

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

Number: P&P-2005-4
Title: CHILD PROTECTION POLICY
Board/Committee: Executive Committee
Effective Date: August 16, 2005, Revised February 4, 2019, Revised October 1, 2020
Revised April 1, 2024
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 of Sacramento, California (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 child protection policies and procedures.

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.
- i. Department of Justice (DOJ): The law enforcement body responsible for the processing of fingerprints.
 - j. Custodian of Records (COR): The church volunteer designated by the Executive Committee as responsible for the security, storage, dissemination, and destruction of the criminal records furnished to the church and will serve as the primary contact for the DOJ for any related issue. The COR is required to obtain a background check and be fingerprinted by the Department of Justice.
 - k. Applicant LiveScan: The system for the electronic submission of applicant fingerprints and the subsequent automated background check and response.
 - l. Accident / Incident: Form to be completed whenever there is a reported accident or injury where treatment is required by a medical professional.

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 protection 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 shall conform also to the provisions of P&P-2005-2.
- b. Fingerprinting Process: All employees and critical volunteers must be fingerprinted by the Department of Justice (DOJ) via a LiveScan background process. The church will cover the cost of the fingerprinting. The Custodian of Records will provide the appropriate DOJ fingerprinting form to the employee or volunteer with instructions on completing the fingerprinting process.
- c. Safe Gatherings Process: Existing critical volunteers and all employees shall complete the

child abuse prevention screening and training provided by Safe Gatherings biannually. New critical volunteers and new employees will complete the screening and training provided by Safe Gatherings within 15 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 Protection 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.

Applicant fingerprint responses will be sent to an encrypted mailbox only available to the Custodian of Records. The confidential information will only be used for the sole purpose for which it was requested and shall not be reproduced for secondary dissemination. The fingerprint records shall only be retained if there is a legitimate business needs, otherwise, the file will be destroyed and no hard copies printed. Should a hard copy be required to be retained, it must be stored in a secure and confidential file. The Custodian of Records will inform the Pastor or Council President of the results of the criminal background check.

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 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 Protection 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.
- g) Students shall use the classroom restroom.
- h) No person shall be considered for any volunteer position with contact with minors until they have been involved with the church for a minimum of 6 months, completed the written application or interview with the pastor, or church president in their absence, and submitted reference and background checks completed.

Sick Child Policy: It is our desire to provide a healthy and safe environment for all children at St Luke Lutheran Church of Sacramento, California. Parents are encouraged to be considerate of other children when deciding whether or not to bring their child to Sunday school in general, children with the following symptoms should not be dropped off:

- a) Fever, diarrhea, or vomiting with the last 48 hours;

- b) Green or yellow runny nose;
- c) Eye or skin infections; and/or
- d) Other symptoms of communicable or infectious disease.

Children who are observed by our workers to be ill will be separated from other children and the parent or guardian will be contacted to request that the child be picked up from Sunday school.

Medications Policy: It is the policy of St Luke Lutheran Church of Sacramento, California to not administer any prescription or non-prescription medications to children under our care. Medications should be administered by a parent at home. Parents are reminded of our sick child policy. Exceptions to the medications policy may be granted to parents of children with potentially life-threatening conditions (such as asthma or severe allergic reactions). Parents of such children should address their situation with the Sunday school teachers to develop a plan of action.

Discipline Policy: It is the policy of St Luke Lutheran Church of Sacramento, California not to administer corporal punishment, even if parents have suggested or given permission for it. There should be no spanking, grabbing, hitting, or other physical discipline of children. Workers should consult with the pastor if assistance is needed with disciplinary issues and speak to the parents about their concerns.

Accidental Injuries to Children: In the event that a child is injured while under our care, the following steps should be followed:

- a) For minor injuries, scrapes, and bruises, workers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the child's parent or guardian of the injury at the time the child is picked up from our care.
- b) For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be summoned in addition to the church president or pastor, if available. If warranted by circumstances, an ambulance will be called.
- c) Once the child has received appropriate medical attention, an accident / incident report (Attachment 3) will be completed in the case of the case of injuries requiring treatment by a medical professional.

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. Document the incident on the Accident / Incident Report Form (Attachment 3).
- 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, California 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

CHILD PROTECTION TRAINING RECORD

I, _____, have read, understand, and agree to abide by the policies and procedures of St. Luke Lutheran Church of Sacramento, California on the protection of children and the prevention of child abuse as stated in Policy and

I also confirm that I have completed the mandatory training on the protection of children and the prevention of child abuse as required

Furthermore, I understand that failure to comply with the policies and procedures of St Luke Lutheran Church of Sacramento, California for the protection of children and 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, "Child Protection Policy"

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.

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

ACCIDENT / INCIDENT REPORT

CHURCH OTHER: _____

Name: _____ Age: _____

Date and Time of Accident/Incident: _____

Place of Accident/Incident: _____

Describe Accident/Incident:

Describe nature of injury:

Witness(es) to accident/incident:

What action was taken?

Was Parent/Guardian Contacted? YES NO Time: _____ How? _____

Describe medical treatment/first aid: _____

Check at least one church official listed who has been notified of incident:

Pastor	Date/Time notified: _____
Church President	Date/Time notified: _____
Other _____	Date/Time notified: _____

Signature of Reporter Date/Time

Signature of Parent/Guardian Date/Time

Signature of Person in Charge Date/Time

Signature of Church Official Date/Time