

GRACE PRESBYTERY CHILD PROTECTION POLICY

The members of Grace Presbytery believe that we are called to create a safe haven for all children and youth in our care, nurturing, protecting, and empowering them through faith and trust. This commitment includes taking appropriate steps to reduce the risk to the young people in our care. The following policy was established to minimize the risk of any of our children and youth being subjected to sexual, physical, or mental abuse. These policies and procedures are also intended to respect the rights and afford due process to persons accused of improper conduct.

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Definitions

The following list of definitions and terms are intended for the use in the Policy and for the purpose of this Policy.

Child/children: A person between the approximate ages of 0-11 and or prior to the completion of 5th grade/elementary school.

Youth: A person who is the age of 11+ and is currently enrolled in grades 6th-12th and/ or participating in the event as a student.

Minor: A person who is 0-17 years of age.

Child/youth worker: Any person, volunteer, paid staff, or contractor who participates at any level at Grace Presbytery Entity sponsored events or activities involving children/ youth. This includes chaperons who accompany child/youth to and during meetings, events, and activities covered by this policy. They may also be referred to as sponsors throughout this Policy.

CYMC: Children and Youth Ministry Committee. This is a group of adults and youth from the presbytery who serve a one-to-three-year term that plans overseas events and activities in Grace Presbytery.

Sexual Conduct: Is offensive, obsessive, or suggestive language or behavior; unacceptable visual contact, unwelcoming touching or fondling that is injurious to the physical or emotional health of another.

Sexual Malfeasance: Is defined by broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

A. Screening and Selection of Volunteers and Staff

1. SCREENING AND SELECTION OF STAFF AND EVENT LEADERSHIP:

- The Presbytery will not allow a Presbytery event involving children or youth or where childcare is offered to be held at a church unless the host church has a sufficient Child Protection Policy in place.
- A Volunteer Information Form must be completed by each member of the Event Leadership Team unless they can provide documentation that a background check has already been completed by their congregation or governing body. These forms will provide personal and confidential information necessary to perform criminal background and reference checks on each applicant, which will be completed by the designated Presbytery staff person. The CYMC will review an update these forms annually.
- The Volunteer Information Form authorizing Grace Presbytery to conduct criminal background checks will be kept on file at Grace Presbytery.
- The designated Grace Presbytery staff person, on behalf of the appropriate presbytery committee or task group, will conduct the background checks and may consult with the moderator of the committee or task group concerning the results of any background check. Background checks will be destroyed when a decision has been made regarding that person's involvement with the planned conference or event. Name, Date of Birth, Date of Background check, and Social Security Number of cleared persons will be kept on file at the Grace Presbytery Office. (If a church or other entity has already conducted such a background check, further efforts will not be necessary.)
- "Whether disclosed voluntarily or by result of the security background check, the following items will automatically disqualify a person from participating in the leadership or sponsorship of any children's or youth activity or program related to Grace Presbytery:
 - 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 with a child; possession or promotion of child pornography; the sale, distribution, or display of harmful materials or prohibited substances to a minor; employment harmful to children; or abandonment or endangerment of a child. All other convictions or charges for any other crimes not listed above will be reviewed by the appropriate committee seeking to secure the particular employee or volunteer."

2. SCREENING AND SELECTION OF VOLUNTEERS, ADVISORS AND/OR SPONSORS:

- The Presbytery strongly urges each local church to adopt its own screening procedure, which includes a security background check to ensure the safety and protection of its own children and youth. The Presbytery relies on the local church session to fulfill its own responsibility to its children and youth.
- Ordinarily, adult volunteers and advisors/sponsors will only be permitted to

serve as sponsors at presbytery events if they have been members of the local church for a period of not less than six months, unless the adult volunteer or advisor/sponsor is transferring from active membership in another church where references can be attained.

- All volunteers and adult advisors/sponsors for Grace Presbytery Youth Events are required to sign a Covenant of Conduct Form, which includes a question about previous infractions regarding sexual misconduct.
- Each church must annually (by October 1st) submit an “Acknowledgement of Child Abuse Prevention Form” which lists those adults who have had security background checks and are approved to serve as leaders and sponsors in order to participate in Presbytery events. A file will be kept at the Presbytery office and can be amended throughout the year.
- All forms will be reviewed and updated annually by the CYMC.
- An Information Form, along with a Consent Form will be completed by each individual who is volunteering for CYMC events unless they can provide documentation that a background check has already been completed by their congregation or governing body. The form provides personal and confidential information necessary to perform criminal background checks and reference checks. Consent Forms authorizing Grace Presbytery to conduct criminal background checks will be kept on file at Grace Presbytery. The designated Grace Presbytery staff person, on behalf of the appropriate presbytery committee or task group, will conduct the background checks on CYMC Volunteers and may consult with the moderator of that committee or task group concerning the results of any background check. Background checks will be destroyed after a decision has been made regarding that person’s involvement with the planned conference or event. Name, Date of Birth, Date of Background check and Social Security Number of cleared persons will be kept on file at the Grace Presbytery Office. The designated presbytery staff person, or their designee, will contact references by telephone or mail. .
- At each retreat or overnight event an orientation will be held for volunteers and sponsors, which will include the subject of preventing sexual abuse. “Whether disclosed voluntarily or by result of the criminal background check, the following items will automatically disqualify a person from participating in the leadership or sponsorship of any children’s or youth activity or program related to Grace Presbytery: 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 with a child; possession or promotion of child pornography; the sale, distribution, or display of harmful materials or prohibited substances to a minor; employment harmful to children; or abandonment or endangerment of a child. All other convictions or charges for any other crimes not listed above will be reviewed by the appropriate committee seeking to secure the particular employee or volunteer.”

B. SUPERVISION OF ADULT VOLUNTEERS AND STAFF

- “Two Adult Rule”

As often as possible, there should be at least two adults in each small group. At Planning Team planning sessions and, on the retreat, or conference grounds, in so far as possible, make sure that an adult is not left alone one on one with a child or youth. This should be emphasized at the organizational meeting of the Planning Team and Sponsors Meeting at the event. *If an adult needs to be alone with a young person, that contact should take place in a public setting, and with the knowledge of another staff member (for example: at the far end of a dining hall, or on one end of the basketball court away from activities).*

- Safety suggestions: always meet in a public space when only one youth and one adult are present; remain in sight of others; make sure that at least one other adult is aware of what is taking place.
- Adults should always use appropriate language, boundaries, and report any prohibited behavior or acts to the appropriate leadership immediately.

C. PROHIBITED ACTS

“The following acts are prohibited by this Policy and will not be tolerated or accepted during any Grace Presbytery Activity or Program. Any observations or personal knowledge of such violations must be immediately reported to the Moderator of the Session, Director of the Event or Program, or designated program staff representing Grace Presbytery after the safety of the child, children, or youth involved has been assured.

- Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a child or youth by an adult;
- Sexual advances or sexual activity of any kind between any adult and a child or youth;
- Sexual advances or sexual activity of any kind between a youth and a child;
- Threat of infliction of physically abusive behavior or bodily injury to a child or youth;
- Physical neglect of a child, children, or youth, including failure to provide adequate supervision in relation to the activities of the presbytery;
- Causing mental or emotional injury to a child, children or youth;
- Possessing or viewing obscene or pornographic materials at any function of Grace Presbytery with the exception of sex education materials (NOTE: Grace Presbytery does not consider sex education materials to be obscene or pornographic, especially those which have been produced by the denomination for use in church-related programs.);
- Consuming or being under the influence of alcohol or any illegal or controlled substance while leading or participating in a children’s or youth function of the presbytery.”

D. SOCIAL MEDIA AND DIGITAL SAFETY

We live in a digital age, and we have the opportunity to use social media to enhance ministry. Social media and digital communication can keep the conversation going and cultivate positive relationships. These tools can be used to reach people in ways physical space cannot. As we seek to use social media and digital communication, we must do so recognizing the possible danger it poses. When using social media in ministry we need to be intentional and careful. We approach the use of social media and digital communication with the understanding that:

- The digital world is not private and posted content can be stolen and used in ways not intended by the originating person or organization.
- The digital world is at risk for abuse.
- The digital world is rapidly evolving creating the challenge of identifying and proactively addressing areas of potential risk in the digital world.
- These policies are intended to be applied to any digital communication and social media platform.

1. DIGITAL COMMUNICATION AND SOCIAL MEDIA POLICIES

- All policies of the physical world will apply to the digital world, including the “Two Adult Rule”.
- During a video call involving adults and youth/children, if the “Two Adult Rule” cannot be followed the call must be recorded on a Grace Presbytery Zoom account.
- Additional Policies pertaining to social media and digital communications
 - Digital communications, as much as possible, should include the entire group.
 - When private communication needs to take place outside of standing programming information, parents, guardians or another responsible adult need to be informed the conversation is happening. Confidentiality must be maintained unless the need to report arises.
 - Platforms that automatically delete content should not be used for ministry.
 - Communications and interactions should be public and not deleted.
 - Policy regarding sharing photos or images will be followed. Permission to post photos must be obtained.
 - Youth and children will not be identified by the adult posting. Youth may self-tag and share the post.

E. REPORTING AND RESPONDING TO ALLEGATIONS

1. REPORTING ALLEGATIONS

- At an orientation session, all volunteers and adult sponsors will be informed of incident reporting procedures and the requirements of state laws

regarding the reporting of child abuse or neglect. If you have questions about reporting, contact the Director, your local Child Protective Services or Police Department.

- Anyone who becomes aware of any abuse, neglect, or inappropriate contact involving a child or youth at an event must immediately report the incident to the Director of the event or any adult member of the Planning Team. The person receiving the report shall report to the incident to the Director.
- The person witnessing or reporting an incident, should first secure the safety of the youth or child and the youth or child should not be left alone.
- The Director of the event must immediately notify all appropriate persons, including: the appropriate Presbytery staff persons, the onsite camp manager or host pastor, and if warranted Child Protective Services.
- The person initially contacted by the alleged victim, or who observed the incident, should immediately fill out a written “Incident Report.”
- The Presbytery Representative should prepare a list with agencies to be contacted for each event. (For example: Presbytery, Child Protective Services, local police) This list should be attached to the “Incident Report” Form.
- Any new accusation made after the initial reported incident should be directed to the Response Team (see below) through the office of the Executive Presbyter.

0. RESPONSE TO ALLEGATIONS

A Response Team shall be formed in response to allegations that require legal counsel or notification to Child Protective Services.

- A Response Team composed of the Executive Presbyter, representative of CYMC, Stated Clerk, and appropriate Presbytery staff will be appointed by the Executive Presbyter.
- The Response Team should immediately contact the presbytery’s legal counsel and insurance company.
- The Response Team should immediately inform the accused and the accuser (or their legal guardian if either one is a child or youth) that they have the right to retain their own legal counsel. The presbytery’s counsel will represent the presbytery but not the accused or the accuser.
- The Response Team should contact the parent or legal guardian of the alleged victim and the accused (or legal guardian if the accused is a child or youth) to communicate action already taken. (“Here’s what’s already been done; here’s what is going to be done.”) The continuing pastoral care of the alleged victim and family, and the accused, needs to be done by someone outside of the Response Team, such as a pastor or social worker.
- All presbytery staff and event leadership should be instructed that all communications about any incidents are confidential and come only from

the Response Team. The Response Team should prepare a statement for possible use with the media.

- If the accused is a member of the clergy, s/he is also subject to the “Rules of Discipline” of the Presbyterian Church (USA), and the Presbytery’s “Guidelines for Responding to Allegations of Clergy Sexual Misconduct”.

F. CONSEQUENCES

- Any person accused of committing a Prohibited Act, whether a staff member, employee, member, or volunteer, will immediately be reassigned to responsibilities without direct child contact. If investigation supports the accusations, the accused person will be suspended from participation in all children’s and youth activities and programs of Grace Presbytery. Such suspension shall continue during any investigation by the church and/or law enforcement or child protection agencies.
- Any person found to have committed a Prohibited Act shall be prohibited from future participation in children’s and youth activities and programs of Grace Presbytery. If the person is a staff member or employee of the presbytery, such conduct will result in termination of employment.
- As required by Texas law, all reports of abuse will be forwarded in a timely manner by Grace Presbytery to the appropriate child protection and law enforcement authorities. Such reporting must be accomplished in addition to complying with this Child Protection Policy.
- Failure to timely report a Prohibited Act to the designated person shall be considered a violation of this Child Protection Policy and shall be grounds for termination of employment of a staff member or employee and suspension and dismissal from participation in all children’s and youth activities and programs of Grace Presbytery by any person.
- When the allegations involve a member of the clergy, the provisions of Grace Presbytery’s “Guidelines for Responding to Allegations of Clergy Sexual Misconduct” and the guidance of the church’s discipline will be followed.

APPENDIX

LEGAL REQUIREMENTS FOR REPORTING ABUSE OR NEGLECT OF A CHILD

In Texas, the legal requirements concerning the legal requirements for reporting suspected abuse or neglect of a child are primarily found in Chapter 261 of the Family Code.

1] DEFINING ABUSE AND NEGLECT

“Abuse” (§261.001(1)) is defined to include a broad laundry list of acts and omissions that could cause or permit mental or emotional or physical injury to a child, including harmful sexual conduct or use of a controlled substance. Failure to make a reasonable effort to prevent physical injury or harmful sexual conduct is also defined as abuse.

Similarly, “neglect” (§261.001(4)) is broadly defined as leaving a child in or failing to remove a child from a situation where the child could be exposed to substantial risk of physical or mental harm.

2] REPORTING ABUSE OR NEGLECT

A. WHO?

“A person having cause to believe that a child’s physical or mental health or welfare has been adversely affect by abuse or neglect by any person shall immediately make a report”(§261.101(a)). This includes, without exception, individuals whose personal communications may otherwise privileged, such as clergy, attorneys, doctors, social workers, etc. (§261.101(c)). Generally, the identity of the person making the report is confidential unless disclosed by order of a court or provided to a law enforcement officer conducting a criminal investigation. (§261.101(d); §261.201) While a professional cannot delegate to or rely on another person to make the report, it appears that other persons can (§261.101(b)).

B. WHEN?

When a person has cause to believe there has been abuse or neglect, a report shall be made “immediately”. (§261.101(a)) A professional must make a report within 48 hours after the professional “first suspects that the child has been or may be abused or neglected.” (§261.101(b))

C. WHAT?

The report should reflect the reporter’s “belief that a child has been or may have been abused or neglected”. (§261.102) The report shall identify, if known,

1. Name and address of the child;
 2. Name and address of the person responsible for the care, custody or welfare of the child; and
- D. Any other pertinent information concerning the alleged or suspected abuse or neglect. (§261.104) TO WHOM?

A report shall be made to:

1. Any local or state law enforcement agency;
 2. The Department of Protective and Regulatory Services; or
 3. The state agency that operates or licenses the facility in which the alleged abuse or neglect occurred.
- (§261.103)

Regardless of where the report is initially made, it will be referred to and investigated by the Department if it involves abuse or neglect by a “person responsible for a child’s care, custody, or welfare” or by law enforcement agencies if it involves alleged abuse or neglect by someone else. (§261.105)

E. IMMUNITIES

A person who acts in good faith to report, investigate, testify, or otherwise participate in a judicial proceeding or investigation of alleged child abuse or neglect is immune from civil or criminal liability. (§261.106) If a frivolous claim is brought against a person for reporting, the person may recover reasonable attorney’s fees and other expenses related to their defense. (§261.108)

F. PENALTY FOR FALSE REPORT

It is a Class A misdemeanor to knowingly or intentionally make a false report. It is a felony if the person has been previously convicted of making a false report. (§261.107)

G. PENALTY FOR FAILURE TO REPORT

It is a Class B misdemeanor if a person “has cause to believe that a child’s physical or mental health or welfare has been or may be adversely effected by abuse or neglect and knowingly fails to report.” (§261.109)