

Kiskiminetas Presbytery CHILD PROTECTION POLICY

Adopted by the Presbytery: May 12, 2015 /Cabinet Update: December 3, 2015 /
Revised & Approved by the Presbytery: February 13, 2016

I. BACKGROUND and DEFINITIONS

The Law

Protecting children (persons under the age of 18) from abuse and neglect is a shared responsibility.

We are called by God to create a safe haven for all of the children, youth and persons with disabilities in our care. The members of Kiskiminetas Presbytery are committed to doing what is not only required by law, but is our call as Christ's followers to reduce the risk to people in our care. PA has adopted laws which place specific requirements upon church employees and volunteers who work with children. These laws impact reporting, investigation, assessment, prosecution and judicial handling of child abuse and neglect cases.

What is child abuse?

Child abuse, as it pertains to this Policy and PA State Law, means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.

Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent (within two years from the date the report is made to ChildLine) acts include any of the following:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

Mandated Reporters

In the Kiskiminetas Presbytery, all pastors (Teaching Elders and Commissioned Ruling Elders) and volunteers who work regularly with children are considered mandated reporters, as per PA State Law, and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse.

PA State Law (Act 33), has a specific list of who are mandated reporters. In addition to all clergy the following are considered mandated reporters: *An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or who has direct contact with children.* The law is specific on how mandated reporters must report and what type of training they must have. (See III. Reporting and following.)

Permissive Reporters

Permissive reporters are individuals who are **encouraged** to report suspected child abuse, although not required by law. Anyone acting on behalf of the Presbytery who suspect a child is a victim of abuse should make a report to ChildLine. A permissive reporter does not have to know for sure that the child was abused. They are able to make a report when they suspect a child is a victim of abuse.

Volunteers

Any person who participates in a Presbytery related activity who is not compensated for participation with the exception of allowable recorded expenses.

II. Requirements

Disclosure Statement Application for Provisional Employment (attached)

This statement must be signed by all Teaching Elders (TEs) and Commissioned Ruling Elders (CREs) currently serving churches within the Kiskiminetas Presbytery, regardless of Presbytery membership, no later than December 31, 2015. TEs and CREs coming into service following the adoption of this policy must sign the statement prior to entering into service within a church. The COM (or their designee) is responsible for assuring this is completed.

Disclosure Statement Application for Volunteers

This statement must be signed by all volunteers performing services within the Presbytery where children under the age of 18 are present and must be done so as part of the application process to become a volunteer for any event, mission project, etc. Failure to complete the application will disqualify volunteers. The event coordinator or designee will be responsible for assuring this documentation has been completed.

Clearances

COM and Presbytery Event Coordinators are responsible for assuring proper clearances have been obtained in the same manner as described above in reference to Disclosure Statement Applications.

All TEs and CREs serving churches in any capacity and Presbytery Volunteers performing services where children under the age of 18 are present are required to obtain/submit clearances and then update all required clearance every five years. These include the following:

- Pennsylvania Child Abuse History Clearance;
- Pennsylvania State Police Criminal Record Check;
- Federal Bureau of Investigation Criminal Background Check for all Teaching Elders and Commissioned Ruling Elders,
- Federal Bureau of Investigation Criminal Background Check for any volunteer who has lived out of the state of Pennsylvania in the last 10 years.

Process for Obtaining Clearances for TEs, CREs, and Volunteers

Persons currently in active service in Kiskiminetas Presbytery shall have required clearances on file in the Presbytery office no later than December 30, 2015. The Presbytery office is required to have copies of the clearances on file in the Presbytery office. If not received by this date the Presbytery will proceed with the process described herein.

All person required to have clearances will complete and submit the Background Investigation Consent Form. Following the submission of the Background Investigation Consent Form clearances will be processed as follows:

PA Child Abuse History (ChildLine)

The Presbytery will provide logistical support for individuals to complete this on their own. Your original will need to be brought into the office for copying and filing. This investigation is conducted by Cogent. The site reference is <https://www.compass.state.pa.us/cwis/public/home>

If you would like the Presbytery to receive a direct copy of this clearance, please contact the Presbytery Office administrator for a payment code prior to beginning this process.

1. Access the PA Child Abuse History Clearance site:
2. Click on the icon with the words *Pennsylvania Department of Human Services*
3. Under Registration click on *Register Online*
4. You will be prompted to create a Keystone ID. It will be important to write this down once it has been created.
5. A link will be sent to the email you provide. It will contain a temporary passcode. Follow the instructions in the email and return to the compass site and log in with your Keystone ID and passcode provided in the email. You will be prompted to create a new password.
6. Follow the directions on the screen to complete the form/application. Chose the description which best describes your role with children in the Presbytery. (TEs and CREs are employees with regular contact with children. Others will select the volunteer option.) The form will require you to provide addresses, to the best of your knowledge, dating back to 1975 as well as the names of persons who resided with you at the addresses.
7. You may choose to have a copy sent to you.
8. You will be able to review all the information prior to submission.
9. On the payment page, if you have received a payment code from the Presbytery of Kiskiminetas, you will select “yes” you have a payment code and then will be prompted to enter the code.
10. Submit the application.
11. Your clearances will automatically be sent to the Presbytery office and to you.

PA State Police Criminal History Record

TEs, CREs, or volunteers must obtain a PA State Police Criminal History clearance from <https://epatch.state.pa.us/Home.jsp>. Your original must be brought into the presbytery office for copying and filing.

FBI Background Check and Fingerprinting

The Presbytery Office will provide logistical support for individuals to complete this on their own. The presbytery must have a copy of your original for filing. The investigation is conducted by Cogent. The site reference is <http://www.pa.cogentid.com/index.htm>

III. Reporting

Mandated reporters are required to make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- They come into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
- They are directly responsible for the care, supervision, guidance or training of the child, or are affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

It is not required that the child come before the mandated reporter in order to make a report of suspected child abuse nor are they required to identify the person responsible for the child abuse to make a report of suspected child abuse.

Concerns related to the safety of children including, but not limited to inadequate housing, clothing and supervision, can be referred to ChildLine or the county children and youth agency for assessment as general protective services cases.

Mandated reporters ***must*** make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.

After making the report to ChildLine, mandated reporters acting on behalf of the Presbytery at a Presbytery related event, shall immediately report the suspect abuse to the person in charge. Presbyterian Church (U.S.A.) polity and the Kiskiminetas Sexual Misconduct policy will carry the action forward within the Presbyterian Church (U.S.A.).

If an oral report was made to ChildLine, a report of suspected child abuse (CY 47) must also be completed and forwarded to the county children and youth agency within 48 hours after making the report. This form can be obtained at www.KeepKidsSafe.pa.gov or from the children and youth agency. If a report is made electronically, no CY-47 is required to be completed. The law requires that the mandated reporter identify themselves and where they can be reached. The identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney's office.

The penalties for a mandated reporter who willfully fails to report child abuse range from a misdemeanor of second degree to a felony of the second degree.

Mandated reporters may be required to testify in a civil or criminal court case, including a juvenile or criminal court proceeding.

Mandated reporters will receive information from the Department regarding the final status of the report, whether it was unfounded, indicated or founded, and the services planned or provided to protect the child.

Permissive reporters can make a report to ChildLine by calling 1-800-932-0313. There are no additional requirements for the permissive reporter after making a report to ChildLine. Permissive reporters are not required to give their name however, providing this information is helpful so that if clarification on the situation or additional information is needed, the children and youth caseworker can contact the reporter. The identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney's office. Permissive reporters are not provided with any investigation processes or results.

IV. Compliance

Training

All TEs, CREs and Presbytery staff are required to attend an initial Mandated Reporter Training. This training is approved in accordance with Act 126 of 2012 and Act 31 of 2104, for mandated and permissive reporters and can be found at **www.reportabusepa.pitt.edu**.

If a mandated reporter or staff person is unable to attend the scheduled training he or she must complete a specified online course within 30 days of the scheduled training date and/or attend another state approved mandated reporter training. Upon completion of the course a certificate must be sent to the Presbytery office for our records.

COM and the Administration Committee, in reference to employees, will monitor participation in training. Failure to complete the required training may result in disciplinary action at the discretion of COM or the Administration Committee following counsel with the individual not in compliance with the requirement.

Mandated Reporter Training must be done every five years and a copy of the certification on file in the Presbytery of Kiskiminetas office for all pastors (Teaching Elders and Commissioned Ruling Elders) and volunteers who work regularly with children. The Presbytery of Kiskiminetas encourages each church to provide opportunities for mandatory reporter training to all those in Ordered Ministry in their congregations.

Clearances

All TEs and CREs currently in service within the Presbytery who fail to meet the established requirements may be subject to disciplinary action at the discretion of COM following counsel with the individual. TRs and CREs desiring to enter into service after the adoption of this policy must complete all requirements prior to entering active service. There are occasions when the portals used to complete the investigations are delayed. COM will determine case by case if the individual may begin service prior to the clearance being received provided the Disclosure Statement and all other supporting documentation has been submitted. In the event a record of abuse or criminal activity is discovered the TE or CRE will be removed from active service pending an investigation. An investigation, if founded, will result in removal from active service within the Presbytery.

Volunteers will not be eligible for service if clearances and investigations are not complete prior to the scheduled event or if the clearances indicate there is a record of abuse. Volunteers with a criminal history not related to child abuse will be reviewed on a case by case basis by the event coordinator in collaboration with the General Presbyter or designee.

A record of all clearances will be kept in the Presbytery office in a designated location and will be made accessible only to those with supervisory or policy compliance responsibilities. Current laws in the Pennsylvania require that clearances must be updated every three years. The Presbytery Office will notify TEs and CREs a minimum of 6 months prior to their expiration so new clearances can be obtained.

Payment

Churches will be billed by the Presbytery for costs associated with the clearances obtained through the Presbytery office.

The Presbytery will pay for clearances required for Presbytery staff.