



MARIN LUTHERAN CHURCH SAFETY OF MINORS Policy & Procedures

PURPOSE:

Marin Lutheran Church is committed to providing a safe and nurturing environment for our members and visitors to worship, learn and enjoy fellowship. We have a special responsibility towards minors as they experience and learn that their church is a sanctuary where they will feel safe and loved. The goal of this policy is to provide a safe, nurturing environment that fosters the physical, emotional and mental well-being of minors.

INSURANCE REQUIREMENTS:

- 1) A national criminal background check completed on all employees.
- 2) A statewide criminal or sexual offender background check completed on any and all volunteers who are involved in a Nursery, a School, overnight activity with minors, counseling of minors, or one-on-one mentorship of minors.
 - For purposes of this rule, a minor is anyone under the age of 18.
 - The insured should run checks for each state a volunteer has lived in during the last seven years, at a minimum.
 - At a minimum, two references should be checked on all individuals. The references should be of an institutional nature, for example, former employers or other organizations at which the individual had volunteered, as opposed to personal friends or relatives. The person serving as a reference also should have known the individual at least six months.
 - The objective of the new rules is to focus on those who have regular, ongoing contact with children and youth in small groups, counseling situations, camps, overnights, day cares, and school. This does not include those in large group settings (Sunday School, field trips with groups, etc.) or those who have occasional contact (a mother dropping off cookies or volunteers in the nursery during worship, for example.) Sunday School teachers are not required to have background checks under the current guidelines. Youth group volunteers (adults volunteering to work with the youth group) are not required to have a criminal background check under the current guidelines, unless they are involved in a nursery, school, overnight activity involving minors, counseling of minors or one-on-one mentorship of minors. Volunteer van or bus drivers who transport children or youth would need to have a state criminal or state sexual offender check completed because of the higher potential for isolation in a van or bus.
- 3) The insured must have signed release forms on file for all employees and volunteers giving the insured's organization permission to perform criminal background checks.
- 4) The insured must have a six-month waiting period before new volunteers are allowed to interact with minors.
- 5) The insured must have in place a written policy that outlines the insured's risk management program for sexual misconduct, which includes documented procedures that address, at a minimum, how to respond to a sexual misconduct allegation.

- 6) The insured must never allow a minor to be alone with one adult on his or her premises, or in any sponsored activity, unless it is a counseling situation.

DEFINITIONS:

Who is a minor?

- A minor is anyone under the age of 18.
- A child is anyone under the age of 12.
- A youth is anyone from 12 – 17.

What is minor abuse?

- **Physical abuse** is the deliberate physical injuring of a minor.
- **Sexual abuse** is the involvement of a minor in any sexual act or situation for the gratification or benefit of another.
- **Emotional abuse** is a pattern of behavior that impairs a minor's emotional development or sense of self-worth. This may include constant criticism, threats, or rejection, as well as withholding love, support, or guidance. Emotional abuse is often difficult to prove and therefore, Child Protective Services (CPS) may not be able to intervene without evidence of harm to the child. Emotional abuse is almost always present when other forms are identified.
- **Neglect** is failure to provide for a child's basic needs, including food, clothing, shelter, health care, psychological nurturing, education, supervision, or other basic necessities. These situations do not always mean a child is neglected. Sometimes cultural values, the standard of care in the community, and poverty may be contributing factors, indicating the family is in need of information or assistance. When a family fails to use information and resources, and the child's health or safety is at risk, then child welfare intervention may be required.

REPORTING SUSPECTED MINOR ABUSE

According to California's Child Abuse and Neglect Reporting Act, paid professional staff in the church, are required to report **suspected child abuse** to law enforcement and/or CPS. This includes pastors, paid nursery staff and any other paid youth staff.

Because volunteers are not paid professionals or childcare custodians as defined in the Child Abuse and Neglect Reporting Act, **volunteers are not mandated reporters.**

However, any individual who has reason to suspect abuse, or is aware of a potentially unsafe condition that could lead to abuse, should immediately report that information to a Pastor. The individual may be asked to complete a written report describing the basis for his/her concern. They may also choose to make a telephone report to law enforcement and/or CPS.

A review of the reported abuse or potentially unsafe condition will be conducted by the following: the Pastor and a member of the Staff Congregation Relations Committee. The President of the Church Council will be notified of the reported abuse. These individuals may consult with others, including legal counsel as needed. The mandated reporter then must report to law enforcement and/or CPS. "Second-hand" information is reportable.

Refer to Attachment #8 *"Reducing the Risk" Application Checklist to be Completed by Clergy/Professional Staff Persons*, to complete and document the necessary tasks required by Marin Lutheran Church and state law.

Marin Lutheran Church will provide appropriate support to all parties involved in any allegation of abuse: the child or youth and parents.

CRIMINAL BACKGROUND CHECKS

- ALL paid employees will undergo a criminal background check
- Volunteers age 18 and over participating in Marin Lutheran's child or youth ministries **may** be asked to undergo a criminal background check

Whether disclosed voluntarily or by result of the background check, the following items will automatically disqualify a volunteer or paid staff person from working with minors. Any charges or convictions for:

- Criminal homicide
- Aggravated assault
- Crimes related to the possession, use or sale of drugs or controlled substances
- Sexual abuse / Sexual assault (rape) / Aggravated sexual assault
- Injury to a child / Enticing a child
- Incest
- Indecency with a child / Public lewdness or indecent exposure
- Inducing sexual conduct or sexual performance of a child
- Possession or promotion of child pornography
- The sale, distribution, or display of harmful material to a minor
- Employment harmful to a child
- Abandonment or endangerment of a child
- Kidnapping or unlawful restraint

VOLUNTEERING TO WORK WITH MINORS

- 1) Any individual must be a member of or an active participant of Marin Lutheran Church for at least six-months prior to beginning such service.
- 2) Provide two references who are acquainted with relevant aspects of their experience and character. (Attachment #7)
- 3) The following must be provided or completed
 - a) Volunteer Application including an interview with a paid staff member (Attachment #1)
 - b) Staff/Volunteer Screening/Background Check Release (Attachment #2)
 - c) Driver Screening Release (if applicable) (Attachment #3)
 - d) Read and retain the *Standards of Behavior* (Attachment #4)
 - e) Read and retain the *Covenant for Working with Minors* (Attachment #5)
 - f) Signed Acknowledgement (Attachment #6) of receiving the *Policy & Procedures: Safety of Minors; Standards of Behavior* (Attachment #4) and *Covenant for Working with Minors* (Attachment # 5)

Record Keeping: All the above records obtained for volunteers working with minors will be kept on file.

GUIDELINES & EXPECTATIONS FOR THOSE WORKING WITH MINORS

- Meeting in rooms without a sight-line into the room is to be avoided. A door without windows shall remain open at all times.
- The two-adult rule is our goal when working with children and youth. A situation in which an adult is completely alone with one or more children/youth is to be avoided.
- During Sunday School, Confirmation, VBS, etc. an adult present in a supervisory role, checking into classes/meetings rooms, serves as a second adult.
- Parents of minors have the right to visit and observe any program involving the minors at any time without prior notice.
- Counseling should be as confidential as possible without sacrificing safety.
- Planned individual contact outside the church building should occur only in public places and with the prior consent of the minor and parent or guardian.
- If a youth group stays overnight at the church, two or more adult leaders must be present. When the group includes both boys and girls, ideally male and female leaders should be present.
- During an overnight youth trip, at least one adult will be present for every six youth. A minimum of two adults will be present, regardless of the group size. When both boys and girls are participating, at least one male and one female adult will be present. In no event may one adult take one youth on an overnight trip alone. Adults must maintain appropriate distance from youth with regard to sleeping arrangements and must sleep in separate beds or sleeping bags. Supervision of youth will be maintained before and after events until all children are in the custody of their parents, legal guardians, or a person authorized by the parent or guardian.

REGISTERED SEX OFFENDERS

A Registered Sex Offender is any person who has been convicted of a sexual offense and is now required to register his/her whereabouts with local law enforcement. In the event that a known Registered Sex Offender (RSO) is a visitor or member of Marin Lutheran the following policy will be used:

- 1) In a thoughtful and compassionate manner the Pastor will inform relevant staff, the Executive Committee, Staff Congregation Relations Committee. Others may be informed if the Pastor deems it necessary.
- 2) The Pastor will form a Support Group to meet with the RSO. They may offer counseling and support and also provide information about community support services.
- 3) The support group will develop a written covenant that will be signed by the Pastor and the RSO. The covenant may include, but not be limited to:
 - a) The RSO will not participate in any programming or classes for minors, including not entering the areas where these are being held and may not approach a minor on church property for any reason.
 - b) The RSO may be allowed to worship, but may be asked to worship in a setting that limits contact with vulnerable populations, e.g. not a youth service.

- c) The RSO's participation in worship may be limited to exclude positions of authority, or assumed authority, such as ALM, ushering or any position of real or assumed authority over children or dependent adults.
- 4) There may be consultation with congregants who need to know about the status of the RSO and the congregation's policy, e.g. families of children or teen-age youth.
- 5) If the RSO's offense involves a member of the church community, the RSO will not be allowed to participate in worship or any church activity and may be asked to leave membership.
- 6) This policy is designed to avoid temptation, not to punish the RSO.
- 7) The congregation may make any other provisions deemed necessary to appropriately protect and care for members of the congregation.

Marin Lutheran Church Policy & Procedures: Safety of Minors, adopted in 2017

The Policy & Procedures: **Safety of Minors**, has been developed by the Marin Lutheran Church Finance and Administration Committee and adapted from policies of St. Mark's Lutheran Church, San Francisco (2015) and St. John's Lutheran Church, Sacramento (2016)



MARIN LUTHERAN CHURCH
VOLUNTEER APPLICATION
 FOR WORKING WITH MINORS
 Attachment # 1

INFORMATION

Name (First, Middle, Last) _____ Birthdate _____

Address _____ City _____ State _____ ZIP _____

Phone _____ Email _____

AKA _____ Place of Birth _____

Social Security Number _____ Member of Marin Lutheran? _____

VOLUNTEER INFORMATION

What age groups are you interested in working with?

- Children (under 12) Youth (12-18)

Why do you want to volunteer with minors?

Do you have any educational experience or training relevant to working with minors?

CRIMINAL HISTORY

Have you ever been charged, convicted or, or plead guilty to a crime, either a misdemeanor or a felony – including, but not limited to, drug-related charges, child abuse, other crimes of violence, theft, or motor vehicle violations?

- Yes No

Have you ever been convicted of a criminal offense?

- Yes No

Are you currently on probation or parole?

- Yes No

If you answered "Yes" to any of the above, please explain fully: _____

IN CASE OF EMERGENCY _____

Contact _____ Phone _____

Medical Insurance Provider _____ ID# _____

Physician's Name _____ Phone _____

Health concerns (allergies, medications, etc.) _____

Please Select One:

- I authorize an agent of Marin Lutheran Church to make arrangements for me to receive medical/hospital care including necessary transportation, in accordance with their best judgment. I agree to pay all costs as a result of the emergency that are not covered by my insurance.

- I do not choose the above statement and leave the following alternative action in the event of an emergency (please attach separate sheet).

AUTHORIZATION & APPLICATION STATEMENT _____

Read & Sign Below

I, _____, hereby authorize Marin Lutheran Church to obtain and/or request information about my criminal history and fingerprints from any entity chosen specifically for conducting this search, to release information regarding any record of charges or convictions contained in its files, or in any criminal file maintained on me, whether said file is local, state, or national, and including but not limited to accusations and convictions for crimes committed against minors, to the fullest extent permitted by city, county, state and federal law. I do release said entities from all liability that may result from any such disclosure made in response to this request. I may revoke this request at any time, but that revocation must be in writing and give 30 days' notice of same.

I certify that this volunteer application was completed by me and that all of the information on this application is true and correct to the best of my knowledge. I understand that any falsification, misrepresentation, or omission of facts called for herein will result in my disqualification from further consideration as a volunteer. I understand that I also need to submit a Volunteer Screening Release Form (Attachment # 2) and a Safety of Minors: Policy & Procedures Acknowledgment Form (Attachment #6) in order for my application to be considered complete. I understand that this application is not valid without my signature.

Print Name _____

Signature _____ Date _____

FOR STAFF/OFFICE USE ONLY	The following completed forms have been received:
_____ Staff Volunteer Screening Release	_____ 2 Reference Checks
_____ Driver Screening Release	_____ Interview Completed by _____
_____ Acknowledgement Form	

STAFF/VOLUNTEER SCREENING RELEASE
MARIN LUTHERAN CHURCH
Attachment # 2



APPLICANT INFORMATION – ALL INFORMATION IS REQUIRED

Name (Last, First, Middle) _____

Address _____ City _____ State _____ ZIP _____

Other Names Used by Applicant _____

Date of Birth _____ Birth Place _____ Soc. Sec. # _____

Driver's License # _____ State _____ Expiration _____

Ministries with which you work/volunteer _____

AUTHORIZATION & REQUEST FOR CRIMINAL RECORDS VERIFICATION & FINGERPRINT INFORMATION

Read & Sign Below:

I, _____, hereby authorize Marin Lutheran Church to obtain and/or request information about my criminal history and fingerprints from an entity chosen specifically for conduction this search, to release information regarding any record of charges or convictions contained in its files, or in any criminal file maintained on me, whether said file is local, state, or national and including but not limited to accusations and convictions for crimes committed against minors, to the fullest extent permitted by city, country, state, and federal law. I do release said entities from all liability that may result from any such disclosure made in response to this request. I may revoke this request at any time, but that revocation must be in writing and give 30 days' notice of same.

Signature of Applicant _____ Date _____

DRIVER SCREENING RELEASE
MARIN LUTHERAN CHURCH
Attachment # 3



APPLICANT INFORMATION

Name (as shown on license) _____

Address _____ City _____ State _____ ZIP _____

Other Names Used by Applicant _____

Date of Birth _____ Soc. Sec. # _____

Driver's License # _____ State _____ Expiration _____

Is this a commercial driver license? Yes No

What vehicle will you be driving? Make _____ Model _____ Year _____

Insurance Provider _____ Policy # _____

Attach a copy of your insurance card. Proof of car insurance is required to drive for any MLC event.

IN THE PAST THREE YEARS

Have you been at fault for any accidents?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you had any moving traffic violations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you had any insurance company cancel or refuse to provide you with auto insurance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you had your driver's license revoked, suspended or restricted?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you had any physical impairments other than corrective glasses?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you been charged with or convicted of "driving while intoxicated" or "driving under the influence"?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If any of the above questions have been answered with "yes," please provide full details below (dates, descriptions, amounts, etc.)

I understand that by providing this information and signing this form I am giving permission to Marin Lutheran Church to perform a DMV record check in order to ensure the safety of my passengers.

Signature of Applicant _____ Date _____

Marin Lutheran Church
Policy & Procedures: Safety of Minors
Standards of Behavior
Attachment # 4

Marin Lutheran Church has developed standards of behavior for all individuals working with minors on behalf of our church. The standards are designed to protect children, youth, adults and families.

1) Positive Discipline

Discipline used in church activities should be positive, respectful and caring. Physical punishment and emotional abuse are not permitted. Volunteers and staff should be alert to the physical and emotional health of the children and youth with whom they work.

2) Open Door Policy

Staff and volunteers should work with children and youth in reasonably open places where others are welcome to enter – not behind closed or locked doors. Parents/guardians are always welcome to attend any class, activity, event.

3) Transportation

Transportation to and from events is the responsibility of the families. Drivers should be accompanied by a second adult when dropping off or picking up minors, unless prior approval has been obtained from the parent/guardian. Safety of the child is always the paramount consideration.

4) Respect of Privacy

Adult leaders and staff need to respect the privacy of minors and intrude only when health and safety require. Situations requiring privacy include using rest rooms, changing clothes and taking showers. Adults need to protect their own privacy in similar situations.

5) Overnight Accommodations

A minimum of two adult leaders should be present at any overnight activity. If youth participants include boy and girls, ideally the adult leaders would be males and females. If this condition cannot be met, the event will proceed only upon the approval of the pastor. When minors and adults must share a tent, bedroom or hotel room for the sake of safety and/or cost-efficiency, parents will be informed ahead of time. An adult should not occupy the same bed as a minor.

6) Housing

When private homes are used for overnight events, the pastor will make final approval of all adults involved as hosts. At least two youth will be assigned to each home.

7) Sexual Activity

No sexual activity is permitted between adults and minors. Sexual comments or jokes, the showing of sexual material, the exposure of sexual parts of the minor's body and/or the adult's body or other sexual behaviors are prohibited.

8) Tobacco and Alcohol

While supervising minors on behalf of Marin Lutheran Church adult leaders and staff should refrain from the use of tobacco and alcohol.

9) Illegal Substances and Firearms

The use or possession of illegal substances and/or firearms while supervising minors on behalf of Marin Lutheran Church is prohibited.

10) Any other standard of behavior may be instituted at the discretion of the pastor as he/she deems necessary.

Marin Lutheran Church
Policy & Procedures: Safety of Minors
Covenant for Working with Minors
Attachment # 5

To provide a safe and supportive environment for minors and the persons who work with them at Marin Lutheran Church, to provide a strong and healthy volunteer environment at Marin Lutheran and to minimize the possibilities of child abuse occurring in connection with Marin Lutheran's programs, when I am working with minors as part of Marin Lutheran's program, I agree:

- To treat all minors with respect and consideration.
- To treat all minors equally regardless of sex, race, ethnicity, religion, culture or sexual orientation.
- To use positive techniques of guidance such as redirection, positive reinforcement and encouragement rather than competition, comparison and criticism.
- To have age appropriate expectations and establish guidelines and environments that minimize the need for discipline.
- To refrain from any behavior that could be considered abusive to minors, including:
 - Physical abuse
 - Verbal abuse
 - Sexual abuse
 - Mental abuse
 - Neglect
- To remain at all times with any child under the age of 10 who has been left in my care.
- To release a child under the age of 10 only to his/her parent/guardian unless specifically instructed otherwise by the parent/guardian.
- To remain in view of others at all times whenever I am working with a minor.
- To leave restroom doors open when assisting a younger child.
- To conduct or supervise private activities, such as diapering, where I will be visible to others.
- To respect the minor's rights not to be touched in ways that make them feel uncomfortable and their right to say "no" to touching.
- To maintain an attitude of respect, loyalty, patience, courtesy, tact and maturity to be a positive role model for minors.
- To refrain from inappropriate intimate displays of affection towards others in the presence of minors.
- To report any temporary condition that impairs my ability to work with and be a positive role model for minors. This includes illness, emotional distress, the effects of prescribed or over-the-counter medication, the influence of alcohol or any substance that impairs my ability to work safely with minors.

- To not use profanity, tell inappropriate jokes, or share intimate details of my personal life in the presence of minors.
- To not date Marin Lutheran Church program participants who are under the age of 18.
- To inform the pastor if I believe there is any reason I should not have responsibility for the care of minors including any physical or psychological condition.
- To be aware of the health of minors, noting any bumps, bruises, burns, etc. and to report any concerns I have about suspected abuse to a pastor.
- To comply with the Marin Lutheran Church Policy & Procedures: Safety of Minors.

ACKNOWLEDGMENT FORM
MARIN LUTHERAN CHURCH
Attachment # 6



ACKNOWLEDGMENT OF HAVING RECEIVED THE FOLLOWING

Name _____

I acknowledge I have received and read the following:

- Policy & Procedures: Safety of Minors
- Standards of Behavior (Attachment #4)
- Covenant for Working with Minors (Attachment #5)

I understand that abiding by these principles will help to ensure the safety of minors as well as myself as we work together.

Signature of Applicant _____ Date _____

**Marin Lutheran Church
Policy & Procedures: Safety of Minors
Reference Check Form
Attachment # 7**

Reference for _____

In what capacity have you known this individual and for how long?

How well do you know the individual?

How would you describe this individual?

Describe the individual's relationship with people in general.

Is the individual suited to work with children? Explain.

Would you be comfortable having the individual volunteer with your own child?

To the best of your knowledge, has the individual ever been accused or convicted of a crime?

Additional comments

Signed by _____ Date _____

Print Name _____

Phone # _____ Email _____

Marin Lutheran Church
Policy & Procedures: Safety of Minors
“Reducing the Risk” Application Checklist to be Completed by
Clergy/Professional Staff Persons
Attachment # 8

In the case of an allegation of minor sexual abuse, the volunteer or clergy staff person who observes or to whom the information is given is required by Marin Lutheran and the state law to complete the tasks listed below. Date and initial as each step is completed.

- 1) Clergy and paid professional staff must remove the accused from the situation and suspend the accused from duties involving minors until an investigation is completed.

Date _____ Initial _____

Volunteers must remove the accused from the situation and immediately notify the closest available pastor/professional staff person who will suspend the accused until an investigation is completed.

Date _____ Initial _____

- 2) Make written documentation of everything done and said. If the person reporting the allegation is a volunteer, both the volunteer and the pastor/professional staff to whom the volunteer has reported will document the procedures taken.

Date _____ Initial _____

The actions from this point on will be completed by the pastoral staff only.

- 3) Immediately notify the parents/guardians of the alleged victim and respond to their questions and concerns. If the parents/guardians are the suspected perpetrators, notify law enforcement or Child Protective Services (CPS) first.

Date _____ Initial _____

- 4) Immediately notify law enforcement or CPS. Failure to report any suspected, alleged or witnessed abuse is a crime.

Date _____ Initial _____

- 5) Make written documentation of persons contacted and action taken.

Date _____ Initial _____

6) The pastor will immediately notify a member of the Staff Congregation Relations Committee to begin the internal and pastoral care process.

Date _____ Initial _____

a) Notify the Congregational Council President.

Date _____ Initial _____

b) Notify the insurance carrier of the incident immediately and comply with its investigation, if any.

Date _____ Initial _____

c) Prepare a written statement and designate a spokesperson to respond to media inquiries.

Date _____ Initial _____

d) Provide assistance to the alleged victim and his/her family in obtaining counseling or referral to a mental health professional, if needed.

Date _____ Initial _____

e) Respond to the needs of the families of the alleged victim and the accused to seek a redemptive solution for all involved.

Date _____ Initial _____

f) Inform the affected volunteer and paid staff members of the need for confidentiality.

Date _____ Initial _____

g) Consider and respond to the concerns of other parents.

Date _____ Initial _____

7) Within 36 hours of the alleged abuse, the pastor who makes the original report will prepare a written report and send one copy to the investigating agency.

Date _____ Initial _____

8) Make written documentation of persons contacted and action taken.

Date _____ Initial _____

Name & Signature of person completing form _____