

**CUMC VOLUNTEER
CHILD AND YOUTH PROTECTION
POLICY
including
Texas Laws & Definitions**

CHRIST UNITED METHODIST CHURCH
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Plano, TX 75075

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Texas Child Protection Definitions and Laws

Definition of child abuse or neglect as defined by the Texas Family Code:

Child abuse is defined to include acts or omissions which cause or permit:

- Mental or emotional injury to a child.
- Physical injury or threat of physical injury to a child.
- Failure to make reasonable efforts to prevent action by another person that results in physical injury to a child.
- Sexual contact with a child.
- Failure to make reasonable efforts to prevent sexual contact with or in the presence of a child.

Neglect includes:

- Leaving a child in a situation where the child would be exposed to a substantial risk of harm.
- Requiring the child to use judgment or take actions beyond the child's level of maturity, physical condition or mental abilities.
- Failure to obtain medical care for a child.
- Failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child.

Sexual misconduct

Sexual misconduct claims include all crimes involving sexual conduct under the Texas Penal Code. They include indecent exposure, indecency with a child and sexual assault including rape. They also include conduct that may not violate a penal statute but is still sexually oriented such as sexual harassment and sexual suggestion. If this conduct is committed by agents of the church, either employed or volunteer, claims are often made against the individual and the church.

Duty to report-the Texas Reporting Statute

Any person who learns of or has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person must report that belief to a local or state law enforcement agency or the Texas Department of Protective and Regulatory Services.

An oral report must be made immediately upon learning of the abuse or neglect or the likelihood of abuse or neglect. A written Incident Report Form (Form #4) must be made within five days to the same agency or department.

The report shall be non-accusatory, meaning the identity of the victim of the abuse or neglect must be identified but the person making the report is not required to speculate as to the person who committed the abuse or neglect.

Liability for failure to report

Form #2

A person failing to report child abuse or neglect commits a Class B Misdemeanor punishable by fines up to \$1000 and/or confinement for up to 180 days. Additionally, a person who is the victim of child abuse and his or her family may bring a civil claim against the church and/or its agent (the person who failed to report the crime) as required by law.

Immunity

A person making a report or assisting in the investigation of a report of child abuse or neglect is immune from liability, either civil or criminal, that might be incurred. This means that a person who reports child abuse and is later sued by any of the parties including the parents of the child or the accused perpetrator of the crime, can defend themselves on the basis that their actions were absolutely protected by this immunity statute and the reporter should not be liable for damages relating to the reporting.

Clergy privilege

The Texas Rules of Civil and Criminal Evidence provides that communications between clergy and an individual consulting with him or her for the purpose of seeking spiritual advise in the clergy's professional capacity is considered privileged.

There is however, an express exception which provides that the privilege disappears in the event the clergy member learns of child abuse or neglect, and the clergy is required to report the information to authorities under the child abuse reporting statute.

Church liability

A church is liable to civil action if, as an employer, it failed to make inquiries of past employers (where names and addresses have been disclosed) who employed the employee within the last five (5) years, concerning the possible occurrence of sexual exploitation by the employee.

Goal

It shall be the goal of Christ United Methodist Church to provide a safe environment for the physical and emotional well being of all children and youth participating in church programs, including participants in any daily or temporary childcare programs. The church's goal is to inform volunteers and enforce policies to ensure that all children and youth are safe and well protected while attending scheduled activities. Future revisions to this policy may be made with the authorization of the Staff/Pastor Parish Relations Committee.

Definition of "children" or "youth"

The term "child" or "children" or "youth" shall include all persons under the age of eighteen (18) years.

SELECTION AND SCREENING PROCESS

Pre-employment procedures for volunteers

It is the goal of Christ United Methodist Church to adequately screen the applications of persons desiring to work with children and youth participating in all church programs, including participants in any daily or temporary childcare programs.

Volunteers must be members of the church

All primary volunteers who work with children and youth must first be members of Christ United Methodist Church. Under certain circumstances, an exception to this rule for a specific planned event may be authorized by the appropriate Department Head/Program Director.

Six-month rule

No person will be allowed to work with children and youth in any capacity as a primary volunteer until they have been an active member of the church for a minimum of six (6) months. The applicant must have been a regular attendee and involved in church activities for that period of time. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with children and youth.

The six-month rule may be waived with the authorization of the Department Head/Program Director in the event the person was previously an active participant in another church working with children or youth. In these cases, additional reference checks and written documentation substantiating why the waiver was made will be required.

Classification of volunteers

In order to screen volunteers appropriately to their responsibilities, the Department Head/Program Director responsible for each division will categorize volunteers into two categories: primary and secondary. These terms refer to the relative levels of responsibilities and risk, not to the ages of the children and youth being served.

Primary volunteers: Includes all volunteers in roles with greater responsibility or risk are classified as primary volunteers and should meet the primary screening standards, must be eighteen (18) years of age and must have at least six months experience working with children and youth at Christ United Methodist Church.

Secondary volunteers: Persons who do not meet the requirements of primary volunteers and/or those who occasionally interact with children and youth and/or do so in less risky circumstances. ie: Sunday School teachers and volunteers who see children and youth only in a group setting, on church premises, or who interact with children and youth in the presence of an approved staff member or primary volunteer are classified as secondary volunteers. This category may also include parents of participants who help supervise activities. All volunteers under the age of eighteen (18) will be considered secondary volunteers.

Minimum age

All primary volunteers must be 18 years of age or older. Younger persons may assist adults, but may not take the place of adult staff members or volunteers. The church may employ responsible teens (under the age of 18) only in positions with and under the direct supervision of an approved adult staff member or volunteer.

Volunteer applications

Volunteer applicants must complete and sign an Volunteer Application Form.

Applications will be submitted to the appropriate Department Head/Program Director who will be responsible for the application process and reference checks.

If an applicant needs additional confidentiality they may choose to submit their application directly to the appropriate minister in charge of their division.

The church keeps confidential all information received in the applicant selection process. Such information will be stored with access afforded only to appropriate church staff on a need-to-know basis.

If the church learns of false, misleading or amended information on an application that could cause potential danger to children or youth or liability to the church, that person will be terminated.

References

- The Department Head/Program Director of the division in which the person will work must check at least three (3) references for each primary volunteer applicant and must conduct a reasonable inquiry into the character of secondary volunteer applicants. References may be checked by phone, mail or in person.

Information gained in these checks should be noted directly on the application and will be kept confidential.

Survivors of child abuse

Survivors of childhood sexual or physical abuse need the love and acceptance of the church family. Their experience with abuse and their recovery process may be pertinent to their work with children and youth.

Survivors of abuse may, if they choose, request confidential counseling either from the pastor or from a professional counselor. It will not necessarily disqualify them from service. The desire of the church is to assist and care for survivors of abuse as well as fulfill our obligation to protect the children and youth left in our care.

Confidential interviews

All applicants desiring to work with children and youth must be interviewed for suitability for the work they desire to do. Interviews are conducted by the Department Head/Program Director in which the applicant will work. A team of interviewers may be used. Church policy concerning prevention and response to child and youth abuse and neglect must be discussed during the interview. It is also the belief of the Church that on-site observation is vital to protecting its children and youth and may take the place of the interview.

Criminal background check

A criminal background check and child abuse registry check shall be required for all children's or youth's volunteer positions. No one will be allowed to work with children and youth who has been convicted of a crime involving misconduct with children and youth.

Completing the Criminal Records Check Authorization Form authorizes the church to conduct these checks. Background checks will be kept confidential in a locked file with access afforded only to appropriate church staff on a need-to-know basis.

The church background check administrator will conduct criminal background checks notifying the appropriate minister if a negative report is received.

Vehicle safety

Persons who drive Christ United Methodist Church owned or privately-owned vehicles for conducting church business or transporting children or youth on a regular basis must maintain a current valid Texas drivers license, provide proof of insurance in such amounts as may be required by the church and comply with all other church transportation policies.

First aid training

It will be the goal of the church that most primary volunteers who work with children and youth will maintain current certification in basic first aid and basic CPR (or the equivalent) as required by applicable licensing requirements or other local regulations. The church will pay the cost of this training.

Secondary volunteers are encouraged, but not required to get training if they frequently accompany children or youth on activities such as recreational activities, camps, retreats, mission trips or any other activity with an element of risk.

Acknowledgement of church policies

Each new volunteer will be given a copy of both the Texas Child Protection Definitions and Laws and Christ United Methodist Church Volunteer Child and Youth Protection Policy. They must sign an Acknowledgement of Receipt Form indicating they have received, read and agree to abide by them before they can begin working with children and youth

SUPERVISORY REQUIREMENTS

For all people working with children and youth at Christ United Methodist Church

It is the policy of the church to provide adequate supervisory control of persons working with children and youth participating in all church programs, including daily or temporary childcare programs of the church.

The following regulations shall be applicable to all primary and secondary volunteers having contact with children and youth participating in all church programs:

Safety of children and youth

It is the responsibility of all persons having contact with children and youth participating in church programs to promote the emotional and physical safety of the participants giving regard to all factors and circumstances known to them. If in their opinion, an unsafe condition exists, such persons shall immediately take appropriate precautions under the circumstances to protect all children and youth. Nothing contained in any other church policy, procedure or instruction shall be construed to relieve persons having contact with children and youth from this responsibility.

Preschool identification system

To reduce the possibility of kidnapping, only persons authorized by the parent or guardian shall be permitted to pick up the child. The Department Head/Program Director in charge shall maintain the system to identify persons authorized to pick up and take responsibility for preschool children leaving a church activity. The identification system will not be necessary for children above the grade of kindergarten unless a parent specifically requests it in writing.

Two-adult rule

It shall be the goal of Christ United Methodist Church that a minimum of two staff members or volunteers will be in attendance at all times when children and youth are being supervised during a church activity regardless of the number of participants, location or activity. At least one of these must be a staff member or primary volunteer.

Whenever possible, these two adults can not be related to one another.

Some Youth Sunday School classes may have only one adult in attendance as the teacher while the class is in session. In these instances, doors to the classrooms will be either removed or will remain open. Windows may be installed between these classrooms for full visibility.

At no time should an adult ever be in a room or an enclosed area alone with a child or youth.

Observation of children and youth

Church activities for children and youth should be scheduled in areas visible from adjoining areas. Such visibility will be maintained by leaving curtains and blinds open and, wherever possible, by leaving the door to the room open. Reasonable exceptions to this rule may be made by the Department Head/Program Director in charge where seclusion is necessary for rest provided two unrelated staff members or volunteers are present in the room at all times, whenever possible.

At no time will an adult meet alone with a child or youth in any room where the door is closed or in an area where they cannot be seen.

A clear glass window will be installed in the door of all rooms typically occupied by children and youth and into the door of all offices in the church.

Ratio of staff members/volunteers to children and youth

It is required that a reasonable ratio of adults to children and youth is maintained at all times involving the supervision of children and youth.

The Department Head/Program Director responsible for the division shall be primarily responsible for setting and maintaining a reasonable ratio of staff members/volunteers to children and youth giving due regard to all factors present, including the number and age of the participants, the nature of the activities and the location where the activities are taking place.

Ministerial and staff oversight

The Department Head/Program Director responsible for each division shall coordinate with the respective ministry coordinators to ensure ongoing supervision of all volunteers. This should include regular unannounced visits into classes and other program sites.

Awareness of church policy

The Department Head/Program Director responsible for each division shall periodically review the definition of child abuse and neglect as defined by law and the church's policy concerning these crimes. These reviews can be conducted either with the volunteers individually or in groups, at least once a year and following each change in or addition to such policies. Each volunteer shall acknowledge receipt of a written copy of the policy (by signing the Acknowledgement of Receipt Form prior to the time they commence working with children and youth and after each change to such policy. Each volunteer shall acknowledge participating in the periodic review of the church's policies and procedures. The signed acknowledgements shall be retained in the personnel file of the volunteer.

Children's pickup

Children who are in fourth grade or older are permitted to leave the area of the church activity at the conclusion of the scheduled activity without further supervision of the staff members/volunteers, unless otherwise instructed by the parent or guardian.

If a child younger than fourth grade is not picked up by their parent or guardian on time, they will be kept by their teachers in the children's area where safe supervision can be continued until the parent or guardian is located.

A child twelve years or younger shall not be taken from or allowed to leave church property, either unattended or in a group without specific parental permission.

Infants and children through kindergarten must be picked up by an authorized adult.

Release of claims

Prior to any activity away from the church, a Parental Permission, Release and Consent to Medical Treatment Form (Form #4) will be necessary to be signed by the child's or youth's parent or legal guardian.

Without the form signed and in the possession of the church, the child or youth will not be allowed to participate in the away activity.

REPORTING AND RESPONDING TO ALLEGED CHILD ABUSE AND NEGLECT

Reporting policy

It is the policy of the church to report any incident of child abuse or neglect toward any child or youth in the church. This would include participants in temporary childcare programs.

- Do not treat any suspicion as frivolous.
- Notify your supervisor immediately. Commence the investigation right away.
- The Department Head/Program Director in charge should suspend the accused person from the performance of duties involving children and youth until the official investigation has been completed.
- Cooperate fully with law enforcement officials.
- The pastor or his agent will inform victim and victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigation. 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 requests within the bounds of a legal and prudent response. (church legal counsel should assist in this determination).
- In an instance where child abuse is confirmed, the church will immediately dismiss the volunteer from their position. Termination will be considered appropriate in the circumstances.
- In instances where evidence is inconclusive, the church should take action with the advice of law enforcement officials depending on the strength of the evidence available and after consideration of the victim and the victim's family's requests.
- The pastor will determine the amount of information he believes is appropriate to relate to the congregation. Usually commenting on an ongoing investigation is not wise.

Reporting obligation

Any person having cause to believe that a child's or youth's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the person's belief. Non-accusatory reports, that identify the victim whether or not the person responsible for the abuse is known, must be made to the local or state law enforcement agency or to the Texas Department of Human Services as follows:

- A. An oral report must be made immediately on learning of the abuse or neglect.
- B. Notify the pastor as quickly as possible.
- C. A written report must be made within five (5) days to the same agency.
- D. All reports must contain the name and address of the child and youth, the name and address of the person responsible for the care of the child and youth and any other pertinent information.

The oral and written reports are required by law. This entire reporting policy is required as a condition of employment for volunteers.

Reports required

Any volunteer of the church who has cause to believe that a child's or youth's physical or emotional health or welfare has been or may be adversely affected by abuse or neglect shall report that belief according to the following procedure:

- a. The volunteer shall report such belief to the Department Head/Program Director and will complete an Incident Report Form).
- b. The Department Head/Program Director will immediately report to the minister in charge and one of the following:
 - (1) The Plano Police Department (Phone # 972-424-5678)
 - (2) The Texas Child Protective Services hot line (1-800-252-5400 then press 4 for a case worker).
- c. The minister in charge or his agent will notify the parents of the child and youth (unless the parent is the person responsible for the abuse or neglect).
- d. The minister in charge, or his agent, in consultation with the chairperson of the Staff/Pastor Parish Relations Committee will notify the appropriate legal counsel.
- e. The minister in charge, or his agent, will notify the church's insurance agent that an abuse report has been filed with the appropriate local or state agency.

Confidentiality

All reports of child abuse or neglect shall be held in absolute confidence. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. Any breach of this confidentiality by a volunteer of the church shall be cause for immediate dismissal.

The minister in charge, in consultation with the official conducting the investigation may authorize limited additional disclosure if necessary to protect other children and youth from harm in the near future, particularly where the person responsible for the abuse cannot be identified, but in no case shall the identity of the victim or the accused person be disclosed except as required by law.

Investigation of alleged abuse or neglect

No person shall attempt to conduct a detailed investigation either through examination or interrogation of the child and youth, the accused person or a witness. It is acceptable to obtain a reasonable amount of information to have cause to believe a child and youth has been abused or neglected.

Interviews shall be conducted only by authorized officials of the agency to whom the suspected crime has been reported or, when appropriate, by legal counsel or persons representing the church in an official capacity. All volunteers of the church shall cooperate with the official investigation as requested.

Suspension of church related duties

A person accused of child abuse or neglect will be suspended from all church related duties involving children and youth. This would include all childcare, teaching, transportation or sponsorship duties. The Staff/Pastor Parish Relations Committee is not authorized to conduct an investigation of the incident but is allowed to monitor any such investigation and receive confidential information concerning the incident.

This removal from duty should occur in such a way that an innocent person is not immediately deemed guilty. There are false claims made each year. If the allegation is determined to be unsubstantiated, the volunteer can be returned to their prior position.

Preservation of records

Copies of all documents relating to an event of abuse or neglect occurred, including a list of all persons known to be present or in the vicinity shall be transferred to the minister in charge or his agent. They will review them to determine if the documents are complete in accordance with church policy. If any documents are missing, they shall make a written notation and transfer the documents to the church business administrator who shall retain them until advised that all criminal and civil investigations and actions have been completed.

Ministerial care

The ministerial staff shall encourage and assist the child and youth and the parents in securing appropriate counseling, care and support. In the event the abuse or neglect involves a member or employee of the church, the staff shall encourage and assist the individual in securing appropriate pastoral care and support, including third party counseling, being mindful of the potential for a conflict of interest.

All persons shall act towards the child and youth, the parents and the accused in accordance with the principles of Christianity at all times.

Liaison with the community

The minister in charge, or his appointed agent, will serve as the church's sole access to the media. The church should emphasize to the public its position on child abuse, its concern for the victim and the extensive steps being taken to address the safety of all children and youth.

**CHRIST UNITED METHODIST CHURCH
VOLUNTEER NOTICE AND AUTHORIZATION FOR BACKGROUND CHECK**

NOTICE

This is to inform you that Christ United Methodist Church ("CUMC") may obtain information about you and/or your history related to potential criminal activity. The report from authorized sources may include, among other information, arrest, conviction, and driving record information. CUMC may additionally obtain information concerning your background, character, medical conditions, employment, education and military experience. Information obtained by CUMC will be used only for the purposes of assessing your suitability to become a volunteer.

AUTHORIZATION

I hereby authorize and instruct CUMC to procure a report on me, including criminal background history, which I understand may include, among other information, arrest, conviction, and driving record information. I also authorize and instruct CUMC to verify my Social Security number and to investigate my background and character in any manner they see fit to evaluate my potential as a volunteer, including obtaining information from medical providers, employers, educational institutions, military agencies, and other sources. If I become a volunteer for CUMC, I authorize CUMC to repeat these investigations at any time for as long as I remain a volunteer. I authorize and instruct any individual, corporation, and public or private entity having knowledge about me to furnish CUMC any and all information they may have regarding me. I unconditionally release and hold harmless CUMC and its officers, agents, and employees, and any person furnishing information to them pursuant to this authorization, from any liability, claims, charges, costs, or causes of action which I or my heirs, executors, or assigns may have as a result of the delivery, disclosure, non-disclosure, or omission of any information. I additionally agree to indemnify CUMC and its officers, agents and employees for any and all attorney fees, court costs, and other expenses resulting from investigating my background, gathering information concerning me, or verifying personal information about me. I understand the information obtained by CUMC pursuant to this authorization is confidential and will be protected as much as reasonably possible. Furthermore, I understand that CUMC holds the right to deny my participation as a volunteer at CUMC, and, for confidentiality, is not required to disclose the reason(s) for doing so. A photocopy of this authorization may be accepted in lieu of the original.

Date

Applicant's Signature

PERSONAL IDENTIFICATION AND BACKGROUND INFORMATION

PLEASE PRINT:

Complete Legal Name: _____ Gender: M _____ F _____

If name changed (through marriage or otherwise), former name _____

Date of Birth _____ Social Security Number _____

Drivers License Number _____ State _____ Expires _____

Residences (Past 7 years):

(Current) Address _____ City _____ State _____ Zip Code _____

Address _____ City _____ State _____ Zip Code _____

Address _____ City _____ State _____ Zip Code _____

Have you ever been (circle if yes) charged with/convicted of a (circle if yes) misdemeanor/felony No ___ Yes ___

Details: _____

Have you ever been cited for a traffic violation? No _____ Yes _____

Details: _____

CUMC Program Area Requesting Background Check _____

Form #2

**Acknowledgement of Receipt of Texas Child Protection
Definitions and Laws and Christ United Methodist Church Child and
Youth Protection Policy**

Statement

I have been given a copy of the

Texas child protection definitions and laws

and

Christ United Methodist Church Child and Youth Protection Policy.

I have read and understand these documents. I understand that my services as a volunteer of Christ United Methodist Church who works with children at Christ United Methodist Church is dependent on my strict adherence to these policies.

Name _____

Signature _____

Date _____