

First Presbyterian Church of Westminster



65 Washington Road
Westminster, Maryland 21157

SUBJECT: *Child Protection Policy*

Date: January 1, 2016

BACKGROUND

The expression and giving of witness to the love of God through Word and action is one important aspect of Christian ministry. Expressions of God's love are revealed to us through worship, study, prayer and fellowship. Through this ministry, the Christian community connects us to the most intimate, vulnerable and sacred dimensions of our lives. The work of building God's Church and ministry is done by church members (both adult and children), clergy and church staff.

Central to the Reformed faith is the concept of "covenant." God entered into covenant with the people of God to assure survival and liberation. God's people made promises to God in order to live out the covenant in their lives. As the body of Christ, we covenant with one another to create a community where all the people experience the security, love and acceptance of the Christian community. The promises we make to each other are sacred. As a community of believers, we embrace the covenant Jesus created. As Disciples of Christ, we have a special responsibility to protect those in our community who are most vulnerable.

POLICY

Sexual misconduct of any kind is a violation of scriptural teachings and of faithful relationships. It is never permissible nor acceptable. It is the policy of this church, as it is of the Presbytery of Baltimore and the PCUSA denomination that all church members, church officers, non-member employees and volunteers maintain at all times the integrity of congregational, ministerial and professional relationships.

PURPOSE

The purpose of this policy is to enumerate and distribute procedures throughout our church community that govern all employees, members and volunteers of the First Presbyterian Church of Westminster. This child protection policy clearly addresses instances of child abuse, neglect, sexual exploitation and harassment in our social and ecclesiastical culture in a proactive manner. To protect a potential victim or accused person, this policy will be in force within all areas of our ministry.

DEFINITIONS

What is child abuse and neglect?

Code of Maryland Regulations (COMAR) defines child abuse and neglect as:

- Physical injury (not necessarily visible) of a child under circumstances that indicate a child's health or welfare is harmed or at substantial risk of being harmed.

- The failure to give proper care and attention to a child, leaving a child unattended where the child's health or welfare is harmed or at substantial risk of being harmed.
- An act or acts involving sexual molestation or exploitation whether physical injuries are sustained or not.
- Identifiable and substantial impairment of a child's mental or psychological ability to function.
- Finding credible evidence that has not been satisfactorily refuted that physical abuse, neglect or sexual abuse occurred.

For the purposes of this policy,

- A. "Child" and "children" means those less than 18 years of age.
- B. An abused and/or neglected child shall mean any child whose parent(s) or other persons(s) responsible for the child's care:
 - Causes or threatens to cause upon a child physical or mental injury by other than accidental means or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions.
 - Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care.
 - Abandons a child.
- C. Sexual misconduct is the comprehensive term used in this policy to include: sexual abuse or exploitation of children, rape, sexual assault, sexual harassment and any associated verbal, emotional and/or spiritual abuse. Sexual misconduct is an abuse of authority and power breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification. Such behavior is not limited to physical contact, but may also include gestures, spoken words, or written contact.
 - Types of abuse that involve touching include: fondling; oral, genital, or anal penetration; intercourse; rape.
 - Types of abuse that do not involve touching include verbal questions, remarks, or comments about sexual activity; pornographic material; obscene phone calls; exposing children to sexual activity and/or sexually suggestive media.
- D. Child sexual abuse or misconduct includes touching or non-touching interaction for the purpose of sexual stimulation between a child and an adult. This behavior will always be considered forced when the interaction involves a child and an adult, whether or not the victim has consented. This is also true in the case of any non-minor who is incapable of appraising the nature of the conduct or communicating unwillingness to be the subject of unwelcome sexual interaction. Sexual abuse or misconduct also includes any act that involves the sexual molestation or exploitation of a child by any person who has permanent or temporary care.

Preventing Sexual Misconduct

Preventing sexual misconduct is the primary purpose of this directive. There are three major components of prevention:

1. Pre-screening checks of both ordained and non-ordained employees and of all volunteers.
2. Removing opportunities for sexual misconduct.
3. Educating the staff and congregation.

RESPONSIBILITIES

- A. **All staff, members and volunteers at the First Presbyterian Church of Westminster will safeguard and ensure the safety of all children and those persons in our church community who are most vulnerable**, consistent with the Baltimore Presbytery's policies and all laws/regulations of the State of Maryland.

In addition to this policy all clergy are subject to the Presbytery of Baltimore Sexual Misconduct Policy and the “Book of Order”, Constitution of the Presbyterian Church, Chapter X (D-10.0000 through D-10.0405) Disciplinary Cases.1-1

NOTE: *The First Presbyterian Church of Westminster’s “Preschool and Kindergarten”* operates under and is guided by the Code of Maryland Regulations (COMAR 13A.16.07 – *Child Protection* and COMAR13A.16.01-.19 – *Child Care Centers*). *See Attachment B.*

- B. **Paid or volunteer adults, youth leaders, vacation bible school staff, preschool teachers and assistants** shall not touch or interact with children in any way that is intended or could be reasonably construed to be sexually stimulating.
- C. **Supervisors of programs involving children**, Christian education teachers, nursery caregivers, youth leaders, vacation bible school leaders, preschool teachers, assistants and volunteers should work in pairs when possible. A teacher may work alone when there is visual access to the classroom (door with window or open door).
- D. **Whenever possible, two adults should be present with the children during all activities**. An adult should not drive a single child to a Church-sponsored activity without the written permission of the child’s parent or guardian. It is recommended that children and youth be transported in groups rather than alone.
- E. **All overnight activities must have a minimum of two adults present**; for mixed youth overnights a male and a female adult must be present. Parental written permission is required for all overnights, prior to the event. When one-on-one counseling is appropriate, two adults shall be present. This counseling shall be conducted in an area visible to others. Christian education teachers, youth leaders, nursery caregivers, vacation bible school leaders, preschool teachers, assistants, and volunteers shall discipline with kindness with the goal of helping children develop a sense of responsibility and self-control. Corporal punishment of any kind within the church is unacceptable. Corporal punishment includes, but is not limited to slapping, spanking, pinching and/or shaking. **Punitive techniques that cause physical pain such as assuming uncomfortable positions are not appropriate.** Physical restraint of children should be used only when someone’s safety is at risk. Appropriate discipline establishes clear expectations and provides rewards and incentives for acceptable behavior. Appropriate discipline uses verbal disapproval, loss of privileges and redirection to teach children acceptable behavior.
- F. **Any person within the church who has reason to suspect that a child has been abused**, neglected or is a victim of sexual misconduct shall immediately notify the Head of Staff (Pastor) or another staff member. That staff member will discuss the matter with the reporting individual and will file a report with the appropriate state or local officials. After the report is made, a second staff member and the Session (Administrative Committee Chair) will be informed. A contact person will be appointed to receive a response from the legal official if the decision to investigate is not made at the time of the call.

If a minister is the alleged suspect of such an incident, the witness or victim must contact the Clerk of Session and the Administrative Committee Chair. The allegations will be forwarded to the Stated Clerk of Presbytery in accordance with the Book of Order (D-10.0106). *Ministers are subject to the Presbytery of Baltimore Sexual Misconduct Policy.* Those persons involved in the report or investigation should hold all information received in strict confidence, subject to such disclosures as are required under Maryland law and church procedures. Further action will be taken in accordance with church policies and all requirements under law.

- G. **Church management and/or supervision** seeking to hire person(s) to work with children and/or youth will, as part of the interview process, ask the applicant if he/she has ever been convicted of or terminated from employment for a crime involving sexual/physical abuse or misconduct, as defined in this policy. Two references are required of all applicants for employment with the First Presbyterian Church of

Westminster. The applicant must submit to an employment and criminal background check prior to confirmation of employment.

H. Pre-screening Volunteers

- a. **The Director of Christian Education, Youth Program Coordinator or Director of the Christian Preschool and Kindergarten** shall pre-screen all volunteers who work with children and youth within their respective youth focused programs.
- b. **The Pastor, as Head of Staff, shall ensure conformity with this directive, that all adult volunteers and staff are pre-screened *prior to any youth involved church activity*, in accordance with this directive.**
- c. **Volunteers are required to fill out a volunteer application** and to sign and return the acknowledgement form. Volunteers are required to re-apply every two years. These forms will be kept in a confidential file and stored in the church office.

- I. **Each staff member and volunteer at the First Presbyterian Church of Westminster, prior to working with children or youth** will signify acceptance of and agreement to abide by the child protection policy, by signing the *Child Protection Policy Acceptance* form.

EFFECTIVE DATE

This policy and procedures is effective on the date of publication as reflected on this document.

Matthew Glasgow
Pastor

Elizabeth Jones
Clerk of Session

DISTRIBUTION

Distribution, communication and explanation of this written policy will be included annually in all training and orientation programs for all church staff, church officers, Christian education volunteers, youth leaders and Christian preschool staff. All clergy, all lay persons, all pre-school staff and all volunteers who regularly supervise youth activities, including Sunday-School teachers, shall be furnished with a copy of this policy and shall complete and sign a certificate evidencing the receipt of this policy.

ATTACHMENTS:

- A. **Child Protection Policy Acceptance Form**
- B. **COMAR 13A.16.07 Child Protection**

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Child Protection Policy Acceptance Form

EACH STAFF MEMBER AND VOLUNTEER AT THE FIRST PRESBYTERIAN CHURCH OF WESTMINSTER PRIOR TO WORKING WITH CHILDREN OR YOUTH WILL SIGNIFY ACCEPTANCE OF AND AGREEMENT TO ABIDE BY THE CHILD PROTECTION POLICY, BY SIGNING THE STATEMENT THAT FOLLOWS.

I _____ have read and fully understand the First Presbyterian Church of Westminster’s *Child Protection Policy*, have been provided with a written copy and agree to abide by the standards of conduct stated therein.

I hereby affirm that I have never been convicted of child abuse, child neglect, sexual abuse or sexual misconduct. I have not resigned from a position for reasons relating to child abuse, child neglect, sexual abuse or sexual misconduct, as defined in this policy.

Printed Name

Signature

Date

ATTACHMENT – B: COMAR 13A.16.07 Child Protection

COMAR 13A.16.07 Child Protection COMAR 13A.16.01-.19 Child Care Centers (as amended effective July 20, 2015) For Informational Purposes Only

25 .01 Prohibition of Abuse, Neglect, and Injurious Treatment. An operator, employee, substitute, volunteer, individual residing on the premises of the center, or other individual connected with the center may not subject a child to abuse, neglect, mental injury, or injurious treatment.

.02 Abuse/Neglect Reporting.

- A. An operator or employee who has reason to believe that a child has been: (1) Abused, in the center or outside of the center, shall report that belief directly to the protective services unit of the local department or to a law enforcement agency, as required under Maryland law; (2) Neglected, in the center or outside of the center, shall report that belief directly to the protective services unit of the local department as required under Maryland law.
- B. If a child has been subjected to injurious treatment, it shall be reported to the office.
- C. An operator shall: (1) Instruct the staff to monitor all children daily for signs and symptoms of child abuse and neglect; (2) Instruct staff about their legal obligations to report suspected child abuse or neglect directly to the local department or the appropriate law enforcement agency; and (3) Post, near each telephone in the facility, the telephone numbers of the Child Protective Services unit of the local department and the appropriate law enforcement agency.
- D. An operator may not require an employee to report through the operator or director, rather than directly to the local department or a law enforcement agency, when the employee has reason to believe that a child has been abused or neglected.

.03 Child Discipline.

- A. Child discipline shall be: (1) Appropriate to the age, maturity, and physical condition of the child; and (2) Consistent with the requirements of this chapter.
- B. The operator may not: (1) Force a child to eat or drink; (2) Punish a child for refusing to eat or drink; or (3) Withhold food or beverages as punishment.
- C. The operator shall: (1) Prepare a written child discipline policy that states the: (a) Discipline methods used at the center; and (b) The circumstances under which the child discipline methods may be applied; (2) Make the child discipline policy available to: (a) The parent of each child in care; (b) A parent who is considering whether to enroll their children; and (c) The office; and (3) Ensure that the child discipline policy is followed by each employee, volunteer, and other individual connected with the center.

.04 Parental Access. An operator shall permit the parent of a child in care to:

- A. Freely observe all areas of the center used for child care during operating hours; and
- B. Have access to the parent's child at any time during the center's hours of operation, without appointment.

.05 Authorized Release. An operator shall ensure that a staff member release a child only to the child's parent or to another individual, if directed by the parent, whose identity is verified. If the parent or identified individual is not available due to death, illness, emergency, or any other cause, or if requested by a Child Protective Services worker, the child may be released to Child Protective Services.

.06 Child Security.

- A.** The operator shall ensure the safety and security of each child at all times.
- B.** Whenever an area of the center is being used for a child care activity and children are present, the operator may not permit the area to be used at the same time for any other purpose without prior approval of the office.
- C.** Unless an employee or staff member has successfully passed federal and State criminal background checks and, if hired on or after October 1, 2005, a review of child abuse and neglect records, the individual may not be alone with an unrelated child in care.
- D.** An employee or staff member who has successfully passed federal and State criminal background checks and, if hired on or after October 1, 2005, a review of child abuse and neglect records shall: (1) Accompany a child whenever the child is in the presence of another individual, unless the individual is: COMAR 13A.16.01-.19 Child Care Centers (as amended effective July 20, 2015) For Informational Purposes Only 26 (a) Another child in care; (b) A health service consultant used by the facility operator pursuant to COMAR 13A.16.06.14C; (c) The child's parent, guardian, or other individual to whom the child may be released pursuant to Regulation .05 of this chapter; (d) An individual who is authorized by the child's parent or guardian, and whose identity is verified, to provide a health care, academic, or other service to the child; (e) During an off-site activity, another child's parent or guardian, who is designated in writing by the facility operator to assist in transporting children to or from the center; or (f) If the center is located at a school, an individual who for compensation is employed to work at the school; and (2) Unless documentation is on file at the center that an independent contractor performing a service at the center has successfully passed federal and State criminal background checks and a review of child abuse and neglect records, remain within sight and sound of the contractor whenever the contractor is in an area where children are present.
- E.** Activity Not Conducted by a Staff Member. (1) An activity involving the participation of children that is not conducted or led by a staff member is not permitted unless: (a) An appropriately qualified staff member is present throughout the activity to supervise the children; or (b) The center is located on the premises of a school and the activity is conducted under school auspices by an individual who for compensation is employed to work at the school. (2) A child may not participate in the activity unless the center has received prior written permission from the child's parent or guardian for the child's participation.