

# COVENANT PRESBYTERIAN CHURCH

## POLICIES AND PROCEDURES CONCERNING CHILD SAFETY AND WORKER CLEARANCES

### INTRODUCTION AND PURPOSE

In recent years it has become apparent that our society is becoming more dangerous and that the care and protection of our children is an issue about which we must be more intentional.

The primary intent of these policies is to attempt to care for the families God has entrusted to us. These policies are intended to establish clear standards concerning the oversight and care given to all the children/youth who attend our church programs.

All child abuse (including, physical, mental, and sexual) is an exploitation of a child's vulnerability and powerlessness for which the abuser is fully responsible. Child sexual abuse is criminal behavior that involves children in sexual behaviors for which they are not personally, socially, and developmentally ready.

Child sexual abuse violates the law of God. It breaks the seventh commandment and takes advantage of those who are weak and defenseless. God calls us to defend the cause of the weak, to rescue the weak and needy and to deliver them from the hand of the wicked. (Psalm 82:3,4)

### Definitions

For the purposes of this policy, the following definitions apply:

- 1) "Preschooler," "child," "children," "youth," and "minor" describe persons under the age of 18, or whose mental capacity is that of a minor.
- 2) "Youth helper" shall be defined as children at least 10 years old and under the age of 18 years old.
- 3) "Adult" shall mean any person 18 years of age or older.

#### 4) **What is Child Abuse?**

Child abuse, according to the Child Protective Services Law (CPSL) means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child (under the age of 18) through any recent (see below) act or failure to act.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act (see also "Statutory Sexual Assault" below)
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.

- Causing the death of the child through any act or failure to act.

Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

“Recent” is defined as an abusive act within two years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

The Commonwealth of Pennsylvania defines “Statutory Sexual Assault” as sexual intercourse with someone under the age of 16 when the other person is four or more years older (in other words, a 13 year-old with a 17-year-old, a 14-year-old with an 18-year old, or a 15 year-old with a 19-year-old).

Please note that it is not the responsibility of the reporter to establish proof that abuse has taken place. All that is needed is reasonable suspicion of abuse.

### **How Do I Report Suspected Child Abuse?**

A mandated reporter must make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
- The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Please note that a mandated reporter is not required to have direct contact with the child in order to make a report. Even if mandated reporters learn of the abuse from someone other than the child who was allegedly abused, they must still report it.

- For example, a child in your Sunday School class tells you about a friend that has possibly been the victim of abuse. You have a duty to report this, even though you do not personally know the alleged victim.

Furthermore, a mandated reporter is not required to know the identity of the alleged offender or perpetrator or the specific time and location of the alleged abuse. The reporting form asks for this information, but you may file a report even if you do not have it, and in most cases, it is better that you ask the child fewer questions rather than more. All the information you need to make a report is:

- The identity of the alleged victim
- The nature of the suspected abuse
- Where the alleged victim can be found or contacted (even if it is just his/her school)

When you witness or are informed of suspected abuse, you have 48 hours to make a report in one of two ways:

- Call “ChildLine” at 1-800-932-0313
- Go to [www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis)

**PLEASE NOTE:** You may notify your supervisor before making the report (provided your supervisor is not the alleged perpetrator), **but your supervisor may not make the report for you.** If you do not do so prior to making the report, you are required to notify your supervisor after you have done so.

- Please note also that persons making a report of suspected child abuse are immune from civil and criminal liability as long as the report was made in good faith. Furthermore, the identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney’s office.

### **Covenant’s Abuse Incident Report**

All accusations and suspicions of child abuse are to be reported immediately to those so designated. In addition to the procedures required by the state of Pennsylvania that are outlined above, Covenant requires anyone reporting an incident to also abide by the following:

- **The person reporting must complete Covenant’s Abuse Incident Report**
  - **This document is found in Appendix A**
- **Respond to the allegation seriously and with wisdom.**
- **Do not confront the offender; law enforcement and legal counsel will be consulted.**

**Appropriate authorities of Covenant Presbyterian Church will seek to respond to each of the following groups:**

- Potential victim and family
- Potential involved leadership
- Proper law enforcement and/or Department of Public Welfare officials
- The insurance carrier(s)

**PLEASE NOTE:** *All parties must document the entire process.*

## **CLEARANCES FOR CHURCH WORKERS**

An effective screening process for potential children/youth workers is the first step in a caring program for our children. Our church depends on both paid and volunteer workers to administer our programs and we are committed to complying with the statutory mandates of the state of Pennsylvania in order to help ensure that those workers who have direct contact with our children are not only people of quality, but are also responsible and ethical leaders.

Direct contact with children is defined in § 6303 as the care, supervision, guidance or control of children or routine interaction with children.

### **1. Paid Staff**

**All employees** paid through the Covenant Presbyterian Church payroll system who have contact with children are required by the state of Pennsylvania to obtain three clearances:

- Report of criminal history from the Pennsylvania State Police (PSP);
- Child Abuse History Clearance from the Department of Human Services (Child Abuse);
- Fingerprint based federal criminal history submitted through the Pennsylvania State Police or its authorized agent (FBI).

The Child Abuse, PSP and FBI clearances can all be applied for electronically. The FBI clearance also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found at [www.covpreschurch.org/resources/covenant-forms](http://www.covpreschurch.org/resources/covenant-forms).

If an employee is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee must provide the administrator or their designee with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

An employee who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

### **2. Volunteer Staff Working with Children**

The state of Pennsylvania has mandated that all adults who apply for an unpaid position as a volunteer who will be responsible for the welfare of a child or having direct contact with children must obtain a clearance.

A **volunteer** is an adult who is responsible for the welfare of a child, meaning that the volunteer is acting in lieu of or on behalf of a parent and/or has direct contact with children. A volunteer is considered to have direct contact with children when he or she provides care, supervision, guidance or control of children or has routine interaction with children.

**Youth Helpers** may assist adults with supervising activities, but they may not take the place of an adult. Teen Helpers are subject to all the provisions set forth in this policy and procedure except for background screening.

All prospective volunteers must obtain two clearances:

- Report of criminal history from the Pennsylvania State Police (PSP); and

- Child Abuse History Clearance from the Department of Human Services (Child Abuse).

The Child Abuse and PSP clearances can both be applied for electronically. All necessary instructions and links to apply for these clearances can be found at [www.covpreschurch.org/resources/covenant-forms](http://www.covpreschurch.org/resources/covenant-forms).

Additionally, a fingerprint based federal criminal history (FBI) submitted through the Pennsylvania State Police or its authorized agent is required of volunteers if:

- The position the volunteer is applying for is a paid position; and
- The volunteer has lived outside the Commonwealth of Pennsylvania in the last 10 years.

Volunteers who are not required to obtain the FBI Clearance because they are applying for an unpaid position and have been a continuous resident of Pennsylvania for the past 10 years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344.

- This is to be done by completing Covenant's PA Act 153 Volunteer Affirmation Form.
- This form is found in Appendix B.

### **Background Check Results**

Copies of each report are to be forwarded to the Church Administrator upon receipt.

If a background check indicates any child or youth-oriented criminal conviction, the Church Administrator will inform a member of the pastoral staff who will contact the individual in question. An applicant whose background check reveals a conviction of certain crimes shall not be allowed to work with children and/or youth of Covenant Presbyterian Church.

### **Confidentiality and Record Keeping**

The state of Pennsylvania (pursuant to § 6344 [b.1]), has mandated that the employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity requiring clearances, shall maintain copies of the required information and require the individual to produce the original documents prior to employment or acceptance to serve in any such capacity, except provisional employees for limited periods as described in § 6344 (m). An employer, administrator, supervisor or other person responsible for employment decisions that intentionally fails to require an applicant to submit the required clearance before the applicant's hiring commits a misdemeanor of the third degree.

Covenant Presbyterian Church will handle these confidential documents in the following way:

- All information will be kept in a locked file in the church office managed by the Church Administrator.
- Access to these files will be restricted to authorized church staff and leadership as needed for official purposes only.

### **BACKGROUND CHECK RENEWALS**

1. The state of Pennsylvania has mandated that all employees and all volunteers must obtain clearances every 60 months.

- Failure to submit a renewed clearance within the required timeframe will result in suspension of responsibilities with children at Covenant.

2. The church office will make every effort to remind workers ahead of time when clearance renewals are due and to assist in the renewal process well in advance of the deadline.

- However, it is ultimately the individual volunteer's responsibility to obtain all renewals by the appropriate timeframe.

## **COVENANT'S GUIDELINES FOR MINISTERING TO CHILDREN AND YOUTH**

In addition to the requirements mandated by the state of Pennsylvania, Covenant Presbyterian Church has determined that it is wise and prudent to also include the following guidelines as part of our ministry with children.

### **Displays of Affection**

True expressions of affection are vital to building warm, healthy relationships. We desire our children and youth to feel cared for and loved and to associate such feelings with the body of Christ. However, physical contact with children and youth must be kept within proper boundaries. Some appropriate touching and hugging is permissible. This should be done in the presence of other adults in an open area.

### **Discipline**

There will be times when discipline will be needed. Children and young people are both immature and sinful; they need limits. Class rules and consequences for infractions should be agreed upon by each class and follow general ministry guidelines set down by the Christian Education Committee.

- Never resort to physical punishment: never spank, shake, or forcibly hold a child.
- Never isolate a child or young person in an unsupervised setting.
- Never use communication by words, vocal tones, body language, or attitudes that demean a person's appearance or worth.
- Never use derogatory name calling, criticism, or yelling.

### **Restroom Breaks**

Children should have as much privacy as possible when using the restroom. Workers should only enter a restroom stall when absolutely necessary to assist a child. When possible, it is preferred that female workers will assist children using the restroom.

### **Release Policy**

Children under First Grade shall not be released by a teacher or nursery worker to anyone not authorized by a parent or guardian. If there are any concerns, the Early Childhood Education Coordinator should be contacted for assistance.

### **Visibility Rule**

Work with children and youth in an open setting visible to other responsible adults. Avoid seclusion (no other adults present) with a single child whether in the church building, in a car, in a private home, or on overnight activities such as retreats and camping trips. In an unavoidable situation proper precautions need to be taken to notify parents/others that this is occurring. Do not linger in rooms where children/youth are changing or bathing. If you need to take a child aside, remain in open view. On occasions when, for a prolonged period, you will be with multiple children in a setting not immediately visible to other adults, there should be another responsible adult available.

### **Obtain Parental Permission**

Children/youth should have parental permission for involvement in church sponsored programs or activities.

**Unsupervised Activities**

All children and youth activities will be supervised. All church activities will provide for children and youth supervision, whether inside or outside our facility, on or off our premises.

**Six Month Rule**

No volunteer worker should be considered for any position involving unsupervised contact with children or youth until the candidate has been involved with the church for a minimum of six months.

**Assessing Levels of Risk**

As the risk factors of isolation, accountability, and power/control increase, we will increase the level of supervision associated with those activities. For example, doors without windows are to remain open and the appropriate levels of supervision will be provided for Youth Events.

**LEADERSHIP'S ROLE IN REPORTING AND NOTIFICATION**

All suspicions of child abuse must be reported immediately and directly to the entities listed above (see pages 2 to 3). You should next also notify your immediate supervisor and a member of the pastoral staff. That member of the pastoral staff will also contact the civil authorities and will follow their direction. The person accused of child abuse will be indefinitely suspended from his or her duties until a final decision on the matter has been reached.

The Church is required by the Pennsylvania Child Protective Services Law to report, as defined by section 6313 "Reporting Procedure" Pennsylvania Consolidated Statutes, Domestic Relations.

Leadership will cooperate fully with the appropriate authorities. Once reported, investigating the allegation is not an appropriate role for church leadership. The investigation must be left to the civil authorities.

Immediate contact must be made with our attorney and the insurance company.

Documentation must be made of the entire process. Appropriate confidentiality will be maintained.

The leadership of Covenant Presbyterian Church will be responsible for updating changes to this Policy and Procedures including attachments.

The Session will appoint a person to be the spokesperson to the media concerning incidents of abuse or neglect.

- All other workers shall refrain from speaking with the media.

**Covenant's Guidelines for a Plan of Response****Support for the alleged victim**

Support of the alleged victim and his/her family will be provided during and after the investigation. The Session will have primary responsibility to develop and monitor a support plan. Priority will always be given to the safety and well-being of the child.



**Support for the Alleged Offender**

Whether innocent or guilty of the allegations, support will be provided to the accused individual and his/her family during and after the investigation. The Session will have primary responsibility to develop and monitor a support plan. A person found guilty of child abuse will not be permitted to serve in any capacity where he/she would have contact with minors.

**If a Known Offender Attends our Church**

When the congregation becomes aware of the involvement of a sex offender, a member of the pastoral staff 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 church representation to provide and explain its policy
- Provides an opportunity to discuss ministry needs of the individual
- Allows signing authorization for a background check
- 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/her probation or parole from going where children congregate, the individual will be excluded from participation in the congregation's services and activities.

**APPENDICES**

- A Covenant's Abuse Incident Report Form
- B Covenant's Volunteer Affirmation Form



**APPENDIX A**  
**ABUSE INCIDENT REPORT FORM**  
**COVENANT PRESBYTERIAN CHURCH**

This form is intended to report and document any suspected or observed abuse related to Covenant Presbyterian Church.

Reported by: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Contact Phone of reporter: \_\_\_\_\_

Child Name: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Child Name: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Child Name: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Date(s) and time(s) of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Nature and extent of incident: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name, gender and the relationship of the person or persons responsible: \_\_\_\_\_

\_\_\_\_\_

Any action taken by reporting person: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ (please print)

\_\_\_\_\_  
Signature Date



## APPENDIX B

### VOLUNTEER AFFIRMATION FORM COVENANT PRESBYTERIAN CHURCH

Required by the Child Protective Service Law 23 Pa. C.S. Section 6344.2  
(relating to volunteers having contact with children)

I swear/affirm that I am seeking a volunteer position, and:

- I am **NOT** required to obtain a clearance through the Federal Bureau of Investigation because the position I am applying for is unpaid and I have been a resident of Pennsylvania during the entirety of the previous ten-year period; **or**
- I am required to obtain a clearance through the Federal Bureau of Investigation because the position I am applying for is unpaid and I have **NOT** been a resident of Pennsylvania during the entirety of the previous ten-year period (**and** I have begun the process).

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

Chapter 25 (relating to criminal homicide)  
 Section 2702 (relating to aggravated assault)  
 Section 2709 (relating to stalking)  
 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)  
 Section 4302 (relating to incest)  
 Section 4303 (relating to concealing death of child)  
 Section 4304 (relating to endangering welfare of children)  
 Section 4305 (relating to dealing in infant children)  
 Section 5902(b) (relating to prostitution and related offenses)  
 Section 5903(c) (d) (relating to obscene and other sexual material and performances)  
 Section 6301 (relating to corruption of minors)  
 Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I have carefully read and understand the foregoing materials, and I agree to abide by them and my membership vows taken when I joined Covenant Presbyterian Church. I agree to refrain from unscriptural conduct in the performance of my services on behalf of the church.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

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

PLEASE RETURN THIS FORM TO THE CHURCH OFFICE