

Blainsport Mennonite Church
2019 Child Protection Policy

Purpose

This policy has been established to:

1. Serve as a guide for the prevention of child abuse by setting and enforcing standards of ethical behavior.
2. Define a protocol for mandated reporting of child abuse.
3. Protect adults involved with children and youth activities.
4. In good faith, comply with current Pennsylvania child abuse laws.

This policy stems from our awareness that abuse has been, and continues to be, a significant problem in society. Statistics show that the church is not immune to this problem; in fact, churches can be especially vulnerable because they are naturally trusting and unsuspecting institutions. On April 15, 2014, Governor Tom Corbett signed into law more legislation related to protecting children from abuse. One of the most significant pieces of these laws that affect churches has to do with mandated reporting. In addition to expanding mandated reporting to all childcare and youth workers, there are now increased penalties for failing to report suspected abuse.

This policy outlines Blainsport Mennonite Church's position on abusive behaviors and its expectations for appropriate conduct regarding the care and supervision of children. Our goal is that all who attend Blainsport Mennonite Church can pursue activities and worship in a safe environment where abusive conduct is not tolerated and where staff and volunteers are protected from false or wrongful allegations.

Definitions

Child Abuse – The term “child abuse” shall mean intentionally, knowingly, or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act.
2. 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.
3. 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.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:

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- a. Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location, or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one year of age.
 - d. Forcefully slapping or otherwise striking a child under one year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to the operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - i. Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - ii. Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - iii. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
9. Causing the death of the child through any act or failure to act.
10. Engaging a child in a severe form of trafficking in persons or sex trafficking as a form of child abuse. This type of child abuse includes both sex trafficking and labor trafficking of children.
- a. Child Sex Trafficking: Any child under the age of 18 who is induced to engage in commercial sex is a victim of sex trafficking. Examples of sex trafficking of children include prostitution, pornography, and sex tourism.
 - b. Child Labor Trafficking is the use of force, fraud, or coercion for the purpose of subjection in involuntary servitude, peonage, debt bondage, or slavery. Examples of labor trafficking include agricultural or domestic service workers who are underpaid or not paid at all, physically abusive traveling sales crews that force children to sell legal items (e.g., magazines) or illegal items (e.g., drugs) or to beg, and workers in restaurants and hair and nail salons who are abused, confined, and/or not paid.

Restatement of culpability—Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.

Mandatory Reporter – Under the *Child Protective Services Law* adults, paid or unpaid, who work with children; adult volunteers in a setting with children; or adults who come in direct contact with children in a program, activity or service is a mandated reporter and must immediately report suspicions of child abuse or neglect. Minors (under the age of 18) are not mandated reporters. Mandated reporters

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must report “out” of the organization by phone to **PA ChildLine (1-800-932-0313)** or electronically at www.compass.state.pa.us/cwis and follow up within two days by completing form CY-47 (this report is attached and can also be found on the internet at https://childyouthprotection.org/docs/CY_47.pdf) with the County Children & Youth services where the alleged abuse took place. **While reporting “up” the chain of command to a supervisor is not itself sufficient to comply with the new law, the new law does require that after reporting suspected child abuse to state authorities, a mandated reporter shall immediately thereafter, notify the designated person in charge of the institution (e.g. in the church context, notify the Leadership Team about the suspected and reported 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.

*A person responsible for the child’s welfare is a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.

Failure of a mandated reporter to report child abuse: The penalties for a mandated reporter who willfully fails to report child abuse range from a misdemeanor of a second degree to a felony of the second degree.

Perpetrator – A person who has committed child abuse. The following shall apply:

- 1) The term includes only the following:
 - a) A parent of the child.
 - b) A spouse or former spouse of the child’s parent.
 - c) A paramour or former paramour of the child’s parent.
 - d) A person 14 years of age or older and responsible for the child’s welfare.
 - e) An individual 14 years of age or older who resides in the same home as the child.

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- f) An individual 18 years of age or older who do not reside in the same home as the child but is related within the third degree of consanguinity (the third generation of family descent) or affinity by birth or adoption to the child.
- 2) Only the following may be considered a perpetrator for failing to act, as provided in this section:
 - a) A parent of the child.
 - b) A spouse or former spouse of the child's parent.
 - c) A paramour or former paramour of the child's parent.
 - d) A person 18 years of age or older and responsible for the child's welfare.
 - e) A person 18 years of age or older who resides in the same home as the child.

Reasonable Cause – a realistic suspicion that a child is being abused. It is up to the Children and Youth Agency to investigate and determine if the incident meets the definition of abuse under the law. The reporter does not need to prove that abuse is happening; they should refrain from investigating.

Reporting Suspected Child Abuse

Approved Adults at Blainsport Mennonite Church (see below) are mandated reporters and must immediately report suspicions of child abuse or neglect.

What must be reported? In Pennsylvania, reasonable cause to believe that a child is the victim of abuse or neglect is the legal standard. Firsthand observation of abuse is not required to have reasonable cause. If suspected abuse is obtained from someone other than the child who was allegedly abused, the suspected abuse should be reported even though the mandated reporter did not have direct contact with the child. The types of child abuse that must be reported include, but are not limited to: bodily injury, serious mental injury, sexual abuse or exploitation, and serious physical neglect. For help in identifying child abuse, visit www.childwelfare.gov/topics/can/identifying/.

Guidelines for Mandated Reporters at Blainsport Mennonite Church.

- 1) **Call 911 if the child is in immediate danger.**
- 2) Call Pennsylvania **ChildLine at 800-932-0313** or online at www.compass.state.pa.us/cwis.
- 3) Within 48 hours of the oral report to ChildLine, complete and send a written description of the suspected abuse on **Form CY-47**.
- 4) Notify the Leadership Team and the Congregational Chair of the report.
- 5) Information that a reporter can request about a child who was the subject of a report, either via phone call or in writing the county agency is:
 - a) The final status of the child abuse report, whether it is indicated, founded, or unfounded.
 - b) Any services provided, arranged for by the county agency to protect the child.

*All allegations of child/youth abuse or serious physical neglect will be taken seriously by the Leadership Team, Leadership Council, and the Pastor-Church Relations Committee.

**The congregation will cooperate with government authorities investigating an allegation of abuse.

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***The initiative for investigating alleged abuse resides with the Department of Public Welfare (DPW) and shall not be carried out by the congregation.

Additional Steps to Follow

- 1) The person suspected of abuse will discontinue his/her work with children/youth until the allegation can be investigated appropriately.
- 2) The Leadership Team or Congregational Chair will notify parents or guardians of all children/youth involved in an alleged incident. Discretion may be used if the parents or guardians are the people suspected of the abuse. All phone calls or visits will be documented.
- 3) In the event that a church-related incident has occurred, the Congregational Chair will notify the congregation's insurance broker and/or carrier when the reporting procedures have been initiated. All contacts will be documented.
- 4) The Leadership Team and the Congregational Chair will determine whether the congregation shall engage legal counsel in consultation with the insurance carrier.
- 5) The Leadership Team and the Congregational Chair will authorize one person to act as the official spokesperson for the congregation. Only that person may speak for the congregation to the news media, government agencies, attorneys, or others.

The *Child Protective Services Law* expands the list of adults having contact with children who must undergo background checks to include paid and unpaid persons. These background checks must be secured before becoming an approved adult at Blainsport Mennonite Church. Beginning August 25, 2015, all paid and unpaid persons working with children will be required to obtain certifications every 60 months. Anyone whose last background check is more than 60 months must secure new background checks. All costs for background checks will be paid for by the individual applying for the background check. If the expenses inhibit an individual from applying, the individual should discuss the situation with a member of the Leadership Team or the Congregational Chair for possible assistance. **The required clearances are as follows:**

Approved Adult Volunteers at Blainsport Mennonite Church

To protect the children/youth in our care, the following guidelines are established for those who desire to work with children/youth less than 18 years of age. Approved Adults must:

1. Be at least 18 years old.
2. Attend Blainsport Mennonite Church for a minimum of six months.
3. Complete and keep current the necessary background checks required by Pennsylvania state law. These background reports must be on file in the church office.
4. Be approved by the appropriate church leaders and added annually to the Approved Adult List.
5. Attend a yearly orientation session which covers:
 - a. Procedures to follow for children and youth activities.
 - b. Appropriate steps to report an incident of child abuse.
6. Sign the Children and Youth Volunteer Statement (renewed yearly after the orientation session).

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All Approved Adult Volunteers must have an up-to-date Pennsylvania State Police Criminal Record Check and Child Abuse History Clearance. All volunteers who have not lived in Pennsylvania continuously for the past 10 years must obtain the FBI fingerprint checks. The FBI check is waived for volunteers who have lived in Pennsylvania continuously for the past 10 years and who sign the Children and Youth Volunteer Statement stating that they have not been convicted of any crime, in another state or jurisdiction, similar to the convictions that would disqualify them from working with children in Pennsylvania. These clearances must never be older than 5 years.

- 1) Pennsylvania State Police Criminal Record Check
 - a) Free for volunteers
 - b) Form by mail: http://www.witf.org/support/SP4_164_Request_For_Criminal_Record_Check.pdf
 - c) On-line application: <https://epatch.state.pa.us/Home.jsp>
- 2) Child Abuse History Clearance
 - a) Free for volunteers
 - b) Form by mail: http://www.witf.org/support/Child_Abuse_History_Clearance.pdf
 - c) On-line application: www.compass.state.pa.us/CWIS
 - d) A copy of the Criminal Record Check must accompany this form.
- 3) FBI Criminal Background Clearance (only for volunteers who have NOT lived in Pennsylvania continuously for the past 10 years)
 - a) The FBI federal criminal history certification costs \$25.75 through the Pennsylvania Department of Human Services or \$27.00 through the Pennsylvania Department of Education
 - b) On-line Registration: https://www.pa.cogentid.com/index_dpwNew.htm, click Registration Procedures to start the process.
 - c) Fingerprints must be made at designated locations. Get addresses for all locations in Pennsylvania at:
https://www.pa.cogentid.com/ohio/DPW/DPW_map/DPW_Regions_Clickable.html
 - d) Picture ID is required.

*For more information, visit www.keepkidssafe.pa.gov.

**All adults (persons 18 years and older) paid or unpaid, working with children, assuming responsibility for the welfare of a child, or having direct contact with children will need clearances on file in the church office. No adult may serve as a “helper” or a “substitute” without proper clearances on file in the church office.

***Completed background checks will be kept in a confidential file under the responsibility of the Leadership Team.

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All Lancaster Mennonite Conference Credential Leaders at Blainsport Mennonite Church

All licensed and ordained leaders must have the following three background checks (never older than 5 years):

- 1) Pennsylvania State Police Criminal Record Check
 - a) \$8.00 fee for credentialed leaders
 - b) On-line application: <https://epatch.state.pa.us/Home.jsp>
- 2) Child Abuse History Clearance
 - a) \$8.00 fee for credentialed leaders
 - b) On-line application: www.compass.state.pa.us/CWIS
- 3) FBI Criminal Background Clearance
 - a) The FBI federal criminal history certification costs \$25.75 through the Pennsylvania Department of Human Services or \$27.00 through the Pennsylvania Department of Education
 - b) On-line Registration: https://www.pa.cogentid.com/index_dpwNew.htm, click Registration Procedures to start the process.
 - c) Fingerprints must be made at designated locations. Get addresses for all locations in Pennsylvania at:
https://www.pa.cogentid.com/ohio/DPW/DPW_map/DPW_Regions_Clickable.html
 - d) Picture ID is required.

All current credentialed staff must supply copies of the three checks to the LMC office and to their congregational office. LMC “credentialed staff” is anyone holding a credential with Lancaster Mennonite Conference (excluding retired credentialed leaders), whether or not one is paid. Congregations will maintain credentialed staff records for 50 years and make sure that credentialed staff updates their checks every five years.

Approved Adult Supervision

- The nursery should be attended by at least two people if more than two children are present. At least one Approved Adult will be present and responsible for volunteer(s) under the age of 18 years old.
- In Sunday school classes where only one Approved Adult teacher is present, doors with windows will be provided so anyone can easily glance in throughout the session.
 - The windows in Sunday school room doors should not be covered.
 - If a Sunday school room door does not have a window, the door must be kept ajar.
- In situations where persons under 18 years old are providing childcare, at least one Approved Adult should also be present.

Appropriate Touch

Children need love. At times, this can be appropriately expressed through physical touches, such as hugging, a pat on the back, an arm around the shoulder, holding an infant or toddler, etc. Adult staff and volunteers should not force affection on any child. If a child pulls away, even with another adult present, the child's wishes will be respected at all times. At no time should a child, even if fully clothed, be touched on or near the breasts, genitals or buttocks.

Overnight Activities

An overnight permission form must be filled out for children/youth engaged in overnight activities. Overnight activities involving children/youth will be chaperoned by at least one Approved Adult and another volunteer. If the event includes children/youth of both genders, then there should be at least one Approved Adult of each gender. The Leadership Team may waive the requirement for overnight-permission slips when the slip serves no useful purpose (for example, when a youth is accompanied by his or her parent to the activity).

Emergency Evacuations or Extreme Weather Threats

- 1) Approved adults should exit the building with the children in their care in the case of a necessary evacuation.
 - a. An usher should make the necessity to exit know to children teachers, teachers, and caregivers.
 - b. Children and youth workers should gather their group by the church playground and immediately take attendance to make sure no one is missing. Report missing children to an usher or church leader upon discovering the situation. Do not abandon your group until parents reconnect with their children.
- 2) In the case of extreme weather move children to the Fellowship Hall, where parents will join them.
 - a. Take the count of the group under your care.
 - b. Report any missing children to an usher or church leader without abandoning your group.

Known Sexual Offenders in the Congregation

- 1) Offenders are expected to comply fully with all restrictions and requirements placed upon them as a result of any legal actions and provide the designated pastor with copies of any judgments, conditions of parole, or other documents in which restrictions on or requirements as a result of convictions or judgments are stated.
- 2) The Leadership Team will work with an attending offender to form a requirement plan for involvement in the church. Every plan will be tailored for the specific person and may include some of the following measures:
 - a) Offenders may be expected to participate in a professional counseling program, specifically addressing their abusive behaviors, for the time set by the Leadership Team.
 - b) Offenders may be restricted from participating in leadership or representational positions within or on behalf of this church. Known sexual offenders can never become Approved Adults.
 - c) The offender may participate in worship in the sanctuary and attend adult Sunday school classes. The Leadership Team may designate areas of the church building that are off-limits to the offender.
 - d) A supervisor/mentor may be assigned to the individual to accompany the offender when on church property.
 - e) At no time should the offender deliberately place himself or herself in or remain in any location in or around the church facilities that would cause undue distress to others.
 - f) At least twice each calendar year and as otherwise requested, the offender shall meet with and report to the designated pastor regarding the status of adherence to the tailor-made involvement plan.
 - g) If the offender should decide to relocate membership (or substantially attend) another congregation, the designated pastor will seek to inform the leadership of that congregation of the conditions of these guidelines.