

Episcopal Diocese of Northwest Texas Policy for the Protection of Children and Youth from Abuse

Revised, September 2006 by Executive Council

Revised, September 2007 by Executive Council

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The Episcopal Diocese of Northwest Texas has adopted these policies to help the Diocese and its faith communities to create safe environments for children and youth and for those who minister with them. All italicized words are defined in Appendix A.

Code of Conduct

Church Personnel understand that they have a moral and legal responsibility to protect *children and youth*. They understand that the church will not tolerate *abuse* or *neglect* of children and youth. Church Personnel in this diocese commit themselves, both in spirit and in action, to each of the following:

1. Church Personnel agree to do their best to prevent abuse and neglect among children and youth involved in church activities and services.
2. Church Personnel agree to not physically, sexually or emotionally abuse or neglect a child or youth.
3. Church Personnel agree to comply with the policies for general conduct with children and youth as defined in these Policies for the Protection of Children and Youth from Abuse.
4. All Church Personnel agree to comply with the Guidelines for Appropriate Affection (Section E) with children and youth.
5. In the event that Church Personnel observe any inappropriate behaviors or possible policy violations with children or youth, church personnel agree to immediately report their observations.

6. All Church Personnel acknowledge their obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities in accordance with these policies.

Church Personnel understand that the diocese will not tolerate abuse of children and youth and agree to comply in spirit and in action with this position.

Safeguards for Children and Youth

A. Screening and Selection

1. Any and all Church Personnel Who *Regularly Work With or Around Children or Youth* shall be screened and selected utilizing, at a minimum, the following:

- a. A standard application completed by the applicant that includes an authorization for the release of information to conduct background checks and includes an acknowledgement that the applicant has received and read these policies.
- b. Criminal records check in any state where the applicant has resided during the past seven (7) years, and other states, if any, as determined by the church.
- c. Sexual offender registry check in any state where the applicant has resided during the past seven (7) years.
- d. Driving or Motor Vehicle records check if the person may be transporting children or youth.

2. Any and all Church Personnel Who *Occasionally Work With or Around Children or Youth* shall be screened and selected utilizing at a minimum the following:

- a. A standard application completed by the applicant that includes an authorization for the release of information to conduct background checks and includes an acknowledgement that the applicant has received and read these policies.

- b. Driving or Motor Vehicle records check if the person will be transporting children or youth.

3. All criminal records, sex offender registry and driving or motor vehicle records checks must be conducted through IntelliCorp of Ohio, the provider designated by the diocese. Diocesan faith communities shall begin conducting background checks as soon as possible and no later than January 31, 2007.

4. Any conviction involving sexual activity will automatically disqualify someone from working with children and youth. All other convictions will be reviewed by the office of the Bishop to determine if the applicant qualifies to work with children and youth.

5. To qualify for transporting children and youth, an applicant must have a valid Texas driver's license. In addition, each driving record will be reviewed by the office of the Bishop to determine if the applicant qualifies to work with children and youth.
6. Church Personnel who work with or around children or youth must have a personnel file that is kept where other church records are kept.
7. Annual criminal records checks and sexual offender registry checks will be conducted on 20% (selected at random) of the Church Personnel who Regularly Work With or Around Children or Youth.
8. To the extent possible, no two immediate family members will be permitted to exclusively work together with or to supervise one another when working with or around children or youth. For the purpose of this policy, *immediate family member* is defined as spouse, partner, child, parent, sister, brother, similar in-law relationship, stepchild, stepparent, stepsibling, grandparent, or co-habitant.

B. Education and Training Requirements

1. Three hours of child abuse prevention education and training using the *Safeguarding God's Children* program is required for all Church Personnel Who Regularly Work With or Around Children or Youth before they start their work with children or youth. If that is not possible, one hour of child abuse awareness training using *Safeguarding God's Children* is required before they start their work and the rest of the training within three months of starting. Recertification in such training must be completed every three years.
2. One hour of child abuse awareness education and training using *Safeguarding God's Children* is required for all Church Personnel Who Occasionally Work With or Around Children or Youth before they start their work with children or youth. Recertification in such training must be completed every three years.
3. Initial training may be done online through the *Safeguarding God's Children* program or through attendance at an in-person training program available through the diocesan office.
4. Recertification training using the *Safeguarding God's Children* program should be done online rather than through a live class since the online version contains updated information.
5. As part of certification, all Church Personnel will have access online to a current copy of the Episcopal Diocese of Northwest Texas Policy for the Protection of Children and Youth from Abuse, and should also receive a current copy of any other policies applicable to them (e.g., a parish policy for the protection of children and youth from abuse).

C. Monitoring and Supervision of Programs

The monitoring and supervision of programs and activities involving children or youth is important for safeguarding children and youth and involves several aspects. One aspect involves having structural guidelines or standards for the programs and activities for children and youth. These include such things as who approves new programs and how many adults need to be present. In addition to setting structural guidelines and standards, church leaders must make sure

the structural safeguards are followed. Programs and activities must be monitored and supervised.

Another aspect of monitoring and supervision is that supervisory personnel and others monitor and supervise the behavior of adults, youth and other children with children and youth so that inappropriate behaviors and interactions can be detected and stopped. Some behaviors and interactions are potentially harmful to children or youth in and of themselves. Examples include providing alcohol or drugs to children or youth or having sexual contact with a child or youth. Other behaviors and interactions are not necessarily harmful in and of themselves but are the same behaviors and interactions known to be used by those who abuse children or youth to “groom” them or their parents for eventual abuse or which provide the privacy child molesters need in order to abuse children or youth. Examples of those behaviors and interactions include holding children over the age of three on the lap and transporting a child or youth alone.

The structural guidelines and standards are covered in both this Monitoring and Supervision section and in the following section, General Conduct for the Protection of Children and Youth. The behaviors and interactions of persons with children and youth that need to be monitored and supervised are covered in the section on General Conduct for the Protection of Children and Youth and in the Guidelines for Appropriate Affection.

1. Every program for children and youth must have established ratios for adults and children and must attempt to comply with those established ratios, particularly for activities that occur off local church premises.
2. Church Personnel are prohibited from being alone with a child or youth or multiple children or youth where other adults cannot easily observe them.
3. To the extent possible, Church Personnel over the age of 21 must directly supervise Church Personnel under the age of 18 by being physically present during all activities.
4. An up to date list of approved congregation-sponsored programs for children and youth will be maintained in the church office or other place where church records are kept.
5. Church Personnel are not permitted to develop new activities for children and youth without approval from the rector or canonical equivalent. The rector will consider whether the plan for a new activity includes adequate adult supervision.
6. Each program will develop age-appropriate procedures to ensure the safety of children and youth using restrooms and showers or baths.
7. When supervising or assisting private activities such as dressing, showering or diapering infants or children, Church Personnel will remain in an area observable by other adults or work in pairs (as defined above).
8. No activities with children and youth may occur in areas with locked doors. If doors are closed, the room must have windows so activities within the room can be easily visually monitored.
9. When both boys and girls are participating in an activity outside the local church premises,

male and female adults must be present. If two adults cannot be present to monitor the activity, then the activity must occur in a public area that can be easily visually monitored.

D. General Conduct for the Protection of Children and Youth

The following guidelines are intended to assist Church Personnel in supervising behaviors and interactions with children and youth in order to identify and stop:

- those that may be inherently harmful to children or youth,
- those that are the type used by child molesters to groom children, youth and their parents, or
- those that may create the conditions where abuse can occur more easily.

These guidelines should also be used to make decisions about interactions with children and youth in church sponsored and affiliated programs. They are not designed or intended to address interactions within families. When exceptions to these guidelines must be made, they should be reported to the supervisor of Church Personnel as soon as possible.

1. All Church Personnel who work with children or youth must agree to comply with the Guidelines for Appropriate Affection.
2. No *volunteer* will be allowed to be a person who Regularly Works With Children or Youth or Occasionally Works With Children or Youth until the volunteer has been known to the clergy or to the congregation for at least six months.
3. Programs for infants and children six years old or younger will have procedures to ensure that children are released only to their parents or legal guardians or those designated by them.
4. Church Personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs while participating in or assisting with programs or activities specifically for children or youth.
5. Parents or guardians must complete written permission forms before Church Personnel transport children and youth for a church sponsored activity or for any purpose.
6. Church Personnel will respond to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socio-economic status. Church Personnel will portray a positive role model for children and youth by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism.
7. One-to-one counseling with children or youth will be done in an open or public or other place where private conversations are possible but occur in full view of others.
8. Church Personnel are prohibited from dating or becoming romantically involved with a child or youth.
9. Church Personnel are prohibited from having sexual contact with a child or youth.
10. Church Personnel are prohibited from possessing any sexually oriented materials (magazines,

cards, videos, films, clothing etc.) on church property or in the presence of children or youth except as expressly permitted as part of a pre-authorized educational program.

11. Church Personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of children or youth.

12. Church Personnel are prohibited from discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with children or youth.

13. Church Personnel are prohibited from sleeping in the same beds, sleeping bags, tents, hotel rooms or other rooms with children or youth unless the adult is an immediate family member of all children or youth in the bed, sleeping bag, tent, hotel room or other room. It is acceptable to have multiple adults sleep with all the children or youth participating in one open space such as a church basement or camp lodge.

14. Church Personnel are prohibited from dressing, undressing, bathing, or showering in the presence of children or youth.

15. Church Personnel are prohibited from using physical punishment in any way for behavior management of children and youth. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force. Physical force may only be used to stop a behavior that may cause immediate harm to the individual or to a child, youth or others.

16. Church Personnel are prohibited from using harsh language, degrading punishment, or mechanical restraint such as rope or tape for behavior management.

17. Church Personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to children's or youth ministry or camp activities.

E. Guidelines for Appropriate Affection

The diocese is committed to creating and promoting a positive, nurturing environment for our children and youth ministries that protects our children from abuse and neglect and our church personnel from misunderstandings. When creating safe boundaries for children and youth, it is important to establish what types of affection are appropriate and inappropriate. All church personnel will carefully follow these guidelines when working around or with children or youth.

Positive and appropriate forms of affections include:

- Brief hugs
- Pats on the shoulder or back
- Handshakes
- "High-fives" and hand slapping
- Verbal praise
- Touching the hands, faces, shoulders, and arms of children or youth
- Arms around shoulders

- Holding hands while walking with small children
- Sitting beside small children
- Kneeling or bending down for hugs with small children
- Holding hands during prayer
- Pats on the head if culturally appropriate.

Negative and inappropriate forms of affection include:

- Inappropriate or lengthy embraces
- Kisses on the mouth
- Holding children over three years old on the lap
- Touching bottoms, chests, or genital areas other than for appropriate diapering or toileting of infants and toddlers
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas, or other private rooms
- Occupying a bed with a child or youth
- Touching knees or legs
- Wrestling with children or youth
- Tickling
- Piggyback rides
- Any type of massage, whether given by the adult to the child or youth or by the child or youth to the adult
- Any form of unwanted affection
- Comments or compliments (whether spoken, written, or electronic) that relate to physique or physical developments (*e.g.*, “You sure are developing,” “You really look good in those jeans”).
- Snapping bras, giving wedgies, or similar touching of underwear, whether or not it is covered by clothing
- Giving gifts or money to individual children or youth
- Private meals with individual children or youth

Responding to Problems

A. Reporting Inappropriate Behaviors or Policy Violations with Children or Youth

1. When Church Personnel observe any inappropriate behaviors, behaviors that are inconsistent with the Code of Conduct, or which may violate any provision of these policies, they must immediately report their observations.
2. Any inappropriate behaviors or possible policy violations that relate to interactions with children or youth should be reported in all of the following ways:
 - a. 1. A telephone call or meeting with the rector, if the alleged offender is not the rector;
 2. A telephone call or meeting with a church warden if the alleged offender is rector;
 - b. A telephone call or meeting with the bishop;
 - c. Submit a signed Notice of Concern (Appendix B) to the bishop.

3. All reports of inappropriate behavior or policy violations with children or youth will be taken seriously.

B. Reporting Suspected Abuse of Children or Youth

1. All Church Personnel are required by this policy to report known or suspected abuse or neglect of children or youth to the appropriate authorities. The phone number for the National Child Abuse Hotline is 800-4-A-CHILD (800-422-4453). Another option if the abuse or neglect occurred within the State of Texas is to call the Texas Child Abuse Hotline at 800-252-5400 or to report the abuse or neglect to local law enforcement.

2. Failure to report suspected abuse of children or youth may be a crime. Reports may be made confidentially or anonymously. Every state provides immunity from civil liability for persons required to report suspected abuse in good faith and without malice. Simply stated, “in good faith” means that the person submitting the report believes what he or she is reporting to be true.

3. In addition to reporting to the state authorities, Church Personnel are required to report any suspected or known abuse of children or youth that may have been perpetrated by Church Personnel directly to the rector or appropriate authority so that immediate and proper steps may be taken to ensure the safety of alleged victims.

4. Reports of suspected or known abuse that involve Church Personnel must be reported to the Diocese of Northwest Texas in the following ways:

- a.
 1. A telephone call or meeting with the rector, if the alleged offender is not the rector;
 2. A telephone call or meeting with a church warden if the alleged offender is the rector;
- b. A telephone call or meeting with the bishop;
- c. Submit a signed Notice of Concern (Appendix B) to the bishop.

5. The Diocese of Northwest Texas and its faith communities will cooperate with any investigation by civil authorities to the fullest extent appropriate and inform authorities that a concurrent internal investigation will be directed by the Diocese.

APPENDIX A

DEFINITIONS

A. Church Personnel

For the purposes of this policy, the following are included in the definition of Church Personnel when they are functioning in their respective roles for the church:

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
2. All paid personnel whether employed in areas of ministry or other kinds of services by the diocese and its faith communities.
3. Those who contract their services to the diocese and its faith communities.
4. All volunteers. Volunteers consist of any unpaid person who enters into or offers him or herself for a church-related activity, or who actually assists with or performs a service or activity, whether or not he or she has been selected or assigned to do so. Volunteers include members of advisory boards, vestries, bishop's committees, and boards of directors.

B. Children and youth

A **child** is defined as anyone under the age of 12 years.

A **youth** is defined as anyone who is at least 12 years old, but not yet 18 years old. A youth may also be an individual who is 18 years old or older, but still in high school.

C. Immediate Family Member

Immediate family member is defined as spouse, partner, child, parent, sister, brother, similar in-law relationship, stepchild, stepparent, stepsibling, grandparent, or co-habitant.

D. Regularly Work With or Around Children or Youth

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
2. All paid or volunteer Church Personnel whose work regularly takes them throughout the facility or grounds.
3. All persons who supervise or assist with supervising children or youth in ministries, programs or activities more often than occasionally.
4. All persons who provide transportation to children or youth without other adults in the vehicle more often than occasionally.

5. Any paid personnel whose living quarters are on the grounds of the church, school or other related agency.

6. Church/Sunday school teachers.

Examples of Church Personnel who **Regularly Work With or Around Children or Youth** include, but are not limited to:

- Children's or youth choir directors
- Organists who work with children or youth
- Lay youth ministers
- Volunteer youth directors
- All Church Personnel who work or assist in the nursery more than four times a year
- All Church Personnel who work in the nursery if they are the only person over 21 present at any time
- All staff, whether volunteer or paid, at church camps
- Adults who participate in overnight activities with children or youth more than twice a year
- Mentors of confirmants

E. Occasionally Work With or Around Children or Youth (unless they otherwise qualify as Regularly Work With or Around Children and Youth):

1. All vestry members or other members of similar decision-making groups who have the authority to approve the creation of ministries, programs or activities for children or youth.
2. All persons who supervise or assist with supervising children or youth in ministries, programs or activities occasionally (defined as normally no more than three times a year) or for one program or activity during a year that lasts less than a month.
3. All persons who provide transportation to children or youth without other adults in the vehicle occasionally (defined as normally no more than three times a year).
4. All persons who work or assist in the nursery normally three or fewer times a year, whether on an emergency basis or otherwise.
5. Adults who participate in overnight activities with children or youth more than once a year.

Examples of Church Personnel who **Occasionally Work With or Around Children and Youth** include, but are not limited to:

- VBS workers
- Substitute teachers
- Christmas pageant workers

F. Abuse of a child or youth includes the following acts or omissions by a person:

1. mental or emotional injury to a child or youth that results in an observable and material impairment in the child or youth's growth, development, or psychological functioning;
2. causing or permitting the child or youth to be in a situation in which the child or youth sustains a mental or emotional injury that results in an observable and material impairment in the child or youth's growth, development, or psychological functioning;
3. physical injury that results in substantial harm to the child or youth, or the genuine threat of substantial harm from physical injury to the child or youth, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child or youth to a substantial risk of harm;
4. failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child or youth;
5. sexual conduct harmful to a child or youth's mental, emotional, or physical welfare, including conduct that constitutes the offenses of indecency with a child, sexual assault, or aggravated sexual assault under the Texas Penal Code;
6. failure to make a reasonable effort to prevent sexual conduct harmful to a child or youth;
7. compelling or encouraging the child or youth to engage in sexual conduct;
8. causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child or youth if the person knew or should have known that the resulting photograph, film, or depiction of the child or youth is obscene or pornographic;
9. the current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child or youth;
10. causing, expressly permitting, or encouraging a child or youth to use a controlled substance; or
11. causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child or youth.

G. Neglect of a child or youth includes:

1. the leaving of a child or youth in a situation where the child or youth would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child or youth, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child or youth;

2. the following acts or omissions by a person:
 - a. placing a child or youth in or failing to remove a child or youth from a situation that a reasonable person would realize requires judgment or actions beyond the child or youth's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child or youth;
 - b. failing to seek, obtain, or follow through with medical care for a child or youth, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child or youth;
 - c. the failure to provide a child or youth with food, clothing, or shelter necessary to sustain the life or health of the child or youth, excluding failure caused primarily by financial inability unless relief services had been offered and refused; or
 - d. placing a child in or failing to remove the child or youth from a situation in which the child or youth would be exposed to a substantial risk of sexual conduct harmful to the child or youth; or
3. the failure by the person responsible for a child or youth's care, custody, or welfare to permit the child or youth to return to the child or youth's home without arranging for the necessary care for the child or youth after the child or youth has been absent from the home for any reason, including having been in residential placement or having run away.

H. Person responsible for a child's care, custody, or welfare means a person who traditionally is responsible for a child's care, custody, or welfare, including:

1. a parent, guardian, managing or possessory conservator, or foster parent of the child or youth;
2. a member of the child or youth's family or household ("household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other);
3. a person with whom the child or youth's parent cohabits;
4. school personnel or a volunteer at the child or youth's school; or
5. personnel or a volunteer at a public or private child-care facility that provides services for the child or youth or at a public or private residential institution or facility where the child or youth resides.

APPENDIX B

Episcopal Diocese of Northwest Texas CONFIDENTIAL NOTICE OF CONCERN to the Bishop

Individual(s) of Concern:

Date of occurrence: _____

Time of occurrence: _____

Type of Concern:

Inappropriate behavior with a child or youth

Policy violation with a child or youth

Possible risk of abuse

Other concern: _____

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to the State, what was their recommendation about investigating? *Attach additional sheets if needed.* _____

Has this situation ever occurred previously? *Attach additional sheets if needed.* _____

What action was taken? How was the situation handled, who was involved, who was questioned, were police called? *Attach additional sheets if needed.* _____

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation? *Attach additional sheets if needed.* _____

Submitted by: (Please print) _____

Telephone number: _____

Location and address: _____

Signature: _____ Date: _____

Reviewed by: _____