

**POLICY and PROCEDURE**  
**St. Luke Lutheran Church of Sacramento, California**

**Number:** P&P-2005-4  
**Title:** PREVENTION OF CHILD ABUSE  
**Board/Committee:** Executive Committee  
**Effective Date:** August 16, 2005, Revised February 4, 2019, Revised October 1, 2020  
**Voided Date:**

**References:** Constitution/Bylaws – C4.02(d), C4.03(f), C4.04, C5.03(h), C8.05(d), C9.05, C12.04(e), C12.05(a)(f), C12.08, C13.17.02, C14.01, C15(all); Policy and Procedure – P&P-2005-2, P&P-2005-3.

**POLICY:** It is the purpose of the members, paid employees, and unpaid volunteers of St. Luke Lutheran Church (the Church) to provide a safe and secure environment. This Policy and Procedure (P&P) is for the protection of our preschoolers, children, youth, employees, volunteers, and our entire Church family. The Congregation Council adopts the following policies and procedures for the prevention of child abuse.

**Definitions:** Child abuse, or more specifically child sexual abuse, is defined as any sexual activity with a child – whether in the home by a caretaker, in a day care situation, a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child. Child sexual abuse may be violent or non-violent. All child sexual abuse is an exploitation of a child’s vulnerability and powerlessness in which the abuser is fully responsible for the action. Child sexual abuse is criminal behavior that involves children in sexual behaviors for which they are not personally, socially, and developmentally ready. Child sexual abuse includes behaviors that involve touching and non-touching aspects.

Specific definitions of potentially involved individuals and the background check procedure include:

- a. Preschoolers, Child, Youth, and Minor: Any individual under the age of 18 or whose mental capacity is that of a minor.
- b. Adult: Any individual at least 18 years of age.
- c. Worker: Any adult who serves as a paid person or unpaid volunteer and is given the responsibility of working with, caring for, or supervising minors.
- d. Teenage Worker: Any worker at least 14 years old or older, but under the age of 18 who assists with the work or care of minors.
- e. Child Abuse: Verbal, physical, emotional, or sexual abuse of a preschooler, child, youth, or minor.
- f. Critical Volunteers: Volunteers who have regular, ongoing contact with children and youth in small groups, counseling situations, camps, overnights, day cares, one-on-one mentorships, and schools. This does not include those in large group settings (Sunday School, field trips with groups, etc.) or those who have occasional contact (a person dropping off cookies or volunteers in the nursery during worship, for example).
- g. Non-Critical Volunteers; All volunteers not classified as critical volunteers.
- h. Safe Gatherings: An organization that uses a comprehensive system to incorporate an online application, online abuse prevention training, several levels of background checks, and paperless reference checks for people who volunteer or are employed with churches, schools, and organizations that serve or work with children, youth, and vulnerable adults. The organization also maintains a record data base of checks and training for future reference.

**Federal/State Laws:** All policies, procedures, actions, and definitions regarding child abuse shall conform to the applicable federal and state laws and regulations. If any policy, procedure, or definition in this P&P conflicts with a federal or state law/regulation, the policy, procedure, action, or definition is voided.

**Administration:** The Executive Committee shall be responsible for administering the Church's child abuse prevention program, including developing appropriate policies and procedures, ensuring adopted policies and procedures are observed, and investigating, documenting, and reporting any incidents of child abuse.

The pastor, who is a member of the Executive Committee, shall be the primary person responsible for investigating, documenting, and reporting any incidents of child abuse, if available and appropriate. If the pastor is not available, is the accused, or his/her involvement is inappropriate for any other reason, the Chairperson of the Executive Committee shall be primary person for investigating, documenting, and reporting the incident.

**Applicability:** These policies and procedures shall apply to all current and future members, pastors, employees, and volunteers.

**Revisions:** This P&P shall be reviewed and revised as necessary by the Congregation Council.

**Distribution:** This P&P shall be distributed to all paid employees, including pastors, and unpaid volunteers who have, or will have, the responsibility of working with, caring for, or supervising preschoolers, children, youth, or mentally handicapped individuals. This shall occur on an annual basis, usually in January, to all involved.

**Selection, Employment, and Utilization of Employees & Volunteers Who Work with Minors:** The selection, employment, and utilization of all workers (paid employees and unpaid volunteers) who work with, or care for, minors shall conform to the following requirements.

- a. **Paid Employees:** In addition to the provisions of this P&P, the employment of existing and new paid employees that work, or will work, with minors shall conform also to the provisions of P&P-2005-2.
- b. **Safe Gatherings Process:** Existing critical volunteers and appropriate paid employees shall complete the child abuse prevention screening and training provided by Safe Gatherings within 90 days of notification. New critical volunteers will complete the screening and training provided by Safe Gatherings within 30 days of beginning to work with minors. The Church will cover the cost of the screening and initial training. When the required training has been completed, each worker shall sign and date the Church form entitled, "Child Abuse Prevention Training Record." See Attachment 1. The completed form shall be maintained in the personnel file for the paid employee or the screening/training file for the unpaid critical volunteer.

**Personnel Records:** A separate personnel file shall be maintained permanently for each critical volunteer. Personnel files for paid employees shall conform to the provisions in P&P-2005-2.

The personnel file for each critical volunteer shall contain all documents related to his/her volunteer work, such as the Safe Gatherings documentation. Upon request, a person may review his/her record of background checks in accordance with Federal and State laws. Before taking an adverse action against a critical volunteer, a copy of the background check report and a summary of individual rights shall be provided to the person.

Personnel records shall be kept in a lockbox within the church safe. Access to such records shall be limited to the applicable paid employee or unpaid critical volunteer, Congregation Pastor(s) and President (Executive Committee Chairperson).

Personnel files for critical volunteers shall be retained for a period of three years following the last date of their involvement in the activity that caused the critical volunteer classification. Files not required to be retained shall be destroyed.

All personal information voluntarily disclosed, the results of background and reference checks, or the refusal of any person to participate in a program or activity in lieu of such disclosure requirements shall be maintained in the strictest of confidence.

**Continuation/Refresher Training:** All unpaid volunteers (critical and non-critical) who work with, care for, or supervise minors and all existing and new paid employees shall be provided a copy of this P&P. Each existing and new volunteer and employee shall read, understand, and observe the policies and procedures contained in this P&P.

In addition, each existing and new volunteer (critical and non-critical) and each existing and new employee who works with, cares for, or supervises minors shall complete continuation/refresher training every two years with Safe Gatherings program.

In like manner as the initial training, upon completion of the refresher training, each employee or critical volunteer shall sign and date the Church form entitled, "Child Abuse Prevention Training Record." See Attachment 1. The completed form shall be maintained in the personnel file for the paid employee or the screening/training file for the unpaid critical volunteer.

**Specific Violations:** The following acts are violations of these policies and procedures and shall not be tolerated or accepted during any of the Church's activity or program and shall be immediately reported to the pastor or Chairperson of the Executive Committee, after the safety of the child, children, youth, or minor involved has been assured:

- a. Any direct observations or evidence of sexual activity in the presence of, or in association with, a minor.
- b. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
- c. Sexual advances or sexual activity of any kind between any person and a minor.
- d. Infliction of physically abusive behavior or bodily injury to a minor.
- e. Physical neglect of a minor, including failure to provide adequate supervision in relation to the activities of the Church.
- f. Mental or emotional injury to a minor.
- g. The presence or possession of obscene or pornographic materials at any function of the Church.
- h. The presence, possession, or being under the influence of any illegal drugs.
- i. The consumption or being under the influence of illegal drugs or alcohol while leading or participating in a function for minors at the Church.

**Employee/Volunteer Code of Ethics and Rules:** While acting in the capacity of the Church as a paid employee or unpaid volunteer (critical and non-critical) working with, caring for, or supervising preschoolers, children, youth, and/or mentally handicapped individuals, the employee or volunteer shall conform to the ethics and rules shown in Attachment 2, "Employee/Volunteer Code of Ethics and Rules."

The Code of Ethics and Rules shall be posted in conspicuous locations, as appropriate.

**Supervision:**

- a. The Church adopts the "two adult" rule, which means no adult shall be left alone with a child, and requires a reasonable ratio of adult workers to be maintained in each situation involving working with, caring for, or supervising of children.
- b. Church pastors, members of the Executive Committee, and other Church leaders shall make unannounced visits to classes, activities, and program sites involving minors and the Church.
- c. In counseling sessions with minors, parental permission shall be obtained prior to a pastor meeting privately with a minor, or the two- adult rule shall be used. Prior permission may be granted by parents to cover a particular time period for their child to receive counseling from a particular pastor.
- d. Parental permission shall be obtained, in advance, for involvement in Church sponsored programs or, activities whenever the program/activity is not at the Church facilities.
- e. A door without windows shall remain unlocked at all times.
- f. At all times, the ratio of adults to children shall be kept to a reasonable level, considering the age level of the children.

**Reporting Procedures for Child Abuse:** All investigation, documentation, and reporting communications shall fully comply with the child abuse reporting statutes of California.

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall immediately report the person's belief to the Church pastor or, if unavailable or inappropriate, to the Chairperson of the Executive Committee as specified in "Administration" paragraph above.

Upon the first suspicion of an instance of child abuse, the pastor (or Chairperson or other member of the Executive Committee) shall follow the procedures below:

- a. Thoroughly investigate all incidents; no incident shall be considered as frivolous.
- b. Contact the Church's insurance company and report the occurrence if the incident has merit. In addition, the Church's attorney should be contacted, if appropriate.
- c. In instances where child abuse is confirmed and the Church pastor is the perpetrator, contact and advise the Bishop of the Sierra Pacific Synod.
- d. Commence the investigation immediately, and conclude it as soon as possible.
  - i. Report any incident of merit as soon as feasible to the local law enforcement agency and follow the instructions received.
  - ii. Confirm and document the facts initially reported and the condition of the child as soon as feasible.

- iii. Obtain data concerning the child (name, address, and other pertinent information) through discussions with the initial reporter and others. During the process, obtain the name and address of the person responsible for the care of the child.
- iv. Provide any additional information to the local law enforcement agency in follow up communications for incidents of merit.
- e. Maintain confidentiality of the investigation as much as possible. Emphasize confidentiality of the victim and any accused.
- f. Cooperate fully with all involved law enforcement officials.
- g. Suspend any accused from the performance of duties involving children until the investigation has been completed.
- h. Inform the victim and the victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigations. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter, and fully cooperate to address their request within the bounds of a legal and prudent response (the Church legal counsel should assist in these determinations).
- i. In instances where child abuse is confirmed, the Church shall immediately dismiss the worker from that position. Termination of his/her Church membership should be considered as appropriate in the circumstances.
- j. In instances where the evidence is inconclusive, the Church must take action depending on the strength of the evidence available and after consideration of the victim's family request.
- k. Keep the Congregation informed of the investigation with respect to matters which are not confidential, so that the Congregation will hear about the investigation from within the Church rather than from other sources.
- l. Promptly take steps to plan for a response to the media and attempt to speak to the media only through one contact person. When speaking to the media, emphasize through the media to the public the Church's position on child abuse, its concern for the victim, and the steps the Church is taking to address the present occurrence, reduce the risks, and provide a safe environment for the other children.

Every allegation of sexual offense, molestation, or other child abuse shall be investigated promptly and thoroughly by the Church, and incidents of merit shall be reported to its insurance company and the local law enforcement agency. If such allegation is factual, the relationship with the worker shall be terminated. It is unlikely the problem will ever be handled by relying on promises of the worker to reform.

**Insurance:** The Church shall maintain a sufficient level of liability insurance coverage that would cover child abuse claims.

**Conclusions:** Churches need to be prepared. This is the legal reason for creating safety policies, but there is a deeper, more significant reason – to protect our children. Policies are only printed expressions of the value placed on children. If the only reason for safety policies is to protect the organization, the Church has missed God's love for children.

St. Luke Lutheran Church of Sacramento desires to be “a church that cares” through the implementation of the above policies and procedures. Adoption of these provisions will enable the Church to provide a more safe and secure environment for each individual of our Church family and its guests.

**Personnel Policies, Procedures, & Guidelines:** See also P&P-2005-2, "Policies, Procedures, & Guidelines for Employees."

**Sexual Harassment:** See also P&P-2005-3, "Policies and Procedures on the Prevention of Sexual Harassment."

**APPROVED:**

\_\_\_\_\_  
*Signature of Church Secretary (officer)      Date Approved*

**VOIDED:**

\_\_\_\_\_  
*Signature of Church Secretary (officer)      Date Voided*

**St. Luke Lutheran Church of Sacramento, California**  
**PREVENTION OF CHILD ABUSE TRAINING RECORD**

I, \_\_\_\_\_, have read, understand, and agree to abide by the policies and procedures of St. Luke Lutheran Church on the prevention of child abuse as stated in Policy and Procedure 2005-4.

I also confirm that I have completed the mandatory training on the prevention of child abuse as required by Policy and Procedure 2005-4.

Furthermore, I understand that failure to comply with the policies and procedures of St Luke Lutheran Church for the prevention of child abuse may result in disciplinary action including prohibition of working with minors.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **St. Luke Lutheran Church of Sacramento, California**

Re: Policy and Procedure 2005-4, "Prevention of Child Abuse"

### **EMPLOYEE/VOLUNTEER CODE of ETHICS and RULES**

While acting in the capacity of the Church as an employee or volunteer working with, caring for, or supervising preschoolers, children, youth, and/or mentally handicapped individuals, the code of ethics and rules shown below shall apply.

1. Smoking or using tobacco products in the presence of minors is prohibited.
2. Using, possessing, or being under the influence of alcohol, or illegal drugs will not be tolerated.
3. Employees and volunteers shall not tolerate abuse of any minors in their care, including:
  - Any direct observations or evidence of sexual activity in the presence of, or in association with, a minor.
  - Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
  - Sexual advances or sexual activity of any kind between any person and a minor.
  - Sexual advances or sexual activity of any kind to a minor(s).
  - Infliction of physically abuse behavior or bodily injury to a minor.
  - Physical neglect of a minor, including a failure to provide adequate supervision in relation to the activities of the Church.
  - Mental or emotional injury to a minor.
  - The presence or possession of obscene or pornographic materials at any function of the Church.
  - The presence, possession, or being under the influence of any legal drugs.
  - The consumption of or being under the influence of alcohol while leading or participating in a function for minors of the Church.
4. Access to the locked records of confidential files, such as personnel files, and other sensitive files shall be restricted.
5. Employees and volunteers must treat all people of all races, religions, and cultures with respect and consideration.
6. Employees and volunteers shall not use or tolerate the use of profanity in the presence of minors.
7. Employees and volunteers must be free of physical and psychological conditions that might adversely affect any minor's health including, but not limited to, contagious disease.
8. Employees and volunteers will portray a positive role model for minors by maintaining an attitude of respect, loyalty, patience, courtesy, and maturity.
9. Employees and volunteers will be expected to act and react with Christian love and understanding in all situations.
10. Employees and volunteers will do everything in their power to avoid being put in a situation where they are alone with a minor other than their own.
11. Violation of this code or these rules may be grounds for removal as an employee or volunteer.

(end)