

## Diocese of Northern California Safe Church Policies for Children

### Policy for Dealing with Sexual Misconduct

This process is intended to acknowledge the following concerns:

Every allegation deserves a serious and thoughtful response

Every allegation which reaches the Bishop will be addressed

The Bishop has both pastoral and disciplinary responsibilities

The Diocesan approach to this issue is to respond in a legal, healthy and pastoral way to such allegations

Uniform procedures have been developed to ensure that all cases are treated with justice and consistency, and the Diocese will employ these procedures in each instance of an allegation

The Diocese is concerned with the well being of all parties affected; the alleged victim, the alleged perpetrator, the families of both and the parish community

*Diocese of Northern California  
November 2003*

#### **(i) Diocesan Policies**

The Diocese of Northern California establishes the following policies regarding sexual misconduct. All church workers are responsible for knowing and following these policies:

1. Those in a pastoral relationship are to be cognizant of the power differential that exists between them and the recipients of their pastoral ministrations. They are not to exploit the trust and dependency of these persons.

2. All church workers must understand that appropriate staff relationships and attractions have potential for enhancing ministry and parish life, but recognizing that some attractions and relationships may be hurtful. Further, those with pastoral responsibilities (either clergy or lay) must be aware of typical danger signs of *sexual boundary breakdown* such as:

- a. Excessive self-disclosure and availability, including giving or receiving of gifts;
- b. Excessive touching, however innocent;
- c. Undue anticipation of future visits, including rearrangement of one's schedule;
- d. Inordinate concern about clothing or appearance – their own or others';

- e. Meeting at unusual, secretive locations;
  - f. Frequent fantasies about the person;
  - g. Keeping secrets beyond the requirements of professional confidentiality
3. All church workers must be aware of the need for *prudence*, recognizing that church workers are vulnerable to sexually aggressive, even predatory, persons among parishioners and others who may seek them out in the parish, at conferences, and in public.
4. All church workers must seek counsel if they are at risk of acting on sexual/romantic attraction to a parishioner, counselee, or counselor.
5. This Diocese, its congregations, and institutions prohibits interaction between children or youth and those with either a criminal record of child abuse or a mental health diagnosis of paraphilia (including pedophilia, exhibitionism, or voyeurism) as defined by the American Psychiatric Association and complying with state and insurance regulations.
6. California and our own moral standards *mandate* the reporting of any instances of child or elder abuse, and counselees should be so informed.
7. Those providing pastoral care should either have ongoing professional supervision or refer an individual to professional counseling after six sessions have been held. Fees or donations for pastoral care are prohibited; any person charging fees for counseling outside the scope of church employment must possess appropriate professional credentials and proof of separate professional liability insurance, including coverage for sexual misconduct, in force at all times. Persons practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual advisor approved by the Bishop.
8. Counselors and pastoral care—givers have ethical obligations to respond to the knowledge of sexually exploitative behavior of *colleagues* by:
- a. Reporting the information to the appropriate ecclesiastical; authority
  - b. Seeking the counsel and pastoral guidance of a spiritual advisor.

N.B. in the case of information received in confession, absolution can be withheld until the fulfillment of a suitable penance, such as self—repeating the misconduct to the appropriate ecclesiastical authority.

## **DIOCESAN REQUIREMENTS NURSERY & CHURCH SCHOOL PERSONNEL**

*A Nursery Supervisor or Church School Director (Paid or Volunteer) shall:*

- If paid, be an EMPLOYEE
- Be 21 years of age or over
- Complete a Screening Form
- Complete a Background Authorization Form
- Following satisfactory screening and background checks, execute the Covenant for Sexual Responsibility Form
- Complete the training on issues of child sexual abuse.

*A Nursery Attendant, Aide or Teacher (Paid or Volunteer) shall:*

- Be at least 16 years of age or over
- Be a member of the congregation for a minimum of six months
- Complete a Screening Form
- Following satisfactory screening, execute the Covenant for Sexual Responsibility Form
- Complete the training on issues of child sexual abuse.

*Persons serving as Support Assistants shall:*

- Be aware of Policies, Procedures and Requirements appropriate to their activity
- If 14 years of age or over, complete a Secondary Screening Form
- Be a member of the congregation for a minimum of six months
- Following satisfactory screening, execute the Covenant for Sexual Responsibility Form (modified if under 14)
- Be supervised by a trained adult 21 years or over

*The Problem of Negligent Supervision*

Churches can use reasonable care in selecting workers, but still be liable for injuries sustained during church activities on the basis of *negligent supervision*. Negligent supervision refers to a failure to exercise reasonable care in the supervision of church workers and church activities. Churches have been sued on the basis of negligent supervision in a variety of contexts, including sexual molestation of minors. Churches are not “guarantors” of the safety and well-being of those persons who participate in their programs and activities. Generally, they are responsible only for those injuries that result from their negligence. A number of courts have rejected attempts by persons injured during church activities to sue the sponsoring church on the basis of negligent supervision. However, this means that no one paid for nursery, child care or teaching can be considered self-employed as they are to be under supervision.

**Diocesan Requirements  
Nursery and Church School  
Supervisory Policies**

## **Team Approach**

Whenever possible, teachers or child care attendants should be encouraged to work in teams of two or more. Concerted effort will be made to recruit a sufficient number of volunteers to permit such teams.

Use a “two-adult” rule. Such a rule says that two adult supervisors should be present during any church activity. Preferably one of these adults would be a parent of one of the participating children or youth, or at a minimum, someone over 21 years of age. This rule reduces the risk of sexual molestation and also reduces the risk of false accusations of molestation by individuals seeking a quick legal settlement.

## **Provide Adequate Personnel**

Programs that involve children and youth should always include adequate supervisory personnel. Supervision should also be maintained before and after the event until all children are in the custody of their parents or legal guardians.

## **Use a Church Nursery Identification Procedure**

Procedures should exist for the church nursery that clearly identify the child and the child’s parent or guardian. Children should only be released to a properly identified and preauthorized adult.

*Example: First Church uses a “claim-check” system in its nursery. Adults sign their children in at the nursery and are given a plastic Identification number that is also pinned to the child. The child can only be picked up when the “claim-check number” is presented. The numbers are randomly assigned each week.*

*Example: Second Church keeps a Bulletin Board in its nursery of photographs of all the parents and children who use the nursery. Whenever a new family arrives, they get their picture taken. Nursery attendants release the child only to the adults in the picture. The photos are updated periodically, or whenever a change occurs in a child’s legal guardian.*

## **Open Door Policy**

A further protection for the church and children is to have an open door policy. This

policy should state that the parents of the children served, the clergy, or administrative and professional staff of the church or institution have the right to visit and observe the program at any time unannounced.

### ***Install Windows On Classroom Doors***

If feasible, consider installing windows on the doors to all classrooms or other areas used by minors. The windows should be made out of shatterproof glass. Alternatively, the doors to such classrooms should be left open during use so that persons passing by can observe inside. Sunday School superintendents or other church leaders also should make random visits to all classrooms and frequently visit or inspect areas of church buildings that are isolated from view.

### **Discipline**

No physical punishment or verbal abuse, such as ridicule, is to be used at any time. If isolating the child or removal of the young person from the group becomes necessary, the situation must be discussed with the parents or guardian as soon as possible.

One-on-one interactions are sometimes necessary and appropriate, but care should be taken that they be conducted in an environment that provides visibility by other adults. No one should make secret deals with children or young people.

### **Gifts**

All persons working with children, either paid or volunteer, are not to give gifts to individual children or young people. Because gift giving can be a form of buying loyalty or silence, gift giving should be done only on a group basis.

### **Obtain Parental Permission**

What about situations where an adult has a legitimate reason to be alone with a child? Church staff or volunteer workers should obtain the consent of the child's parent or guardian in writing before going out alone with that child, or spending time with the child in an unsupervised situation. Workers should also notify an appropriate church leader of such meetings in advance. Children should also have a Parental Permission/Medical Consent form for involvement in church sponsored programs or activities away from the church.

### **Discuss Suspicious Behavior Immediately**

Any inappropriate conduct or relationships between an adult volunteer worker and a

member of the youth group or a child should be confronted immediately and investigated. Prompt warnings should be issued when appropriate and the situation monitored very closely. The adult worker's services should be terminated immediately for continued violation of such warnings, or for a single violation of sufficient gravity. Church staff should note when a member of the youth group appears aloof or withdrawn, or exhibits a marked personality change. This may indicate a problem that deserves attention.

### **Discuss Potential Criminal Sanctions with Youth Workers**

Adults who work with children and adolescent youth should understand that sexual relationships with minors can lead to a felony conviction and imprisonment in a state penitentiary. The law views such misconduct very seriously, as it should. Church workers also should understand that the church insurance policy may not provide them with a legal defense of a sexual misconduct charge, or pay any portion of a jury verdict assessed against them on account of such conduct.

## **DIOCESAN REQUIREMENTS - YOUTH GROUPS**

### **PERSONNEL**

*A Youth Group Leader in Charge (Paid or Volunteer), Youth Choir Director and Acolyte  
Director shall:*

- If paid, be an Employee
- Be 21 years of age or over
- Complete a Screening Form
- Complete a Background Authorization Form
- Following satisfactory screening and background checks, execute the Covenant for Sexual Responsibility Form
- Complete the initial training on issues of child sexual abuse.

*A Youth Group Co-Leader or Assistant (paid or Volunteer) shall:*

- Be at least 2 years older than any member of the Youth Group but in no event under age 18
- Be a member of the congregation for a minimum of six months
- Complete a Screening Form
- Following satisfactory screening, execute the Covenant for Sexual Responsibility Form
- Complete the training on issues of child sexual abuse.

*Adults serving as Chaperones or Incidental Support Persons shall:*

- Be 21 years of age or over
- Be aware of the Policies, Procedures and Requirements appropriate to their activity
- Complete a Secondary Screening Form
- Be a member of the congregation for a minimum of six months
- Following satisfactory screening, execute the Covenant for Sexual Responsibility Form

**DIOCESAN REQUIREMENTS - YOUTH GROUPS**

**Article II. Supervisory Policies for ACTIVITIES**

**Team Leading and Chaperoning**

Youth Leaders are required to work in teams of two or more. Concerted effort will be made to recruit a sufficient number of volunteers to permit such teams. Church sponsored or community groups of children or youth who meet at the church must have two or more adult leaders present. When the group includes both boys and girls, both male and female leaders should be present. If the group stays overnight at the church, or if a church-sponsored group leaves the premises, two or more leaders must be present. The ratio of youth to leaders should not exceed 10 to 1.

**Discipline**

No physical punishment or verbal abuse, such as ridicule, are to be used at any time. If isolating the child or removal of the young person from the group becomes necessary, the situation must be discussed with the parents or guardian as soon as possible.

**Driving Policies**

Persons designated to provide automobile or van transportation to or from church events must be known to the Youth Group Leader or priest.

- 1) Be at least 18 years old
- 2) Have a valid state driver's license, qualified for the vehicle being operated
- 3) Have no record of convictions for drunken driving, driving under the influence, driving with a suspended or revoked license or reckless endangerment
- 4) Have proof of insurance
- 5) If between the ages of 18 and 21, have a written parental consent form (unless the driver is an emancipated young adult)
- 6) Have two adults per car when possible

**Parental Consent**

Any event held off of the church premises or overnight will require that a Parental Permission/Medical Consent Form has been completed and is on file **before** any child

or youth is allowed to participate.

### **Ecumenical Groups**

At least one adult representative of each Episcopal congregation must be in attendance at any activity or outing throughout the entire event in addition to other leaders from other congregations.

## **DIOCESAN REQUIREMENTS - YOUTH GROUPS OTHER POLICIES AND PRACTICES**

### **Gifts**

All persons working with children, either paid or volunteer, are not to give gifts to individual children or young people. Because gift giving can be a form of buying loyalty or silence, gift giving should be done only on a group basis.

### **Individual Counseling**

One-on-one interactions are sometimes necessary and appropriate, but care should be taken that they be conducted in an environment that provides visibility by other adults. If at all possible, another leader should have knowledge of the youth leader's whereabouts and with whom they are meeting. No one should make secret deals with children or young people.

### **Overnight Trips**

Situations where youth leaders are taking children or young people out of the area for long periods of time or for overnight outings are to be carefully planned. Use only known, approved persons, along with new volunteers, so that leaders that are new to the organization are not left alone with the children or young people in a situation where there are no other adults to observe. In no circumstance should one adult be allowed to take children or youth on an overnight outing alone.

### **Open Door Policy**

A further protection for the church and children is to have an open door policy. This policy should state that the parents of the children served, the clergy, or administrative and professional staff of the church or institution have the right to visit and observe the program at any time unannounced.

## Section IV

### Participants fill out forms

**The Screening Form** is to be filled out by the applicant. This form includes the names of references. These references will need to be contacted by a clergyperson or other designated congregational administrator.

**The Record of Contact** is filled out by the person who contacted the references listed on the **screening form** and put in person's file.

**The Background of Authorization** is filled out if the person is going to be the nursery supervisor, church school director, youth group leader, youth choir director, or acolyte director. The form needs to be faxed to the diocesan office. After the background check is completed, the diocesan office will send you the result of the background check. Put this in the person's file as soon as you receive it.

**The Secondary Screening Form** is used for younger nursery support staff, chaperones, and occasional drivers.

**The Covenant for Sexual Responsibility** needs to be signed by each person.

**The Record of Training** is signed and kept in the file. Sometimes the person may want a copy of this to bring to another parish in the event that s/he moves.

**The Driver Form** is the agreement that is needed when someone drives youth anywhere.

We have included checklists for each type of position to include in each person's file.

#### **Files to include for the following positions:**

##### **If you are a:**

Nursery Supervisor,  
Church School Director,  
Youth Group Leader (In Charge),  
Youth Choir Director,  
Acolyte Director

##### **Then you will need:**

Screening Form,  
Record of Contact,  
Background Authorization  
Signed Covenant for Sexual Responsibility  
Results of Background Check  
Record of Training

**Youth Group Leader also requires a copy of Driver's License, Insurance Proof, Driver Form**

**If you are a:**

Nursery Attendant or Aide,  
Church School Teacher,  
Youth Group Co-Leader or Assistants

**You will need a:**

Screening Form,  
Background Check  
Record of Contact,  
Signed Covenant  
Record of Training

**Youth Group Co-Leader or Assistants requires copy of Driver's License, Insurance Proof, Driver Form**

**If you are a:**

Nursery or Church School Support over 14  
Chaperones, Drivers & Occasional Support

**You will need:**

Secondary Screening Form,  
Signed Covenant

**Chaperones, Drivers & Occasional Support require a copy of Driver's License, Insurance Proof, Driver Form**

**If you are a:**

Nursery or Church School Support under 14 you may fill in a modified secondary screening form and

**You will need:**

Modified secondary Screening Form as is age appropriate  
Signed Covenant

**If you are a:**

Church Staff,  
Stephen's Minister,  
Lay Pastoral Care Giver,  
L.E.V.

**You will need:**

Screening Form,  
Record of Contact  
Signed Covenant  
Record of Training

**If you are a:**

Camp Worker, Staff member, or Counselor *under* the age of 18

**You will need:**

Screening Form (reference list)  
Signed Covenant for Sexual Responsibility  
Record of Training

**If you are a:**

Camp Worker, Staff Member, or Counselor

**You will need:**

Screening Form (reference list)  
Signed Covenant for Sexual Responsibility  
Record of Training  
Background Check with DMV Record Check  
Driver Form