

Youth and Vulnerable Adult Abuse Protection Policy

ST. JAMES LUTHERAN CHURCH

JOHNSTON, IOWA

2014

INTRODUCTION:

Children and vulnerable adults must be protected from physical, financial, and sexual exploitation and abuse.

Tragically, churches have not always been safe places for everyone. Abuse and exploitation occur in churches, both large and small, urban and rural. The problem cuts across all cultural, economic, and racial lines. Virtually every congregation has survivors of sexual trauma among its members.

Such incidents are devastating to all that are involved: the child or vulnerable adult, the family, the local church and its leaders. Churches can be torn apart by the legal, emotional, and monetary consequences of litigation following the allegations of abuse.

God calls us to make our church a safe place, protecting children and others from sexual abuse. God calls us to create a community of faith where children and adults can grow safe and strong. Thus, we adopt this policy for the prevention of abuse at St. James Lutheran.

GOAL:

Our goal is to protect children and others from sexual abuse, molestation, and any other forms of physical, emotional, or financial abuse by employees and volunteers in this church and to protect employees and volunteers from false accusations.

DEFINITIONS:

There are nine specific categories of child abuse under Iowa law (see Iowa Code § 232.68). For the purposes of this policy, we define abuse using broader terms, each intended to encompass one or more of the nine specific categories of child abuse under Iowa law and analogous conduct directed toward vulnerable adults and meeting the definitions of dependent adult abuse under Iowa law (See Iowa Code Iowa Code § 235B.2(5)). While not intended to be exclusive, the definitions of abuse used in this policy are as follows:

Physical abuse is any non-accidental physical injury, or injury at variance with the history given of it, inflicted on a child or vulnerable adult by a person responsible for such child's or vulnerable adult's care, a person with a significant relationship to the child or vulnerable adult, or person in a position of authority. Physical abuse includes threatened physical abuse.

Mental injury is any injury to a child's or vulnerable adult's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's or vulnerable adult's ability to function within the child's or vulnerable adult's normal range of performance and behavior as the result of the acts or omissions of a person responsible for such child's or vulnerable adult's care, a person with a significant relationship to the child or vulnerable adult, or person in a position of authority.

Sexual abuse is the commission of a sexual offense (including any engagement in sexual contact) with or to a child or vulnerable adult by a person responsible for such child's or vulnerable adult's care, a person with a significant relationship to the child or vulnerable adult, or person in a position of authority. Sexual contact includes fondling, touching intimate parts, and sexual intercourse. Sexual abuse also includes the use of a child or vulnerable adult in prostitution or in the production of sexually explicit works, or knowingly allowing a child or vulnerable adult to engage in any of these activities, or providing or exposing a child or vulnerable adult to obscene materials. Sexual abuse includes threatened sexual abuse.

Neglect is an action, omission, condition or status that reflects a reckless disregard for a child's or vulnerable adult's safety or critical needs. For purposes of this policy, neglect is considered a form of abuse. Neglect includes, without limitation:

- exposing a child or vulnerable adult to a person responsible for the child's or vulnerable adult's care, or knowingly allowing a person custody or control of, or unsupervised access to a child or vulnerable adult if such person has (a) subjected a child or vulnerable adult to, or failed to protect a child or vulnerable adult from, an overt act or condition that constitutes egregious harm (b) is required to register or is on the sex offender registry or (c) has otherwise been found to be palpably unfit;
- the failure on the part of a person responsible for the care of a child or vulnerable adult to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's or vulnerable adult's health and welfare when financially able to do so or when offered financial or other reasonable means to do so;
- providing or exposing a child or vulnerable adult to illegal drugs or other illegal substances; and
- knowingly exposing a child or vulnerable adult to threatened injury or abuse.

Threatened injury or abuse is a statement, overt act, condition or status that represents a substantial risk of physical or sexual abuse or mental injury to a child or vulnerable adult.

Financial abuse includes:

- willfully using, withholding, or disposing of the funds or property of a child or vulnerable adult;
- gaining possession, control of, or an interest in the funds or property of a child or vulnerable adult, or taking unfair advantage of a child or vulnerable adult's physical or financial resources for one's own personal or pecuniary profit, through the use of undue influence, harassment, duress, deception, or fraud;
- forcing or enticing a child or vulnerable adult against his/her will to perform services for the profit or advantage of another.

Vulnerable adult means a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.

While we anticipate that most individuals covered by this policy will not be mandatory reporters of child abuse or dependent adult abuse under Iowa law, persons with questions concerning definitions of abuse may wish to consult additional resources, including

- *Child Abuse: A Guide for Mandatory Reporters* produced by the Iowa Department of Human Services and available (as of the date this policy was adopted) for download at : www.dhs.state.ia.us/Consumers/Safety_and_Protection/Abuse_Reporting/ChildAbuse.html
- *Dependent Adult Abuse: A Guide for Mandatory Reporters* produced by the Iowa Department of Human Services and available (as of the date this policy was adopted) for download at : www.dhs.state.ia.us/Consumers/Safety_and_Protection/Abuse_Reporting/DependentAdultAbuse.html

POLICY COMPONENTS:

This policy will address five areas that are critical for the protection of our children, our vulnerable adults, our employees, our volunteers, and our church regarding physical and sexual abuse.

- I. Selection and Screening Process
- II. Supervision of Workers
- III. Data Privacy
- IV. Reporting Procedures
- V. A Response Plan
- VI. Training

I. Selection and Screening Process

A. Employee: anyone who is paid by the church on a full-time or part-time basis, whether or not they work directly with preschoolers, children, and students.

All church employees will be required to complete a confidential application form that will include

- permission for the church to perform a criminal background check (Attachment A), and
- a question asking the candidate if s/he has ever been convicted of or pleaded guilty to a crime, and if s/he has any prior history of physical, financial, or sexual abuse directed against another person (Attachment A).

An appropriate staff member, the Council President, or the Lead Pastor (as Head of Staff) will also interview church employees. During this confidential interview, prospective employees will be asked directly if they have ever been convicted of or pleaded guilty to a crime, and if they have any prior history of physical, financial, or sexual abuse directed against another person.

References for church employees will be checked and verified. A criminal background check will be performed and confidential results will be kept on file with the application. Any information from that background check indicating that a candidate poses a threat to others or has any prior history of physical, financial, or sexual abuse directed against another person will result in the immediate removal of the individual candidate from consideration for employment with St.

James Lutheran. If other felonies or misdemeanors are found on a background check, the Church Council will meet to make decisions regarding employment using Iowa law regarding disqualifying crimes or conduct as a guide.

B. Volunteer worker: anyone who is not paid by the church on a full-time or part-time basis, and is serving in any position.

All volunteer workers who intend to work with children aged 18 or younger and vulnerable adults will be required to complete a confidential application that will include

- permission for the church to perform a criminal background check (Attachment A), and
- a question asking the volunteer if s/he has ever been convicted of or pleaded guilty to a crime, and if s/he has any prior history of physical, financial, or sexual abuse directed against another person (Attachment A).

A criminal background check will be performed and confidential results will be kept on file with the application. Any information from that background check indicating that a volunteer poses a threat to others or has any prior history of physical, financial, or sexual abuse directed against another person will result in the immediate removal of the individual volunteer from consideration for working with children and vulnerable adults at St. James Lutheran. If other felonies or misdemeanors are found on a background check, the Executive Committee of the Church Council will meet to make decisions regarding the scope of that individual's volunteer possibilities using Iowa law regarding disqualifying crimes or conduct as a guide.

Background checks will be repeated every two years for volunteers. The Church Council will designate responsibility for completing background checks and updating files each year.

C. Chaperones: Adults who volunteer to chaperone church sponsored events involving youth or vulnerable adults must be a minimum of 21 years old, and must abide by the requirements set forth in Attachment D.

D. Transportation provider: any adult who will be providing transportation for children or vulnerable adults must complete a Transportation Clearance Form (Attachment B). The church's program coordinators will be responsible for ensuring that all drivers have completed this form within twelve months of providing transportation. Background checks will be waived for volunteers who are only providing transportation as long as those volunteers will not be alone (one-on-one) with a child or a vulnerable adult. Volunteers driving youth or vulnerable adults to church sponsored events must be a minimum of 21 years of age prior to the start of the trip.

II. Worker Protocol—Volunteer and Employee

A. **Six Month Rule:** All workers who wish to work with children or vulnerable adults at St. James Lutheran must have been known by the church's professional staff for at least six months. Exceptions can only be made by the Lead Pastor and/or the Executive Committee of the Church Council.

B. **One on One:** Situations requiring one on one contact between a worker and a child will occur in a public area and/or within sight of other people. If church workers need to spend time alone with a child and it is not possible or feasible to do so in a public place or within sight of other people (i.e., confirmation interviews with the pastor or a worker

giving a teenager a ride home), the church worker will obtain parental permission in advance.

C. Guidelines for Direct Interaction:

- a. Children who are able to use the restrooms independently will be supervised by an adult worker. The adult should check to make sure the facility is safe, then wait outside of the restroom until the children come out. The adult may assist a child in the restroom only as needed.
- b. Workers shall never touch a person's private areas except when necessary, as in the case of changing a diaper or assisting a young child with toileting. In these cases, workers shall wear rubber (vinyl) gloves at all times for public health reasons.
- c. Workers shall avoid the appearance of impropriety, such as sitting children on their laps, initiating kissing or "romantically" embracing others, etc.

D. Nursery Security: A nursery is available for use, but is not staffed by employees or volunteer workers. Parents are responsible for supervising or identifying a responsible caretaker for supervising children left in the nursery. Children may not be left in the nursery unsupervised.

E. Use of Chemical Substances: Any volunteer or employee who appears to be under the influence of alcohol or other drugs CANNOT work with children or vulnerable adults and must leave the church premises immediately.

III. Data Privacy

St. James Lutheran may from time to time post photographs and names of members and/or visitors attending church sponsored events via electronic media (i.e., the church web site). People who do not wish to have their pictures or names, or their children's pictures and names, posted on church-sponsored media should communicate this in writing to the church office.

IV. Reporting Procedures

By law, church employees and volunteers who report suspected child or vulnerable adult abuse are provided immunity if they report abuse in "good faith." Observed, reported, or suspected child or vulnerable adult abuse or child vulnerable adult molestation in the church or at church sponsored events shall be verbally reported immediately to a pastor or to an officer of the Church Council and written documentation shall follow (Attachment C). Except for emergencies when a "911" report is appropriate, any reporting to civil authorities will be done by a pastor or by an officer of the Church Council with the advice and knowledge of legal counsel.

V. Response Plan

- A. All allegations will be taken seriously, and the church staff will take appropriate action, including immediately notifying a pastor, an officer of the Church Council, or any other internal authority regarding cases where there is reason to believe abuse or criminal acts have occurred.

- B. The church staff will not deny or minimize the incident. The pastoral staff will investigate the incident and will minister to all persons involved. The parents/guardians of the alleged victim will be notified as soon as possible by a pastor or by an officer of the Church Council regarding any allegations of sexual misconduct or abuse. Reporting alleged abuse to the civil authorities will also be handled by the pastor or an officer of the Church Council, with the advice and knowledge of legal counsel.
- C. The appropriate church staff and volunteers will document in writing with date and signature any efforts in handling the incident (Attachment C).
- D. Any employee of St. James Lutheran who is the subject of an investigation will be removed from his/her position, with pay, pending completion of an investigation. If the employee is found guilty or admits to the abuse or molestation, s/he will be terminated with the advice of legal counsel and in consultation with the Synod.
- E. Any volunteer who is the subject of an investigation will be removed from his/her position pending completion of an investigation. Any person who admits guilt or is found guilty of alleged abuse or molestation will no longer be allowed to work with children or vulnerable adults at St. James Lutheran. The church may consult with legal counsel for advice if additional safeguards are indicated.
- F. The Lead Pastor and President of the Church Council, with the advice and input from the Church Council, will designate the official spokesperson for the church. For the protection and privacy of everyone, no other staff members or church members shall speak to the media with regard to any actual or alleged incidents of abuse. Consultation will occur with legal counsel and with the church's insurance company prior to any public comments.
- G. All church employees and volunteers will cooperate fully with any law enforcement or governmental agency that may be investigating allegations of injury, abuse, or molestation in connection with activities of the church.
- H. If it comes to the attention of any staff member, or member of the Church Council that a person having a prior history of physical, financial, or sexual abuse directed against another person is attending church functions, it is the responsibility of the Executive Committee of the Church Council to investigate. If deemed necessary, the Executive Committee may take action to restrict such person's attendance at or participation in church functions or access to church property in ways which minimize or prohibit the individual's interaction with youth or vulnerable adults.

VI. Training

All volunteers who work with children or vulnerable adults will be required to complete training with regard to this policy and procedures every two years. The training program will include the following information:

- a. a basic orientation of the facts about abuse and the church,

- b. rationale for the emphasis on protecting children and vulnerable adults from abuse in the church,
- c. a description of church policies regarding ministry to children and vulnerable adults,
- d. a commitment on the part of the volunteer to follow church policies.

Acceptable training options will be published to the St. James Lutheran community each fall and throughout the year.

Once workers have completed their training, they will submit their certificate of completion (Attachment E), along with permission to allow St. James Lutheran to perform a background check, to the Parish Steward or other office staff (Attachment A).

The Church Council will designate responsibility for making sure training is completed and files are updated each year.

POLICY IMPLEMENTATION

1. This policy will be reviewed annually by all church employees and by the Church Council and the Lead Pastor. It can be modified by the Church Council at any time. Any modifications should be promptly conveyed to all persons affected by the modifications.
2. All church employees and volunteers who work with children or vulnerable adults will review this policy a minimum of every two years at the same time that they complete their training.
3. If the renewal process shows that any employee or volunteer worker has become unsuitable for working with children or vulnerable adults, s/he will be immediately removed from his/her current position and will not be considered for other positions involving work with children or vulnerable adults. The Executive Committee of the Church Council will make decisions regarding a volunteer's suitability using Iowa laws regarding disqualifying crimes or conduct as a guide.

Attachment A: Application for Working with Children and Vulnerable Adults Release Form

St. James Lutheran Church

Name: _____
(Last) (First) (Middle) (Maiden)

List all other names by which you have been known:

Driver's License or State ID Number: _____ Issuing State: _____

Birthdate: _____ Gender: ___ Male ___ Female

Current address: _____
(Street) (City, State) (Zip)

Resided there from _____ to _____ (month and year) County of residence: _____

Counties and states where you have lived in the past 10 years: _____

Have you ever been convicted of or pleaded guilty to a crime? ___ Yes ___ No If yes, please explain: _____

Do you have any prior history of physical, sexual, or financial abuse directed against another person?

___ Yes ___ No If yes, please explain: _____

I understand that as a part of the application process for working or volunteering at St. James Lutheran, a background investigation of my criminal history will be conducted and records of sustained maltreatment of children or vulnerable adults may also be reviewed. I authorize the Church to perform a background check. I agree that if any misrepresentation has been made by me herein, or if the result of the background check is not satisfactory, my consideration for employment or volunteer work may be terminated immediately.

Signature: _____ Date: _____

-----Office Use Only-----

Background check completed and reviewed: _____ (date)

Youth Protection Policy reviewed and youth protection training completed: _____ (date)

(printed name and signature of church leader completing this form)
Attachment B: Transportation Clearance Form
St. James Lutheran Church

Driver's Name: (please print) _____

Driver's license number: _____ State issued: _____

Expiration date: _____

Insurance company: _____

Insurance policy number: _____

Driver's signature: _____

-----Office Use Only-----

Transportation Clearance Form completed, license and insurance card validated: _____
(date)

(printed name and signature of church leader completing this form)

Attachment B: Transportation Clearance Form
St. James Lutheran Church

Driver's Name: (please print) _____

Driver's license number: _____ State issued: _____

Expiration date: _____

Insurance company: _____

Insurance policy number: _____

Driver's signature: _____

-----Office Use Only-----

Transportation Clearance Form completed, license and insurance card validated: _____
(date)

(printed name and signature of church leader completing this form)
Attachment C: St. James Lutheran Church Incident Report Form

Date of report: _____

Name of child/vulnerable adult: _____

Person(s) involved in alleged misconduct: _____

Date, time, and location of incident: _____

Description of incident: _____

Were there any witnesses: _____

If yes, please list: _____

Please check those that apply:

I choose to remain anonymous regarding this incident.

I have reported or intend to report this incident to criminal authorities.

The above-information is freely provided and is true to the best of my knowledge.

(reporter's signature)

(relationship to child or vulnerable adult)

-----Office Use Only-----

I have received and agree to follow appropriate policy and procedure.

(St. James staff member)

(date)

(supervisor of above staff member)

(date)

Attachment D: St. James Lutheran Church

Chaperone Guidelines

These guidelines apply to all adult chaperones attending junior and senior high youth mission/enrichment trips.

Role of the Chaperones: The primary role of the chaperone is to provide a safe and healthy environment for the youth participants.

--All chaperones must know and ensure that the youth in their charge comply with all rules set forth by the trip leader.

-- Chaperones must be aware of the physical, emotional, and spiritual state of their youth during the trip. Chaperones need to be engaged in all youth activities during the trip as much as possible. Serious problems or issues need to be reported to the trip leader.

Dress: All participants (youth and adult) are expected to dress with modesty and in good taste. Clothing must cover underwear and midriffs. Clothing that displays profane or offensive messages or images is not allowed.

Alcohol, Drugs, Tobacco: All laws governing alcohol, drugs, and tobacco will be strictly enforced. Possession or consumption of alcohol and drugs is not permitted at any time by anyone, youth and adult, during the entire duration of the church event.

Chaperones Do:

1. Act as a role model reflecting the values of St. James Lutheran Church and the love of Jesus Christ.
2. Speak and act with respect and regard for the value of each youth in the group.
3. Maintain clear communication with the trip leader.
4. Report immediately to the trip leader any strange, embarrassing, or possibly compromising interactions you have with any youth.
5. Listen carefully to the youth. Report to the trip leader any indications of self-destructive, suicidal, or harmful thoughts and behaviors.

Chaperones Do NOT:

1. Try to be a buddy or pal to the youth. You are there to help them grow, not to develop a social life around or with them.
2. Threaten or humiliate or degrade a youth in any way.
3. Discipline with physical contact.
4. Share inappropriate information about yourself with the youth.
5. Allow youth to engage in sexually suggestive, vulgar, or abusive speech or actions.

Attachment E: St. James Lutheran Church

Certificate of Completion

I, _____, certify that I have read, understand and agree to comply with the St. James Lutheran Church Youth and Vulnerable Adult Abuse Protection Policy, including those policies which apply to me as an employee or volunteer who works with or may work with children or vulnerable adults. I am aware that violations of these policies may subject me to disciplinary action, including termination of my position as an employee or role as volunteer, legal action and/or civil or criminal liability.

Date: _____

Signature: _____