a child's health or welfare has been adversely affected by abuse or neglect, must report that belief immediately. Call the **Abuse Hotline at 1-800-252-5400** or, in the event of imminent danger to the child, call **911**.

Any person who learns of or has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person must report that belief to a local or state law enforcement agency or the Texas Department of Protective and Regulatory Services. Reporting to the pastor or activity director will not suffice. Report directly to the hotline or to law enforcement.

An oral report must be made immediately upon learning of the abuse or neglect or the likelihood of abuse or neglect. A written report must be made within five days to the same agency or department.

The report shall be non-accusatory, meaning the identity of the victim of the abuse or neglect must be identified but the person making the report is not required to speculate as to the person who committed the abuse or neglect.

Don't wait until you have more evidence before filing a report. A trained investigator will handle that. If you are the first person the child/youth tells about the abuse, your testimony may be important in legal proceedings.

Liability for failure to report

A person failing to report child abuse or neglect commits a misdemeanor punishable by fines and/or confinement. Additionally, a person who is the victim of child abuse and his or her family may bring a civil claim against the church and/or its agent (the person who failed to report the crime) as required by law.

Immunity

A person making a report, or assisting in the investigation of a report of child abuse, is immune from both civil and criminal liability that might be incurred. This means that a person who reports child abuse and is later sued can defend themselves on the basis that their actions were protected by this immunity statute and the reporter will not be liable for damages relating to the reporting.

Clergy privilege

Communications between a member of the clergy and an individual seeking counsel for the purpose of spiritual advice is considered privileged. **There is an exception, which provides that privilege disappears when the clergy member learns of child abuse or neglect. In this instance the clergy member is required by law to report the information to authorities.**

Church liability

A church is liable to civil action if, as an employer, it failed to make inquiries of past employers (where names and addresses have been disclosed) who employed the employee within the last five (5) years, concerning the possible occurrence of sexual exploitation by the employee.

4. FPCR reporting procedures

It is the policy of the church to report any incident of child abuse or neglect toward any child/youth, and also to report signs of suspected abuse, to the proper authorities. Do not treat any incident or suspicion as frivolous.

Any individual who has a reasonable suspicion, or upon receiving a report of child abuse, shall promptly report the suspicion to the Texas DFPS Abuse Hotline at 1-800-252-5400, and to the pastor and/or the clerk of session. The clerk of session and the pastor or pastor's agent, as a courtesy, shall notify the alleged victim's parent(s) or guardian(s).

If the incident of abuse or neglect is alleged to have occurred at FPCR or during sponsored programs or activities, these additional procedures shall be followed:

- The accused person will be notified of the accusation and suspended from the performance of duties involving children/youth until the official investigation has been completed.
- Within the constraints of confidentiality and legal requirements, the pastor or the pastor's agent will inform the alleged victim and parent/guardian of the steps that are being taken, and continue to keep them advised of the status of the investigation.
- In an instance where child abuse is confirmed, the church will immediately dismiss the worker from their position. Termination will be considered appropriate in the circumstances.

The clerk of session or another person designated by the session also shall notify the Executive Presbyterian and Stated Clerk of Grace Presbytery if an allegation is raised against an ordained minister, an employee, or member of FPCR.

In each case of alleged child abuse, the pastor, the clerk of session or other person designated by the session, shall contact and involve FPCR's liability carrier and verify that the proper authorities have been notified and the proper written documentation of allegations and proceedings is maintained.

4.1. Confidentiality

All reports of child abuse or neglect shall be held in absolute confidence. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. Any breach of this confidentiality by an employee of the church shall be cause for immediate dismissal.

The pastor, in consultation with the official conducting the investigation, may authorize limited additional disclosure if necessary to protect other children from harm in the near future, particularly where the person responsible for the abuse cannot be identified, but in no case shall the identity of the victim or the accused person be disclosed except as required by law.