

# **Independent Presbyterian Church Child and Youth Protection Policy Effective as of December 31, 2017**

This policy contains the theological and legal foundations, relevant definitions, and policies and procedures related to the prevention, response, and reporting of child and youth abuse and neglect. This policy replaces and supersedes any prior policies of Independent Presbyterian Church dealing with child protection.

## **I. POLICY APPLICATION STATEMENT**

It is the policy of Independent Presbyterian Church of Birmingham, Alabama (“IPC”) that all of its affiliated entities, including their church members, church officers, member and non-member employees and/or contractors, and volunteers of IPC maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children and youth.

This policy applies to all activities and events sponsored by IPC that involve children and youth. We seek to provide a safe environment in which opportunities for abuse are minimized through the proper enlistment, training, and supervision of those persons working with children and youth.

When third party groups sponsor activities at IPC or any of its properties, the child/youth protection policies of the outside group or third party, not this policy, shall apply. Examples of outside groups include the Boy Scouts, STAIR of Birmingham and outside groups who use or rent the Children’s Fresh Air Farm.

## **II. THEOLOGICAL FOUNDATION**

IPC’s Child and Youth Protection Policy is based on the following theological principles:

**A.** Children and youth are a gift from God and the Church has a divine mandate to provide for their safety and nurturing. The Church is called to be a place that reflects the open arms of Jesus. In Matthew 19:14, Jesus says, “Let the little children come to me.” The Church is to be a place of safety and nurture reflective of the arms of Christ.

**B.** Any type of abuse involving children or youth has lasting and devastating effects on the life of the victim/survivor. It is the call of the Church to be a life-giving entity of Christ’s healing and hope for community and individuals, not an entity that brings harm and hurt.

**C.** The *Book of Order* states, “The congregation as a whole, on behalf of the Church universal, assumes responsibility for nurturing the baptized person in the Christian life,” and Presbyterians believe this baptismal commitment to be a serious one, understanding it to apply to all in the church’s care, including children and youth (*Book of Order* W-3.0403).

**D.** Children and youth are not only persons of care and service in the church, but they are also co-recipients of the grace and love of God. Jesus exemplified this in the Gospel of Mark 10:15–16 when he urged his followers to receive the kingdom of God as a little child. And he specifically takes up the children into his arms and blesses them. So also the Church, as the body of Christ, is to be the presence of Christ’s love, in the same way taking up all children and youth into its arms and blessing them; providing for them a safe, thriving, and nurturing environments in which to grow in every way.

### III. LEGAL FRAMEWORK

IPC will abide by the provisions of the Alabama Mandatory Reporting Law for Child Abuse and Neglect, a copy of which is found in Appendix A to this Policy. While only certain organizations and professionals (including clergy) are named as mandatory reporters under this law, IPC will report incidents of child abuse and neglect in the manner outlined in this policy.

### IV. DEFINITIONS

**A. *Book of Order*** - Part II of the Constitution of the Presbyterian Church (U.S.A.) (2017-2019)

**B. Child (also ‘youth’ or ‘minor’)** - a person under 18 years of age (§ 26-16-2, Ala. Code 1975).

**C. Child abuse** - harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation.

Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion or any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law.

Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

The above definitions are found in § 26-14-1, Ala. Code 1975.

**D. Child/Youth Worker** - A term that includes both Paid Staff and Volunteers, as defined below.

**E. National Background Check** - A review by a professional background check firm which shall include, at a minimum, a Social Security trace, a State of Alabama criminal check, and a national (multi-jurisdictional) criminal check provided that the national (multi-jurisdictional) criminal check also includes a sex offender registry check. Applicants who may reasonably be expected to transport children or youth by vehicle shall also complete a motor vehicle record check.

**F. Neglect** - Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter (§ 26-14-1, Ala. Code 1975).

**G. Paid Staff (also ‘Employee’)** - Any person employed by IPC who is paid by the church and works or assists in any capacity with children at IPC sponsored activities or events. Staff members, such as college interns, who are compensated for their services to IPC by a third party organization are also considered Paid Staff.

**H. Volunteer** - A person who works or assists in any capacity with children or youth at IPC sponsored activities or events but is not paid by IPC or a third party for such service.

**I. Safe Church Response Team** - The Safe Church Response Team is a team comprised of at least three members of IPC appointed by the Session who are trained to respond to allegations and reports of child, youth, or vulnerable adult abuse at IPC sponsored activities. The names of and contact information for the Team members are included in Appendix B to this policy.

## **V. SCREENING PROCEDURES AND TRAINING**

All persons who intend to work or assist in any capacity with children and youth at Independent Presbyterian Church must comply with the screening policies noted below and be trained prior to working with children or youth.

**A. Screening Process for Paid Staff** - Paid Staff are subject to all of the pre- and post- hire requirements applicable to all employees, as set forth in the IPC Employee Handbook.

Effective as of the date of this policy, all Paid Staff who are involved in any capacity with IPC children and youth will be required to undergo a National Background Check, as defined in this policy. If there is a background check on file that meets the definition of National Background Check, a new background check need not be repeated until three years after the date of the background check on file. Paid Staff members who will drive children in their own cars or IPC vehicles must also undergo a Motor Vehicle Record check every two years.

**B. Screening Process for Volunteers** - Effective as of the date of this policy, all Volunteers shall be required to (1) complete an IPC volunteer application form; (2) sign a consent to the release of confidential information and to a background check; (3) complete an interview with an IPC staff member; (4) undergo a National Background Check; and (5) undergo a Motor Vehicle Record check if the Volunteer will drive children. Even if a Volunteer meets the above requirements, the Associate Pastor-Discipleship may exercise discretion to determine that a person is, or is no longer, a good fit for the position and will privately communicate this to the individual.

A National Background Check shall be valid for three years. If there is a background check for the Volunteer on file at IPC that meets the definition of National Background Check, a new background check need not be repeated until three years after the date of the background check on file. Volunteers who will drive children in their own cars or IPC vehicles must also undergo a Motor Vehicle Record check every two years.

**C. Screening Requirements of Other Organizations** - Child/Youth Workers who serve as leaders, assistants, or chaperones at child/youth activities or events sponsored by the General Assembly, the Presbytery of Sheppards and Lapsley, or the Camp at Living Rivers, must also comply with the screening procedures required by such entities.

**D. Screening Results** - No person may serve as a Child/Youth Worker who has been convicted of or pled guilty to certain misdemeanors or felonies, including, but not limited to, violent crimes, crimes of moral turpitude, sexual assault or misconduct, sexual or other abuse or neglect of a child, pornography, drug offenses or driving offenses (depending on the requirements of the position).

The results of any background check that indicate a crime or misdemeanor or other issue of concern must be reviewed by the Director of Operations and Administration and the Associate Pastor – Discipleship before a decision is made concerning the eligibility of the individual to serve as a Child/Youth Worker. The Safe Church Response Team may also be consulted. Any Child/Youth Worker who is denied a position or assignment based on his/her National Background Check will be advised of the action and given an opportunity to dispute the results, in accordance with the requirements of applicable federal or state law.

**E. Confidentiality of Records** - IPC shall maintain all Child/Youth Worker applications, results of background and MVR checks, and related information in confidential, secured files.

**F. Mandatory Training and Agreement to Abide by Policy** - IPC will provide training on child abuse and neglect and on all aspects of this Policy. All Child/Youth Workers must participate in this training prior to working with children and at least annually. All Child/Youth Workers shall also be required to sign an acknowledgement that they have read and will abide by this policy.

## **VI. MANDATORY RULES FOR WORKING WITH CHILDREN AND YOUTH**

**A. Four-year Rule** - All Child/Youth Workers must be at least four years older than the oldest member of the group they are leading/supervising, provided that exceptions may be made for Paid Staff whose position requires them to serve as a leader.

**B. Six-month Rule** - A Volunteer must be a member of IPC, or a regular attendee, for a minimum of six (6) months to work with children. Only with approval of the Associate Pastor and Director of Discipleship and the Executive Associate Pastor may a person who does not meet this requirement serve as a Volunteer.

**C. Two Adult Rule** - Two non-related and non-cohabiting adults shall be required to be present to supervise children and youth during church-related activities and in each vehicle in which children or youth are present, except in emergency situations and except as provided below. Related and/or cohabitating adults are considered one adult for purposes of this policy.

When the two-adult rule is not feasible in a room in which events or activities are taking place, floaters may be utilized, provided that floaters must meet the screening requirements applicable to Child/Youth Workers, and must maintain immediate access to all rooms for which they are responsible.

When the two-adult rule is not feasible with regard to vehicles, caravans or multiple vehicles with only one adult per vehicle who remain within sight of each other at all times and start and stop travel simultaneously, may be used.

**D. Minimum Age Rule** - Child/Youth Workers must be at least eighteen (18) years old. Volunteers under the age of eighteen (18) will be allowed to volunteer in children's ministry in a support function, but not in a supervisory role. Minors who volunteer must complete a separate application form that will be submitted for approval by the Associate Pastor and Director of Discipleship. Parents or guardians must sign the application stating that the parent or guardian knows of no reason that the minor should not be allowed to work with other minors. For certain annual events requiring a large number of volunteers under the age of 18 who are working in a non-supervisory role alongside Paid Staff and Volunteers in an open space, the requirement for parents to consent shall be waived. Examples of these types of events include the Advent Workshop at IPC, annual festivals, and art activities at Bibletimes Marketplace.

**E. Ratios** - The required adult-to-child ratio for all child-related events/activities is as follows: for children ages 0-1, the ratio is 2:8; for children ages 2-5, the ratio is 2:10; for children ages 6-12, the ratio is 2:12; and for youth ages 13-18, the ratio is 2:16. For offsite events/activities, there shall be one adult of each gender when there are one or more minors of each gender in a group. Only in emergency situations may the ratios and gender diversity be compromised. The IPC Day School follows State of Alabama guidelines with regard to ratios.

**F. Windows/Doors** - When Child/Youth Workers and children or youth are in a room, the door must remain open unless there is a view window. Child/Youth Workers must avoid being alone with a child

without being visible to those in the immediate area.

**G. One-on-One Counseling** - Counseling with one youth/child is sometimes necessary and appropriate, but care must be taken to ensure that the environment is acceptable and is visible to other adults. If meeting in a room or office, the door must be left open. Another adult must be informed of the counselor's whereabouts and with whom they are meeting.

**H. Transportation** - Any activities that require transportation of minors will adhere to both the policies contained within this document and the IPC Employee Handbook. A parental/guardian consent and release form must be obtained for each child or youth being transported. Adult drivers at child/youth events must have proper licensure and insurance on file with IPC. All vehicles used must have seat belts for the driver and each passenger. No child under age 13 may sit in the front seat of any vehicle. The two-adult rule noted above applies; provided however, that all drivers transporting minors must be over the age of 25 (unless the driver is a Paid Staff member who is at least 21 years old) and must be informed that if their vehicle is used, their insurance for certain claims will be primary if an accident occurs. If a bus is rented, or any outside carrier is contracted, the company hired must sign a statement affirming that criminal background checks and Department of MVR checks have been completed recently on their drivers. Lastly, no minor may be a driver at any event or activity (this includes golf carts at events).

**I. Out-of-Town Activities** - A written parental/guardian consent form and medical release form will be provided for all children and youth participants. A medical release form may be kept on file for the period of one year and will be considered valid until expiration at the end of said year.

**J. Over-Night Activities** - Males and females will have separate sleeping areas. In no event may an adult sleep with a child. There will be male and female chaperones if there are male and female children. Children and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing.

**K. Social Media** - Photos, video, or comments of a child or youth can only be used for IPC-sponsored printed, video, web-based, social media, or other publicity materials with the signed consent of the parent or guardian. All Child/Youth Workers must abide by IPC's guidelines regarding the use of social media and electronic communications attached to this policy as Appendix C.

**L. Prohibited Behaviors** - All Child/Youth Workers must also abide by a code of conduct that recognizes appropriate boundaries and prohibits, among other inappropriate behaviors, the following:

1. Display of sexual or romantic affection toward a child.
2. Use of profanity or off-color jokes.
3. Discussion of sexual encounters with or around children or in any way involving children in personal problems or issues.
4. Dating or becoming "romantically" involved with children.
5. Using or being under the influence of alcohol or illegal drugs, or any substance (including prescription drugs) which may impair the physical or cognitive abilities of a Child/Youth Worker to care for children or youth.
6. Allowing a child or youth to consume alcohol or other prohibited substances.
7. Possessing sexually oriented materials—including printed or online pornography—on church property or property being utilized for a church event.
8. Having secrets with youth/children.
9. Staring at or commenting on children's bodies.

10. Engaging in inappropriate electronic communications with children.
11. Giving gifts to individual children without prior knowledge of the parent(s) and/or approval by the program supervisor.
12. Working one-on-one with children in a private setting.
13. Abusing or neglecting a child in any way, including (but not limited to) the following: (a) physical abuse (hit, spank, slap, shake, or unnecessary restraint); (b) verbal abuse (degrade, threaten, curse); (c) sexual abuse (inappropriately touch, expose oneself, or engage in sexually oriented conversations); (d) mental abuse (shame, humiliate, or act cruelly); or (e) neglect (withhold food, water, shelter, or medical treatment).
14. Participating in, encouraging, or allowing demeaning and belittling behaviors or language involving or directed toward children, including, but not limited to, cultural, racial or ethnic insensitivity, sexual orientation, and gender issues.
15. Permitting children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

## **VII. REPORTING AND RESPONSE PROCEDURES**

**A. Internal Reporting and Initial Response** - After attending to the immediate physical and emotional needs of the child involved, a Child/Youth Worker must immediately report incidents of suspected child abuse or neglect to one of the following individuals on IPC's staff who is not implicated in the allegation:

- ☐ Senior Pastor or any Associate Pastor
- ☐ Director of Youth Ministries
- ☐ Director of Children's Ministries
- ☐ Director of Missional Engagement
- ☐ Director of the IPC Day School
- ☐ Director of Operations and Administration
- ☐ Director of Music
- ☐ Director of the Children's Fresh Air Farm.

Any IPC Pastor or Director receiving the report shall immediately contact the Senior Pastor and the Safe Church Response Team. Contact information for each of the above individuals and for members of the Safe Church Response Team is attached to this policy as Appendix B. The Senior Pastor or Safe Church Response Team will contact IPC's outside counsel and others who need to be advised.

The Pastor or Director notified of the suspected child abuse or neglect (or his or her designee(s)) should

1. Notify the parent or guardian of the victim (unless they are the suspected perpetrator);
2. Care for the child and ensure that any immediate aid for the child has been rendered or arranged;
3. Relieve the accused of his or her duties and/or remove the accused from the event or activity until an investigation is complete;
4. Treat the accused with dignity and not pre-judge the situation;
5. Treat the situation confidentially;
6. Complete an Incident Report but leave the investigation to professionals; and
7. Report or assist in reporting the incident to DHR and/or law enforcement.

If an individual who reports suspected child abuse or neglect to one of the Pastors or Directors listed above is not satisfied with the response by that person, or if the individual is not comfortable reporting to one of the listed individuals, he or she should contact a member of the Safe Church Response Team.

Any person bringing a report of abuse or cooperating in an investigation will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged for such actions.

**B. Reporting Requirements Under Alabama Law** - The Alabama statute on the mandatory reporting of suspected child abuse/neglect (attached to this policy as Appendix A) requires certain listed entities and persons called “mandatory reporters” to report known or suspected child abuse or neglect directly to the authorities. Reporting suspected abuse or neglect to a supervisor or other person does not relieve a mandatory reporter from reporting the incident directly to authorities. Failure to do so subjects a mandatory reporter to criminal liability. The law also encourages the voluntary reporting of suspected child abuse or neglect by entities or individuals who are not mandatory reporters. IPC’s policy is to report suspected child abuse or neglect to the Alabama Department of Human Resources and/or local law enforcement in all cases, whether a report is mandated or permissive.

The Alabama law provides that clergy are mandatory reporters. Clergy must report to authorities known or suspected abuse or neglect unless such information was received in a confidential, privileged communication, as defined under Alabama law. Clergy are also subject to the provisions of G-4.0301 and 4.0302 of the *Book of Order* that require the reporting to authorities of confidential or privileged communications relating to suspected or known child abuse in certain circumstances.

**Nothing in this policy shall be considered a restraint of an individual’s statutory obligation to report directly to authorities. Furthermore, no person shall be prevented from directly reporting an incident on the basis that he or she is not a “mandatory reporter”.**

**C. Communications with Media** - All communications with media about the alleged abuse or neglect must be referred to the Senior Pastor who will consult with the Safe Church Response Team.

**D. Role of Safe Church Response Team** - The Safe Church Response Team will be trained on the terms of this policy (including the law included in Appendix A) as well as established procedures under the Rules of Discipline, *Book of Order* of the Presbyterian Church (U.S.A.) for responding to complaints of alleged child/youth abuse against any teaching elder, ruling elder, or employee of IPC.

The Safe Church Response Team, in consultation with IPC’s outside counsel, shall have the following responsibilities in response to allegations of child/youth abuse or neglect covered by this policy:

- ☐ Ensure that the allegation is reported to the DHR and/or law enforcement;
- ☐ Ensure that IPC’s insurance company is notified about the allegation;
- ☐ Advise the reporter and/or others concerning any immediate documentation that must be obtained;
- ☐ In consultation with the Senior Pastor, determine the appropriate spokesperson for communications with the media;
- ☐ Determine who should investigate the situation;
- ☐ Determine if additional reports must be made according to the *Book of Order*;
- ☐ Provide or arrange for counseling for the principal parties involved (reporter, possible victim(s), accused, family members);
- ☐ Take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.

## **VIII. POLICY VIOLATIONS**

Violations of this Child and Youth Protection Policy will result in discipline, up to and including termination of employment, in the case of Paid Staff; and termination of authority to work with children through church programs, in the case of Volunteers.

## **APPENDIX C – INDEPENDENT PRESBYTERIAN CHURCH CHILD AND YOUTH PROTECTION POLICY SOCIAL MEDIA AND ELECTRONIC COMMUNICATION GUIDELINES**

### **Communicating with Youth**

As an ever-increasing number of people use and prefer digital communication to other forms, it is essential that the church be aware of both the positive and negative aspects of this reality. Social networking sites, on-the-spot communication devices and email can enhance communication and faith sharing, and deepen relationships, provided that they are used appropriately.

The following guidelines seek to apply principles of healthy boundaries and safe church to the virtual world of digital networking and communication. These guidelines apply to all IPC clergy, all members of IPC's staff, and all adults who volunteer in youth activities and events sponsored by IPC (referred to herein as "IPC staff and volunteers"). These guidelines cover communications with youth (seventh through twelfth graders) who participate in IPC sponsored events or activities. It is never appropriate to communicate with children (first through sixth graders) through social media or electronic messages.

All communications with youth and children are subject to the terms of IPC's Child and Youth Protection Policy.

**Social Media** - In addition to participating on IPC's ministry pages, youth may wish to establish social media connections with IPC staff or volunteers. Those who are willing to participate in these relationships should use the following guidelines when establishing these connections:

**Friend Requests** – IPC staff and volunteers should not submit 'friend' requests to youth. They may be reluctant to decline such requests due to the disparity of power between them and adults. Social media sites such as *Snapchat* where messages appear only momentarily should not be used to communicate with youth.

**Access** – IPC staff and volunteers who accept friend requests from youth associated with this community of faith **must** grant the Director of Youth Ministries and/or the Associate Pastor, Director of Discipleship full access to their profile and correspondence. They must also set stringent privacy settings on any personal social networking profile.

**Limit Commentary on Photos and Posts** – IPC staff and volunteers should limit comments on photographs or posts on a youth's page. Frequent and/or lengthy comments can be perceived as intrusive and make the youth feel uncomfortable.

**Groups** - For the sake of their own privacy and the well-being of youth participants, IPC staff and volunteers should not add or invite youth to join any groups, events, pages, chat rooms, etc. that are not solely dedicated to activities directly related to IPC's children or youth ministries or activities. Any IPC-related group or group message must contain more than one adult.

**Abuse and Neglect** - Remember material on any site (church-affiliated or not) that raises suspicion that a child or youth has been or will be abused/neglected/exploited must be immediately reported to the Director of Youth Ministries and/or Associate Pastor, Director of Discipleship.

**Emails and Texts** – Before emailing, texting or communicating electronically with a youth, IPC staff and volunteers must obtain a signed release form from the youth's parents. It is preferable not to text or email individually whenever possible; the best practice is to include at least one other adult or multiple youth in the text message or email.

Use good judgment as to the time of day you contact youth through social media, e-mail or other forms of digital communication. The "home phone rule" is a basic rule of thumb to use – normally do not text or chat with a youth at a time you would not call their home phone line, i.e. before 9:00 AM or after 9:00 PM. There may be emergency situations in which an adult must contact or respond immediately to a youth. In this situation, the Director and/or Assistant Director of Youth Ministries must be informed within 24 hours.