

St. Mark's Lutheran Church
of Olathe, Kansas, Inc.

Child Protection Policy

Approved by St. Mark's Church Council on October 9, 2007
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I. INTRODUCTION

A. Mission Statement

St. Mark's Lutheran Church intends to provide a safe and secure environment for children and youth involved in its ministry.

B. Purpose of Policy

The congregation of St. Mark's wants to make every reasonable effort to ensure that all people who enter our doors are as safe and protected as we can reasonably make them. The following policy reflects our commitment to provide protective care of all children and youth and the paid and unpaid workers who participate in church-sponsored activities, programs and other ministries. We want to encourage transparency and accountability in the care of our children, in the planning and implementation of our ministries for children and in the selection and screening of workers in those ministries.

C. Definitions

1. St. Mark's: St. Mark's Lutheran Church of Olathe, Kansas, Inc.
2. Child Abuse and Neglect: The physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 years by a person responsible for the child's welfare.
3. Physical Abuse: Child abuse that result in physical injury, including bruises, burns, cuts, welts, fractures and internal injuries.
4. Sexual Abuse: The exploitation of a child for the sexual gratification of someone who is significantly older or more powerful, including physical and nonphysical acts.
5. Emotional abuse: Child abuse that results in impaired psychological growth and development, including belittling, bullying, rejection, constant unequal treatment, verbal assaults, excessive demands of a child's performance and isolation from normal social activities.
6. Neglect: An act of omission by a parent or caretaker, specifically the failure to provide for the child's basic needs and to provide proper care with respect to food, clothing, shelter, hygiene, medical attention, education and supervision.
7. Church-Sponsored Child Ministries: Any activity, program or event, including, Sunday School, Confirmation, youth group meetings, recreational events, service projects or any other gathering of children or youth conducted on the premises of St. Mark's or at any other place, including in public and private places, which the congregation conducts, by any organization of the congregation, by a member of the congregation in the name of the congregation, or which another organization conducts on St. Mark's premises.
8. Child: Any person under the age of 18 years.
9. Youth: Any child over the age of twelve years or is in the 6th grade or above.
10. Worker: Any person over the age of 14 years, who works in St. Mark's child and youth ministries.
11. Unpaid Worker: Any person over the age of 14 who works on a volunteer basis.
12. Paid Worker: Any person whom St. Mark's employs.
13. Approved Worker: Any person who has successfully completed the screening and selection process and whom St. Mark's has approved to work in church-sponsored child ministries at St. Mark's pursuant to this policy.
14. Parent: Any person who is a natural parent, legal guardian of the child or legally responsible for the care of the child or any stepparent.
15. Caregiver: Any parent or any person in whom a parent has temporarily placed the care and responsibility for a child, other than a Worker.

16. Designated Staff Person: The paid Worker to whom the Church Council has given authority (pursuant to *The Constitution and Bylaws of St. Mark's*, C12.09) to administer the child protection program at St. Mark's.
17. Designated Assistant: The paid, approved Worker to whom the Church Council has given authority to assist the Designated Staff Person in conducting the screening and selection process, and other duties as specifically authorized.
18. Pastor: When capitalized, "Pastor" shall mean an ordained person whom St. Mark's has called to serve the community of St. Mark's.
19. Outside Organization: Any organization, which is not a ministry, program or activity of St. Mark's, which uses St. Mark's premises to conduct its programs and activities for children or youth, pursuant to an agreement with St. Mark's.
20. Premises: Any location where St. Mark's conducts its ministries, activities and programs, including, but not limited to St. Mark's church building, any property owned or leased by St. Mark's, and any facilities used by St. Mark's for worship, administrative offices or any other ministry temporarily or during a time of transition between church building sites.
21. Records: Completed *Screening Applications*, Consents and Releases, references, background and criminal history records and any other documents produced or acquired during the screening process, whether received in writing or notes taken to memorialize information obtained during the screening process, including any formal or informal notes, letters or any other records obtained or created during the screening process.

II. PROCEDURES

A. Implementation

To implement this policy, the congregation will follow specific procedures in six critical areas:

1. Worker Screening and Selection
2. Maintaining Confidentiality
3. Worker Training
4. Worker Supervision
5. Reporting Obligations
6. Response to Allegations

B. Application of Policy

1. Worker

This policy shall apply to all Workers, including current Workers at the time St. Mark's adopts the policy, whether paid or unpaid.

2. Outside Organization

Each Outside Organization that uses St. Mark's premises shall comply with the terms of this Policy in consideration of the organization's use of the premises.

3. Accompanying a Child to Activity

A parent or caregiver, who is not an approved Worker, may accompany his or her child to an activity on an as needed basis, to provide emotional or physical support to the child, if the caregiver is observing and not providing service to or participating in the event in a leadership position. This situation would typically be temporary to help the child to transition into the activity. (For example, accompanying a child new to St. Mark's who needs a parent present for comfort during the child's first Sunday School class.)

C. Screening and Selection Requirements

1. Requirements for Paid Workers

All paid Workers shall complete the following procedures before providing any service to or participating in any church-sponsored child ministry.

a) Screening Application

Complete a written *Screening Application*, including listing references. (See Appendix A, the *Screening Application for Persons Who Work with Children or Youth* form.) St. Mark's shall not require the *Screening Application* of any proposed paid Worker until after St. Mark's has extended an offer of employment. Employment shall be conditioned upon satisfactory completion of the screening process.

b) Personal Interview

(1) Non-Ordained Staff Workers

The Applicant shall interview with the Designated Staff Person. Current non-ordained staff persons and applicants for the position of Designated Staff Person shall interview with the Staff Committee.

(2) Pastors

Shall be interviewed or has been interviewed by a Call Committee during the pastoral candidate's call process.

c) Consent to Background and Records Check.

In addition to the consent contained in the *Screening Application* form, complete, sign and date the Child Abuse and Neglect Central Registry Release of Information form (Appendix D), and submit with the *Screening Application*. Each Applicant shall satisfactorily complete and pass all background and records checks. The Consents given by the Applicant shall be a continuing and ongoing consent to perform the checks during any time that the Worker continues to provide any service to or participate in any church-sponsored child ministry, provided, however, the Consent shall expire forty-two months following the date of the signature on the Worker's written consent. (*Amended December 9, 2008*)

d) Orientation and Training

Attend and complete the orientation and training program and certify completion of the training. (See Appendix E, *Certification of Training and/or Certification of Review of the Policy* form.)

e) Review Policy

Read and review *St. Mark's Child Protection Policy* and certify completion of the review. (See Appendix E)

f) Annual Training

Attend in-service and/or refresher training and review *St. Mark's Child Protection Policy* annually. Certify completion of the training and review of the policy. (See Appendix E)

2. Requirements for Unpaid Workers

All unpaid Workers shall complete the following procedures before providing any service to or participating in any church-sponsored child ministry.

a) Screening Application

Complete a written *Screening Application*, including references. (See Appendix A, the *Screening Application for Persons Who Work with Children or Youth* form)

b) Personal Interview

Participate in a personal interview with the Designated Staff Person.

c) Consent to Background and Records Check

In addition to the consent contained in the *Screening Application* form, complete, sign and date the Child Abuse and Neglect Central Registry Release of Information form (Appendix D), and submit with the *Screening Application*. Each Applicant shall satisfactorily complete and pass all background and records checks. The Consents given by the Applicant shall be a continuing and ongoing consent to perform the checks during any time that the Worker continues to provide any service to or participate in any church-sponsored child ministry, provided, however, the Consent

shall expire forty-two months following the date of the signature on the Worker's written consent. (Amended December 9, 2008)

d) Orientation and Training

Attend and complete the orientation and training program and certify completion of the training. (See Appendix E, *Certification of Training and/or Certification of Review of the Policy* form)

e) Review Policy.

Read and review *St. Mark's Child Protection Policy* and certify completion of the review. (See Appendix E)

e) Annual Training

Attend in-service and/or refresher training and review *St. Mark's Child Protection Policy* annually. Certify completion of the training and review of the policy. (See Appendix E)

3. Requirements for Designated Staff Person

The Staff Committee shall conduct the screening and selection of an Applicant for the position of Designated Staff Person according to the requirements for paid Workers, subject to review and approval by the Church Council. The Designated Staff Person shall not conduct any screening procedure for his or her self. The Designated Staff Person shall be trained in child abuse and neglect prevention and child protection as a requirement of his or her employment. The Designated Staff Person shall participate in ongoing training in subjects relevant to St. Mark's child protection program during his or her employment as Designated Staff Person, beyond the training provided by St. Mark's.

4. Requirements for Workers from Outside Organization

Any Worker working with an Outside Organization who provides to the Designated Staff Person written documentation from the Outside Organization confirming that the Outside Organization has screened and selected the Worker to work with children and youth in the Outside Organization's programs and activities, in a process that would be reasonably comparable to St. Mark's screening and selection requirements, may be exempted from complying with a corresponding screening procedure by St. Mark's to be approved to work on the premises of St. Mark's. St. Mark's may require a Worker from an Outside Organization to attend specified training provided by St. Mark's that the Outside Organization's training did not cover. (E.g., Attend portions of St. Mark are training concerning policies or safety procedures unique to St. Mark's or its premises.) All Workers working with Outside Organizations shall certify that they have received, read and reviewed *St. Mark's Child Protection Policy* before beginning working with children and youth on the premises of St. Mark's.

5. Requirements for Volunteers under the age of 14 Years

Youth who are less than the age of 14 years, who volunteer to provide service with church-sponsored child ministries, must work with at least two approved Workers over the age of 18 years of age. St. Mark's shall require workers under the age of 14 years to complete the training and orientation program and review St. Marks' *Child Protection Policy* before beginning to work in children's ministries.

6. Length of Membership

All paid and unpaid Workers providing service to or participating in church-sponsored child or youth ministries are required to have been attending St. Mark's for a minimum of six months.

a) Exceptions for Parents

St. Mark's may make exceptions for a parent when they meet all of the following conditions:

- (1) The person meets all other screening requirements.
- (2) The person is a parent or caregiver of a child participating in the activity.
- (3) The person works with at least two approved Workers who meet the six-month membership requirement.

b) Exceptions for Pastors

St. Mark's may make exceptions for a Pastor whom St. Mark's has called to serve our congregation when the Pastor meets all of the following conditions:

- (1) All other screening requirements are met.
- (2) The Pastor works with at least two approved Workers who meet the six-month membership requirement.

c) Exceptions for Outside Organizations

St. Mark's may make exceptions for a Worker who is working for an Outside Organization when they meet the following conditions:

- (1) All other screening requirements are met.
- (2) The Worker has worked in the Outside Organization for at least six months.

7. Conviction of or Plead of Guilt to a Crime, Listing on Certain Registries and Investigations of Accusations of Child Abuse or Neglect or Violent Crimes.

a) Any Worker or proposed Worker who has been convicted of or has pleaded guilty to a crime against a minor, a violent crime against a person (adult or minor) or a sex offense or who is registered by the Kansas Department of Social and Rehabilitation Services on the Child Abuse and Neglect Central Registry, or the equivalent registry in another state, or who has been registered as a Sex Offender in Kansas or in any other state, shall not be allowed to provide service or participate in any church-sponsored ministry which involves children or youth.

b) Any Worker or proposed Worker who is under investigation for a crime against a minor, for a violent crime against a person (adult or minor) or for a sex offense, or under investigation for abuse or neglect of a minor or dependent adult shall be suspended from and not allowed to provide service or participate in any church-sponsored ministry that involves children or youth while the investigation is pending.

c) In the event a Worker or a proposed Worker has been acquitted of criminal charges or for whom a criminal investigation has been dismissed by the appropriate civil authorities at the conclusion of an investigation or for whom allegations of abuse or neglect of a minor or dependent adult have been unsubstantiated, then the Worker or proposed Worker may be considered to provide service or participate in a church-sponsored ministry that involves children or youth after consultation with the Senior Pastor of St. Mark's.

8. Background Check

The Designated Staff Person or Designated Assistant shall conduct a background check of all Applicants. The background check shall include, checking the Kansas Sex Offender's Registry and the Kansas Dept. of Social & Rehabilitation Services' Child Abuse and Neglect Central Registry may include the Kansas Bureau of Investigation's criminal history records for each Applicant. If the Applicant will be providing transportation, the background check shall include a check of the Applicant's driving records. The responsibility for conducting the background checks may be delegated or assigned to a private entity, whose regular business is to perform background and records investigations, if preauthorized and funded by the Church Council. The background check shall be documented in an e-log or by completing the form contained in Appendix F, *Record of Personal Interview and Background Check of Applicant*, or a similar reporting form regularly used by the private entity conducting the investigation. **(Amended December 9, 2008)**

9. References Check

The Designated Staff Person or Designated Assistant shall contact all churches that the Applicant has listed in the application, where the Applicant has previously regularly attended or been a member, and shall contact all organizations that the Applicant has listed in the application, where the Applicant has previously been involved with children and youth. The Designated Staff Person or Designated Assistant shall contact all personal references provided by the Applicant.

All reference checks shall be documented by completing the forms contained in Appendix G, *Record of Contact with a Reference, Organization or Church*.

10. Personal Interview

The Designated Staff Person or Designated Assistant shall conduct a personal interview of each Applicant. The personal interview shall be documented in an e-log or by completing the form contained in Appendix F, *Record of Personal Interview and Background Check of Applicant*.

11. Updates of Screening Applications and Ongoing Consent for Subsequent Background Checks

At anytime the Designated Staff Person may request a Worker to update his or her *Screening Application*. The *Consent to Background Check* and the *Consent to Criminal History Records Check* shall be an ongoing consent for forty-two months following the date of the signature thereon. The Designated Staff Person or Designated Assistant shall conduct a new background check on each Worker at least once every three years. Background checks on selected Workers may be conducted more frequently at the discretion of the Designated Staff Person.

12. Approval as Worker

The Designated Staff Person, after reviewing the results of the application and screening process, shall have the authority to approve or disapprove the Applicant as a Worker authorized to provide services to or participate in any church-sponsored child ministry at St. Mark's. If the Applicant is being called as a pastor to serve St. Mark's, the Designated Staff Person shall share the information obtained in the Screening process with the Call Committee and with the Church Council, before they make any recommendation for a call to the Congregation.

13. Pastoral Right to Disapprove

Any Pastor of St. Mark's shall have the authority to disapprove any Worker's or proposed Worker's service and participation in any church-sponsored ministry that involves children or youth when the Pastor has reasonable cause to believe that the person may have a history of abusing or neglecting a child, may have unresolved issues arising out of his or her own childhood or life experiences, or for any other reason known to the Pastor, in confidence or otherwise, that would suggest that said person should not serve or participate as a Worker in a church-sponsored ministry that involves children or youth.

14. Notice of Disapproval

In the event, the Applicant is not approved for service and participation in church-sponsored ministries that involve children or youth, then the Designated Staff Person shall notify the Applicant in writing of the decision to not approve. The Applicant may then request a meeting with the Designated Staff Person to discuss the reasons for the decision. A Pastor of St. Mark's shall attend the meeting. If the decision were pursuant to section 13 above, then the Pastor making the decision shall also attend the meeting and be prepared to discuss and explain the reasons for the decision.

D. Confidentiality of Information and Records

Every person who has access to records or information obtained through the screening process shall hold the records and information in strict confidence and shall not share any information or records, whether obtained verbally or in writing, with anyone not specifically authorized by this policy to have access to said information or records.

1. Marking Records

The Designated Staff Person or Designated Assistant shall clearly mark all records obtained or created in the screening process as "Confidential Records."

2. Procedures for Storage of and Maintaining Confidentiality of Written Records

All records generated during the screening process or during any review, whether obtained verbally or in writing, shall be stored in a locked storage cabinet or file drawer in a secure location and viewed in a secure environment on the premises of St. Mark'. The records shall not be removed from said premises unless St. Mark's is moving the records to new premises of St. Mark's. Any records maintained electronically or on a computer shall be password protected, encrypted or similarly restricted, so that only the persons authorized by this policy shall have access to the records. The storage cabinet or file drawer containing said records shall be conspicuously marked that the records contained therein are confidential and access is restricted. Only the Designated Staff Person, the Designated Assistant and the senior Pastor of the congregation shall have a key to the storage cabinet or file drawer where the records are stored. Said records shall be kept as part of the permanent records of the congregation. However, those records of an application for a position as a paid Worker, where St. Mark's did not hire the Applicant, may be destroyed in a secure manner at the conclusion of five years.

3. Access to Information and Records

a) Regular Access

Only the Designated Staff Person, the Designated Assistant and the senior Pastor shall be allowed access to the information and records obtained in the background investigation.

b) Access in Event of Report of Suspicion of Abuse or Neglect

In addition, any Pastor of the congregation and the President of the congregation shall have access to the records concerning an accused Worker, in the event anyone makes a report of reasonable suspicion of child abuse or neglect which involves a child or youth while participating in a church-sponsored ministry. Any Pastor of the congregation, or the President of the congregation, shall provide access to the confidential records concerning an accused Worker to any law enforcement or state agency conducting an investigation of such a report, and may do so without the requirement of a subpoena at the discretion of the Church Council. Any Pastor of the congregation, or the President of the congregation, shall provide access to the confidential records concerning an accused Worker to an attorney retained by the Church Council to represent St. Mark's concerning such a report or any other allegations of inappropriate conduct involving a child or youth or of any other allegations of sexual misconduct, and to the Office of the Bishop of the Central States Synod of the ELCA, for the purpose of conducting an investigation of a report or allegations and to assist the attorney and/or Synod to prepare for any proceeding, including any civil, criminal or church disciplinary proceeding, that results from the said report or allegations.

E. Training

Training shall be provided for all paid and unpaid Workers who will provide service to or participate in church-sponsored child ministries.

1. Initial Training

- a) Each proposed Worker shall read and review the Child Protection Policy of St. Mark's.
- b) Each proposed Worker shall attend an orientation and training program to be determined by the Designated Staff Person, which may include:
 - (1) An in-service workshop for proposed Workers;
 - (2) A pre approved, self-conducted, online seminar; or
 - (3) Any other orientation and training program as may be approved by the Designated Staff Person.
- c) Each proposed Worker shall certify in writing that they have read the Child Protection Policy and completed the training before being allowed to provide any service to or participate in church-sponsored child ministries.

2. Annual Training

- a) Each Worker shall review the Child Protection Policy of St. Mark's annually.
- b) Each Worker shall attend an annual refresher program to be determined by the Designated Staff Person, which may include:
 - (1) An in-service workshop for Workers;
 - (2) A pre approved, self-conducted, online seminar; or
 - (3) Any other refresher training as may be approved by the Designated Staff Person.
- c) Each Worker shall annually certify in writing that they have reviewed the Child Protection Policy and completed the refresher training.

F. Supervision

1. Number of Workers at Activities.

There shall be at least two approved Workers present and supervising all church-sponsored child ministries, including all activities, programs, events or other ministries involving children or youth. There shall be at least two approved Workers for the first ten children or youth participating and one additional approved Worker for every additional five children or youth participating in the activity. If at the start, during or conclusion of the activity a Worker finds that he or she is the only approved Worker present, the Worker should report that fact immediately to a paid Worker and every reasonable effort should be made to find another approved Worker to assist in supervising the event as soon as possible.

2. Workers Continued Presence at Activity until Conclusion

All of the Workers supervising the event shall remain at each activity or event until its scheduled conclusion and all children have been picked up by a caregiver.

3. Sunday School, Vacation Bible School and other Education Programs

Every teacher, leader and assistant participating in any parish education program at St. Mark's shall be an approved Worker while involved with the parish education program. The Superintendent of the Sunday School, the Director of Vacation Bible School, or a designated approved Worker shall roam and monitor the halls and classrooms during every educational event and the visibility requirements stated below shall be strictly enforced. In the event St. Mark's is not able to staff every Sunday School classroom with two approved Workers, the roaming Superintendent, Director or the designated Worker may constitute the second approved Worker.

4. Parent Bringing Child to Adult Ministries

In the event that a parent or caregiver brings a child or youth to participate in or attend a ministry, activity or program at St. Mark's, which is primarily intended for adult participation, and which is not usually intended for child or youth participation, then the parent shall be responsible for the care and supervision of that child. (For example, in a situation where a parent brings a child or youth to a WELCA event or to adult choir practice, or a child or youth is waiting while the parent attends such an event.)

5. Visibility

Activities involving children at St. Mark's should be held in places where either the door can be left open or the classroom can be viewed through a window at all times. When the activity is noisy (for example, music) and no window is available, then the door may be closed if there are at least one approved Worker and another adult present, but should be opened immediately upon conclusion of the activity.

6. One-on-One Contact with Child

There should be no one-on-one meeting or contact between an adult Worker and a child or youth. Meetings held in the Confirmation program between a mentor and youth, shall be held in a visible and public place on St. Mark's premises. At least one additional, designated approved Worker shall observe and monitor the meeting. Mentors and youth in the Confirmation program may meet together in group activities involving other Confirmation mentors and youth.

7. Overnight Events

Before any child or youth is allowed to participate in any organized activity that involves overnight stays for a child a completed and signed parental permission form shall be required to be delivered to the Designated Staff Person or Designated Assistant. (See Appendix H, *Parental Permission Form for Over-Night Events*) During all overnight events the following rules shall be followed:

- a) No adult will share a bed with any child or youth.
- b) No adult will sleep in the same room with any child or youth.
- c) Children and youth will not sleep in the same room with other children or youth of the opposite sex.
- d) If the overnight activity is a "lock-in" type event (whether held on the premises of St. Mark's, the premises of another congregation in a jointly sponsored activity, at a retreat center, camp or similar facility or at any other location), then at all times during the activity there shall be at least two approved Workers who are male and two approved Workers who are female present during the activity who are supervising and monitoring the activity.
- e) If the overnight activity is to take place in a hotel, motel, camp, retreat center, private residence or similar accommodation, then the adult Workers may stay in an adjoining room, but there shall be two approved Workers staying in the adjoining room who are supervising and monitoring the children and each other.
- f) All chaperons of overnight events shall be approved Workers.
- g) There shall be at least two approved Workers participating as chaperons for the first ten children or youth in attendance. There shall be at least one additional approved Worker for every additional five children or youth in attendance that exceeds ten children.
- h) If the overnight event is also an off-site event, then the parental permissions to be granted may be combined into one comprehensive form that includes all relevant permissions for off-site events, overnight events and transportation, or any combination thereof.

8. Off-Site Activities

Before an off-site activity is announced, an Off-Site Event Form shall be completed by the Worker planning and organizing any activity to be held off of St. Mark's premises. (See Appendix I, *Off-Site Event Form*.) The completed form shall be delivered to the Designated Staff Person or Designated Assistant and retained in St. Mark's records. The forms shall be made available to any member of the congregation upon request. Before a child or youth participates in an off-site activity, a completed and signed parental permission form for the child shall be delivered to the Designated Staff Person or Designated Assistant. (See Appendix J, *Parental Permission Form for Off-Site Events and Transportation to and from Off-Site Events*.) If the specific ministry or program anticipates that several off-site activities may occur during the ministry or program, then the Off-Site Event Form and the Parental Permission form may cover multiple events that are anticipated for the same child or youth in a designated church-sponsored child ministry. There shall be at least two approved Workers participating as chaperons for the first ten children or youth in attendance at an off-site event. There shall be at least one additional approved Worker for every additional five children or youth in attendance that exceeds ten children.

9. Transportation of Children

a) Parental Permission

Before any child or youth is transported to an off-site event, a parent of the child or youth shall complete and sign a Parental Permission Form *Off-Site Events and Transportation* (Appendix J).

b) Drivers

Each driver for an off-site event must complete and deliver to the Designated Staff Person or Designated Assistant an *Off-Site Transportation Driver's* form (Appendix K). The driver must:

- (1) Be at least 21 years old;
- (2) Provide proof that they hold a valid driver's license;
- (3) Provide proof of automobile liability insurance coverage; and
- (4) Pass a background check on his or her driving record at least once a year. The driver shall not be deemed to have "passed" the driving record check if the driver has been convicted of Driving Under the Influence (or a similar offense) within the prior three years or in the event that the driver has committed any traffic offense that would reasonably cause concern that the driver was not a safe or responsible driver.

c) Number of Children in Vehicle

When transporting a child or youth in a vehicle, a minimum of two children should be in each vehicle. When situations arise where a child would be alone in a vehicle with an adult, a parent shall be notified promptly and arrangements should be made for the parent or a caregiver identified by the parent to transport the child.

d) Number of Adults in Vehicle

When transporting children or youth in a vehicle, there shall be at least two approved Workers in the vehicle.

e) Safety Precautions

Reasonable efforts should be made to provide for the safety of all children being transported. The following requirements are the minimum precautions:

- (1) The driver and each passenger shall be secured in an individual seat belt and/or an age appropriate car seat.
- (2) The driver shall not drive when the driver's driving is impaired, including when the driver is under the influence of alcohol or any illegal substance or when impaired by prescribed or over-the-counter medications.
- (3) Drivers should have his or her complete attention and focus on driving when transporting children or youth. Drivers should not use a wireless communication device while driving. Drivers should not multitask in any manner which distracts from his or her driving while transporting children.
- (4) When the noise level or behavior of the passengers becomes distracting to the driver, the driver shall pull over as soon as reasonably safe and stop the car until the passengers become quiet.

f) Trips Begin and End at St. Mark's

All trips shall begin and end at the premises of St. Mark's, unless approved in advance by the child's parent. The parent of the child shall make arrangements to pick up the child promptly at the designated ending time for the event.

10. Computer and Internet Use

All Workers, children and youth participating in St. Mark's ministries shall exercise appropriate and reasonable use of computers, televisions, electronic equipment, telephones, wireless devices and any other similar media (after this "equipment") located on the premises of St. Mark's, brought into St. Mark's from the outside or owned, leased or used primarily by St. Mark's. Any

Worker, child or youth intentionally accessing, viewing or sharing pornography or other obscene materials on said equipment shall be terminated from participating in any future children's ministry of St. Mark's.

G. Reporting of Child Abuse

When the necessity for reporting suspected child abuse or neglect arises, the protection of the child must be the most important consideration. **All acts of child abuse or neglect observed by a Worker shall be reported as outlined in this policy. Any Worker who has a reason to suspect child abuse or neglect must report the suspicion as outlined by this policy.**

1. Reason to Suspect

"Reason to suspect" means that there is credible evidence or a discrepant or inconsistent history in explaining a child's injury. A report based on reasonable suspicion does not require proof that abuse or neglect has actually occurred or that the reporter witnessed the incident in question.

2. Reporting

Reporting the suspicion is not a determination that child abuse or neglect has actually occurred. Rather, reporting is a request for an assessment into the condition of a child. Workers should understand that reporting reflects caring and is not an act of disloyalty to others.

3. Duty to Intervene

In the event that a Worker directly observes abuse of a child or inappropriate conduct with a child, the Worker shall intervene and stop the abuse or inappropriate conduct immediately.

4. Reporting Duty of Pastors

Kansas law (see K.S.A. 38-1522) does not mandate that pastors report child abuse. However, this *Child Protection Policy* requires that a Pastor of this congregation who knows of or who has any reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, while participating in any church-sponsored ministry, shall make a report of the suspected child abuse or neglect.

5. Confidential Communication with Pastor

This policy recognizes the importance of respecting the confidentiality of communications between pastors and their parishioners. In the event that during the course of a confidential communication, a Pastor becomes aware of an act of child abuse or neglect that did not occur within the parameters of a church-sponsored child ministry, then the Pastor shall use the Pastor's professional discretion in deciding whether or not to report the abuse or neglect. The Pastor shall carefully consider the potential of assisting individuals to receive professional help for the harm to both the victim and the alleged perpetrator and the possibility of preventing further harm that may arise from reporting the child abuse. In the event that any person confides in the Pastor that the person has abused or neglected a child, then the Pastor shall exercise the Pastor's authority to disapprove an Applicant from serving as a Worker or to disapprove a Worker from continuing to serve in any church-sponsored ministry involving children or youth at St. Mark's as previously set forth in this policy.

6. Guidelines for Reporting

Because children are the most important concern in an incident or reasonable suspicion of child abuse or neglect, St. Mark's adopts the following guidelines for reporting:

- a) All paid and unpaid Workers in church-sponsored child ministries at St. Mark's must agree to abide by this Child Protection Policy.
- b) Any Worker who witnesses or has reason to suspect abuse or neglect has occurred must report that abuse to any one of the following paid Workers of this congregation:
 - (1) Designated Staff Person; or
 - (2) A Pastor

c) The paid Worker receiving the report must notify the Kansas Dept. of Social and Rehabilitation Services, or the appropriate state agency charged with investigating reports of child abuse or neglect, of the alleged child abuse or neglect.

d) When a Worker suspects that abuse is taking place or has taken place, the Worker may report the abuse to the Kansas Dept. of Social and Rehabilitation Services, or to the state agency charged with investigating reports of child abuse or neglect, or to a law enforcement agency, on the Worker's own initiative. However, in such an event, the Worker must also immediately report the abuse to a paid Worker as listed in the paragraph above.

e) If the Worker is not satisfied that either the Designated Staff Person or a Pastor of the congregation will follow through on the report as required by this policy, then the Worker shall report the suspicion to the President of the Church Council or to the Vice President of the Church Council. Said officer of the Church Council shall document the report, immediately report the suspicion to the proper authorities and respond as outlined in this policy as if the officer was the paid Worker with the responsibilities of reporting and responding.

f) Upon receiving a report of child abuse or neglect, the person suspected of abuse should be suspended immediately, with pay if applicable, until an appropriate investigation has been completed and the appropriate authorities of the congregation, as determined by the Constitution of the congregation, have decided what the next action will be. The suspended individual is restricted from participation in any and all child-related activities during the duration of the investigation.

g) The Workers making the report and receiving the report should not discuss the matter with anyone else, except as otherwise required by this Child Protection Policy.

7. Documenting the Report

Immediately upon receiving a report of an incident, the paid Worker should document the report to include at least the following information, if known:

a) The name of the Worker observing or receiving the disclosure or who has a reason to suspect abuse or neglect, including the date, time and place of the alleged incident and what action was taken by the said Worker.

b) The alleged victim's name, age, address and date of birth.

c) The names and addresses of the alleged victim's parents or other persons responsible for the child's care.

d) Any statement made by the alleged victim, including the name of the person accused, and the time, place and nature of the alleged abuse.

e) The nature and extent of the alleged victim's injury (including any evidence of any prior injuries).

f) The name of the accused person, the date, time and place of any conversation with the accused person regarding the alleged incident.

g) Any action took, including suspension of the accused.

h) The date and time of call made to alleged victim's parents and context of the conversation. If no call was made to parents, make a notation of the reason (for example, the allegation of abuse was against the parent).

i) The date and time of call to the Kansas Dept. of Social and Rehabilitation Services, or any other appropriate state agency charged with investigating reports of child abuse and neglect, the name of the State Worker spoken to, the content of that conversation, and the case number assigned to the report.

j) The date and time of any call to a law enforcement agency, if made; the name of the officer spoken to, the content of that conversation, and the case number assigned to the report.

k) The date and time of any other contacts made regarding the incident. The report shall be made by using the Child Abuse or Neglect Reporting form (Appendix L).

8. Discussion with Alleged Victim

The Designated Staff Person or a Pastor of the congregation should speak with the alleged victim, in the presence of and with the permission of the alleged victim's parents, if appropriate. The staff person should reassure the alleged victim that the alleged victim has done nothing wrong, and that it was right to report the incident. The staff person should not promise the alleged victim that they will not tell anyone else. Instead, the staff person should state that they wish to help the alleged victim, and in order to do that they must tell someone who can help make sure the abuse stops. If the alleged victim is interviewed, then use open-ended questions to determine only the information included in 7(b), (c) and (d) of this section. Leave all other questioning of the alleged victim to appropriate social service agencies or law enforcement.

9. Multiple Interviews

Multiple interviews of an alleged victim who is a child concerning allegations of child abuse and neglect may further traumatize the child. It is preferable that any further interview of the child in should be done by professionals who are specifically trained and who are skilled and experienced in interviewing children in such circumstances.

10. Staff Response to Report

If there is reason to suspect that abuse or neglect has occurred, then the Designated Staff Person or a Pastor, should do the following:

a) Consult an attorney for the congregation for advice regarding the compliance with reporting laws.

(1) The Church Council should annually identify and retain standby legal counsel to represent the congregation in the event allegations of child abuse or neglect are made.

(2) In the event that a standby attorney has not already been identified and retained, then an attorney should be approved and retained to represent St. Mark's concerning the incident by the Church Council or by the Executive Committee in an emergency, as soon as possible following the incident.

b) Promptly make a report to the Kansas Dept. of Social and Rehabilitation Services. The department's toll-free child abuse hotline telephone number is 1-800-922-5330. If the department is not open for business or does not answer or respond to the call, call 911 and make the report to the law enforcement agency where the alleged incident took place.

c) Report to the alleged victim's parents unless the suspected abuse involves a parent.

d) Report to the Office of the Bishop, Central States Synod of the ELCA. (816) 861-6584.

e) Notify St. Mark's liability insurance company. Unless advised differently by the congregation's attorney, do not wait to make such notification until the investigation is concluded, for charges to be filed, or for a civil lawsuit to be filed. Waiting may jeopardize the coverage.

f) Cooperate in the investigation conducted by the state agency to which the report has been filed, law enforcement and the insurance company. Cooperate with any investigation by the synod office or their appointed representatives.

g) Document, in writing, all efforts to deal with the incident.

11. Allegations Against Designated Staff Person

Should the allegations be made concerning the Designated Staff Person, the response to the report will be performed by a Pastor of the congregation.

12. Allegations Against a Pastor

Should the allegations be made concerning a Pastor of the congregation, the allegations shall be reported immediately to the appropriate law enforcement and state agencies. In addition, the President of the congregation and Church Council should be notified immediately of the allegations. The President of the congregation shall immediately notify the office of the Bishop of the Central States Synod. The investigation of the allegations shall be made by the appropriate law enforcement and state agencies and the synod office.

H. Response of St. Mark's

1. To Alleged Victim, Parents and Complainant

If St. Mark's receives an allegation of child abuse or neglect, it will respond with the utmost concern to the alleged victim, the child's parents and to the party making the allegation. Absent clear and convincing evidence to the contrary, St. Mark's paid Workers will assume that all such reports are made in good faith. The alleged victim, parents and persons making such reports should be assured that St. Mark's takes the complaints seriously and shall take appropriate action.

2. If Alleged Abuser Contacts Worker

If an alleged abuser contacts a Worker about a complaint, St. Mark's paid Workers may confirm that they have received such a complaint only if they are certain that the alleged abuser already has been notified of the complaint by the proper authorities. The Workers should avoid discussing the allegations or making any further comments until the proper authorities have an opportunity to make their investigation. The Workers should not identify the alleged victim or the complainant during an investigation.

3. Suspension of Alleged Abuser

The alleged abuser shall be suspended from further contact with children by the Designated Staff Person or Pastor pending an investigation. The paid Worker shall inform the alleged abuser only in general terms why such action is being taken. The paid Worker should not disclose any details of the case or investigation. The paid Worker should be compassionate and supportive as possible under the circumstances, but the paid Worker should not identify the alleged victim, the victim's parents or the complainant. The paid Worker should not make any comments about the credibility of the allegations or about any opinions concerning the abuser's culpability or innocence. The paid Worker should avoid making any statements which might impede the investigation.

4. Suspension with Pay

If the alleged abuser is a paid Worker, pay shall continue during the investigation. The alleged abuser may be terminated without pay once criminal charges are filed.

5. Media Contact

If the media contacts a church official or member of the congregation about a pending allegation of child abuse, the media should be referred to the senior Pastor. The senior Pastor of the congregation shall be the primary spokesperson for the congregation concerning the allegations. Only the senior Pastor or the Pastor's designee should comment to the media. (See Appendix M, *Position Statement to be Used in Response to Media Inquires.*)

III. CONGREGATION

A. Each Member's Responsibility

All members of St. Mark's will share in the responsibility to provide a safe and protected environment for our children and youth, and for our paid and unpaid Workers. Any member who knows of or has a reason to suspect child abuse or neglect in a church-sponsored child ministry is encouraged to make a report as outlined in this policy.

B. Congregation's Responsibility

The congregation shall use its best efforts to increase awareness and understanding among its members of the detrimental impact of abuse and neglect on children, families and congregations and the importance of the prevention of abuse and neglect. The congregation shall use its best efforts to educate its members about the importance of taking appropriate action and reporting child abuse and neglect that they may encounter in any setting.

C. Review

All information and policies stated in this document are subject to review and revision as the laws of the State of Kansas change and St. Mark's responds to these changes. This policy shall be reviewed annually by the Child Protection Team, with a report being made to the Church Council following such review. The annual report shall make any recommendations of the team for changes to the policy.

IV. APPENDICES

The attached forms have been intentionally developed to cover specific issues and obtain information which is needed for the best implementation of this *Child Protection Policy*. The forms should not be substantially altered, unless approved by the Child Protection Team. Minor adaptations to meet the needs of specific events are acceptable. The forms contained in the appendices are to be used by the congregation in the implementation of this policy. In addition, guidelines for safety and security procedures, developing training of Workers and other matters may be added to this policy and attached as additional appendices.

- A. Screening Application for Persons Who Work with Children or Youth (**Revised 12/09/08**)
- B. Consent to Criminal History Record Check (**Deleted 12/09/08**)
- C. Consent to Background Investigation (**Deleted 12/09/08**)
- D. State of Kansas, Dept. of Social and Rehabilitation Services Child Abuse and Neglect Central Registry Release of Information
- E. Certification of Training and/or Certification of Review of the Policy
- F. Record of Personal Interview and Background Check of Applicant
- G. Record of Contact with a Reference, Organization or Church
- H. Parental Permission Form for Over-Night Events
- I. Off-Site Event Form
- J. Parental Permission Form for Off-Site Events and Transportation
- K. Off-Site Transportation Driver's Form
- L. Child Abuse or Neglect Reporting Form
- M. Position Statement to be Used in Response to Media Inquires
- N. Kansas Child Passenger Safety Law (K.S.A. 8-1344, as amended)