

SHADY GROVE UNITED METHODIST CHURCH (SGUMC)

CHILD PROTECTION POLICY

Revised December 18, 2020

1. PURPOSE

Shady Grove United Methodist Church pledges to conduct the ministry of Jesus Christ in ways that assure the physical and emotional safety and spiritual growth of our children and youth, as well as all of our workers with children and youth. The church will follow reasonable safety measures when selecting and recruiting workers, will implement appropriate operational procedures in all areas of programming and care, will train workers and volunteers with children and youth on these procedures and policies, and will have a clearly defined procedure for reporting a suspected incident of abuse consistent with Virginia state law.

The purpose of this policy is

- a. to demonstrate SGUMC's total and unwavering commitment to the physical, emotional, and spiritual safety of all our children, youth, and vulnerable adults;
- b. to ensure that volunteers and paid staff desiring to work with children and youth within the congregation are properly screened, trained, and interested in promoting the best interests of children, youth, and vulnerable adults;
- c. To recognize our United Methodist Social Principles which state that "children must be protected from economic, physical, and sexual exploitation and abuse" (paragraph 162C, *Book of Discipline*).

2. Theological Foundation

Shady Grove United Methodist Church makes a pledge at each Baptism that the congregation will "nurture" children and youth "in the Christian faith and life and include them in our care." With this policy, the church renews the pledge to surround children and youth with "a community of love and forgiveness that they may grow in their trust of God and be thus confirmed and strengthened in the way that leads to life eternal" (Baptismal Covenant II, *United Methodist Book of Worship*, 96).

3. VIRGINIA'S CHILD ABUSE LAW AND REPORTING LAW

Under Section 63.2-100 of the Code of Virginia, an abused or neglected child "means any child less than 18 years of age whose parents or other person responsible for [his or her] care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions." Such abuse includes but is not limited to (a) the neglect or refusal to provide necessary care, (b) neglects or refuses to provide adequate supervision in relation to a child's age and level of development, (c) sexual exploitation, meaning that any "person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law," and (d) exposure to the manufacture of a Schedule I or II controlled substance.

In pertinent part pursuant to Section 63.2-1509 of the Code of Virginia any teacher or other person employed in a public or private school, kindergarten or nursery school, any person providing full-time or part-time child care for pay on a regular basis... and any person associated with or employed by any private organization responsible for the care, custody, or control of children who has reason to suspect that a child is abused or neglected, shall report the matter immediately to the local Department of Social Services of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department of Social Services toll free child abuse and neglect hotline (1-800-552-7096). Also any minister or duly accredited practitioner of any religious organization or denomination shall report any suspected child abuse and/or neglect unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to Section 8.01-400 or 19.2 -271.3 if offered as evidence in court.

4. POLICIES FOR REDUCING THE RISK OF CHILD ABUSE

In an effort to create the safest possible environment within SGUMC, the following prevention measures will be used:

a. SCREENING OF VOLUNTEERS AND STAFF

- i. All volunteers serving in leadership capacity with children or youth under the age of 18 must be members of or active at SGUMC for at least 6 months.
- ii. All clergy, paid staff, and volunteers who have supervisory program responsibility for youth and children under the age of 18, and all other church employees, to the extent permitted by law, shall complete a criminal background check and Central Child Abuse and Neglect registry check as well as Sex Offender Registry Check prior to employment or commencement of volunteer activities, to determine current or historic child abuse or sexual misconduct, criminal records, violent, or pedophilic behavior. For volunteers screened prior to 2021, the Central Registry and Central Child Abuse and Neglect registry checks will be conducted in the renewal process for volunteers (done every 3-5 years).
 - No one who has a formal child abuse accusation or conviction, or who refuses to complete the screening form, will be permitted to work with SGUMC's children or youth.
 - Individuals who have been convicted of physical or sexual abuse or neglect may not work in any church-sponsored activity or program that includes preschoolers, children, youth, or vulnerable adults.
 - The church will keep confidential all information received in the applicant selection process. Selection information will be marked as such and stored in a locked location with limited access afforded

only to church staff and others with a need to know. The age-level staff persons (children's director and youth director roles) are responsible for the implementation of these policies as well as the maintenance of confidential records. All background check related records will be locked in the Business Manager's office.

- iii. After an initial criminal background check and central child abuse and neglect registry background check, staff will complete a follow-up background check on every volunteer who works with children or youth. For volunteers screened prior to 2021, the Central Registry and Central Child Abuse and Neglect registry checks will be conducted in the follow-up process for volunteers. These follow-up checks will occur every three to five years, and volunteers will be selected at random within that time frame, as long as the volunteer continues to serve with children or youth.
 - Anyone, who has previously passed a criminal background check and child abuse and neglect background check and subsequently incurs an offense after commencing to work with the children and/or youth at Shady Grove, must report all subsequent offenses.
- iv. Exceptions:
 - Speakers, short-term presenters, facilitators, or performers at Shady Grove or for any Shady Grove-sponsored ministry or program will not be screened in accordance with the procedures set forth above. However, such individuals shall not be left alone with any child or youth participating in any ministry of SGUMC, and may not serve as a second adult for children or youth except in unavoidable emergency situations.

b. TRAINING OF VOLUNTEERS AND STAFF

All volunteers and paid staff serving in a leadership capacity to children or youth under the age of 18 will be asked to read the SGUMC Child Protection Policy and sign a Statement of Understanding and Intent Regarding SGUMC Child Protection Policy (located in Appendix A of this document).

Volunteers receive a review of these policies at various training events.

c. TWO-ADULT RULE

- Two screened, unrelated adults must be present at all times. This applies to classroom activities, activities away from the church facility, and when transporting children or youth. When feasible, both male and female leaders should be present for a group of mixed gender.

- When transporting participants to off-site activities, no vehicle shall contain only one adult driver and one child, unless the adult driver is the parent of the child(ren) transported. Vehicles will contain two unrelated adults and any number of children within the seatbelt limitations of the vehicle. Seatbelts will be worn at all times. Use of child restraint devices which meet federal standards is required for all children up to age eight. Drivers and passengers must also follow airbag/weight regulations per specific vehicle guidelines.
- For overnight activities on or off the church premises, two or more unrelated adults must be present and must include at least one male and one female if the group is mixed gender. When adults and youth will share the same sleeping quarters, a minimum of two adults must be present in the sleeping quarters. The adults shall never share a bed with any of the children unless they are parent and child.
- Confirmation mentors who meet with confirmands outside of programmed time must do so with full parental knowledge and consent, and should make every effort to follow best practices for such meetings. Mentors who transport youth must adhere to the vehicle policies outlined above, and only with full parental knowledge and consent. Mentors should meet with confirmands only in a public location (eg. coffee shop, restaurant), and should attempt to arrange with another mentor to pair up.
- For online programming, a minimum of two adults shall be present, at least one of whom is screened.

d. OPEN VISIBILITY RULE

Open visibility should be maintained for all activities involving children and youth. This means that activities should take place in full view of routine pedestrian traffic through the building, either through glass window panels or through open doors.

e. PARENTAL CONSENT FOR ALL OFF-GROUND ACTIVITIES

All children and youth participating in out-of-town and overnight outings must have written consent and a signed medical release form. (Medical release and consent forms may be completed for a one-year period and must be renewed annually).

5. DISCIPLINE GUIDELINES FOR VOLUNTEERS AND PAID STAFF WORKING WITH CHILDREN AND YOUTH

- a. If a child is behaving inappropriately, the leader will tell the child specifically what s/he is doing that is not acceptable and will state what the expected behavior is (e.g. "We do not throw the blocks. We use blocks for building.")
- b. If this measure is not effective, the child will be guided to another activity.
- c. If inappropriate behavior continues, the child will be separated from the other children. A leader should notify the appropriate staff person (children's director or youth director).
- d. If the child's disruptive behavior continues after these steps are taken, a leader will notify the appropriate staff person, who will address the matter with the child and the child's parents.
- e. **No physical punishment or verbal abuse (e.g. ridicule) is to be used at any time.**

6. COMMUNITY GROUPS

Leaders of community groups using the church facility and working with children or youth under 18 will be required to read this policy and sign a Statement of Understanding and Intent Regarding SGUMC Child Protection Policy located in Appendix B. All community groups, individuals, and other groups that are not sponsored by or part of Shady Grove's ministry must comply with the Two Adult Rule and the Open Visibility Rule outlined in Sections 4c and 4d above. When feasible, non-SGUMC sponsored groups should meet the screening requirements outlined above, as well.

7. PLAN FOR RESPONSE TO ALLEGATIONS OF ABUSE

- a. In the event of suspected abuse, the volunteer or staff person in charge shall
 - i. Ensure the protection of and tend to the immediate needs of the child(ren), as the situation requires.
 - ii. Immediately notify the lead pastor or pastor on call, unless that person is the suspected abuser.
 - iii. If the pastor is the accused party, the appropriate staff person will notify the chair of the Staff-Pastor-Parish Relations Committee and the District Superintendent and shall determine who will report the abuse within the requisite time period.
 - iv. The pastor (or appropriate staff person if the pastor is the suspect) (or their designee) will

1. Provide written documentation concerning the incident on the designated form.
2. Notify the county office of the Department of Social Services or call the child abuse and neglect hotline immediately and no later than 24 hours of learning about the suspected abuse and or neglect.
3. Cooperate fully with the Department of Social Services, Child Protective Services and the Sherriff's Office or Police Department as they conduct their investigations.
4. Notify the parents of the victim(s) and take whatever steps are necessary to assure the safety of the child/youth until parents arrive. If the parents are the suspected abusers, they will not be notified of the alleged abuse and/or neglect.
5. Notify the church's insurance carrier.
6. Relieve the accused person of any duties within the church until the investigation is complete.
7. Show appropriate pastoral care and comfort for the alleged victim.
8. Observe confidentiality within the constraints of the law.

DEFINITIONS

TYPES OF CHILD ABUSE

Child abuse refers to an act committed by a parent, caregiver, or person in a position of trust which is not accidental, and which harms or threatens to harm a child's physical or mental health or welfare. The following definitions and explanations are from the Virginia Department of Social Services:

a. PHYSICAL ABUSE

A physical injury, threat of injury, or creation of a real and significant danger of substantial risk of death, disfigurement, or impairment of bodily functions. Such injury or threat of injury, regardless of intent, is inflicted or allowed to be inflicted by non-accidental means (e.g. skull fracture, scalding, bruises, etc).

b. PHYSICAL NEGLECT

The failure to provide food, clothing, shelter, or supervision for a child if the child's health or safety is endangered. Physical neglect may include multiple occurrences or a one-time critical or severe event that results in threat to health or safety, such as a toddler left alone. Other types of neglect include abandonment, inadequate personal hygiene, malnutrition, inadequate clothing, supervision, shelter, or food.

c. SEXUAL ABUSE

Sexual abuse includes any act defined in the Code of Virginia that is committed, or allowed to be committed, upon a child by his/her parent or other person responsible for the child's care. Examples include sexual exploitation, sexual molestation, intercourse/sodomy, and other sexual abuse.

d. MEDICAL NEGLECT

Refusal or failure by a caretaker to obtain and/or follow through with a complete regimen of medical, mental or dental care for a condition which, if left untreated, could result in illness or developmental delays.

e. FAILURE TO THRIVE

A syndrome of infancy or early childhood that is characterized by growth failure, signs of severe malnutrition, and variable degrees of developmental retardation. Children are considered to be in this category only when diagnosed by a physician and it is caused by non-organic factors.

f. **MENTAL ABUSE/NEGLECT**

A pattern of acts or omissions by the caretaker that result in harm to a child's psychological or emotional health or development.

g. **EDUCATIONAL NEGLECT**

The child's caretaker is directly responsible for the failure of the child to attend school or an alternative program of study such as home schooling.

h. **BIZARRE DISCIPLINE**

Any actions in which the caretaker uses eccentric, irrational, or grossly inappropriate procedures or devices to modify the child's behavior.

i. **RITUAL ABUSE**

When a child is violated in a physical, sexual, or emotional way by an abuser who may be involved in occult activity. It involves an intentional and stylized form of child abuse which may include cruel treatment of animals or repeated threats of harm to the child, other persons, or animals.

Appendix A



**SGUMC CHILD PROTECTION POLICY
STATEMENT OF UNDERSTANDING AND INTENT
&
AUTHORIZATION FOR BACKGROUND CHECK**

I, the undersigned, have read SGUMC's Child Protection Policy, understand what it means, and agree to abide by it. Furthermore I grant Shady Grove United Methodist Church permission to perform a criminal background check and Sex Offender Registry checks as a prerequisite of my service as a volunteer with children and/or youth. I understand that Shady Grove United Methodist Church may perform additional background checks at any point during my time of service. All documents will be held in strict confidence and filed in the Business Manager's office.

First Name _____

Middle Name _____

Last Name _____

Maiden Name _____

Date of Birth _____ Social Security Number _____

Name of organization using the church facility if other than church affiliated activity:

Signature _____ Date _____

Appendix B
SGUMC CHILD PROTECTION POLICY
STATEMENT OF UNDERSTANDING AND INTENT
FOR NON-CHURCH-SPONSORED INDIVIDUALS AND GROUPS

I, the undersigned, have read SGUMC's Child Protection Policy, understand what it means, and agree to abide by it. All documents will be held in strict confidence and filed in the Business Manager's office.

First Name _____

Middle Name _____

Last Name _____

Name of organization using the church facility if other than church affiliated activity:

Signature _____ Date _____

Appendix C

Tools for Assessing the Risk/Reducing the Risk

There are 3 areas to consider when assessing the potential risk of a given situation. Volunteers and paid staff will consider these 3 areas during the planning of and during actual events that involve children and youth.

1. Degree of Accountability: Assess the degree of accountability.

- Have adult leaders for this activity completed the screening process?
- Have adult leaders for this activity signed a Statement of Understanding and Intent Regarding SGUMC Child Protection Policy?
- Have adult leaders for this activity completed Child Protection training?
- Is the 2-Adult Rule and/or Open Visibility Rule being maintained during this activity?
- If the activity is off grounds, has parental consent been sought from all participants?
- When accountability increases, risk decreases. When accountability decreases, risk increases.

2. Degree of isolation: Assess the degree of isolation.

- Is this an overnight activity? (If yes, opportunity for isolation increases.)
- Is this activity taking place off-grounds?
- Is this activity taking place in remote buildings or in classrooms that are isolated?
- Will adult volunteers or paid staff ever be alone with a child or youth during this activity? (In a car, etc.)
- Will a youth ever be alone with another youth or child, or will a child ever be left alone with a child?
- When isolation increases, risk increases. When isolation decreases, risk decreases

3. Degree of balance of power: Assess the degree of balance of power.

- Will adult volunteers or paid staff ever be alone with a child or youth during this activity? (For instance in a car, etc.)
- Will an older, bigger, stronger or more “popular” youth or child ever be alone with another youth or child that is younger, weaker, and less “popular”?
- Will children of the same age be able to “buddy” each other to the bathroom etc.? This is preferred over having an older child escort a younger child. When there is a balance of power, risk decreases. When there is an imbalance of power, risk increases.

Low-risk situations include:

- Activities where a group of children or youth are present for an activity (such as Christian Education classes, bible study, etc.)
- Where the activity takes place on church grounds during daylight hours
- Where open visibility into a classroom situation is maintained at all times

- Where floaters/hall monitors are present during the activity.
- In all settings it is always preferable to have 2 adults, however in low risk setting it is permissible for one adult to be present as long as all other criteria are strictly maintained.

High-risk situations include:

- activities where one or few children or youth are present for an activity with one adult and the opportunity for one-to-one interaction between adult and youth/child is high,

OR

- where a large group of children or youth are present but the activity is spread out across an area to such an extent that children and youth cannot be adequately supervised by adults
- where the activity is an overnight activity
- where the activity takes place either off church grounds
- where visibility is limited due to isolation are deemed high potential risk situations.

Volunteers and paid staff should recognize these as potentially high risk and take steps to reduce the risk to themselves and to children and youth by increasing the number of participants or adults present, by changing the venue for activity to a less remote location or moving the activity on grounds, or by changing the time of the activity. If the risk cannot be reduced, then the activity should be canceled.

Appendix D
THE APPLICABLE VIRGINIA LAW FOR REPORTING CHILD ABUSE AND NEGLECT

If abuse is suspected by, observed by, or disclosed by a volunteer and/or paid staff member of the church, that person shall report the incident immediately to the pastor or designee. (If the pastor is the accused, see below).

- a. Virginia Code Section 63.1-1509(A) (law) requires certain individuals acting in their professional or official capacity who suspect a child is being abused or neglected to report the matter immediately. Such individuals include but are not limited to:
 - i. Any teacher or other person employed in a public or private school, kindergarten, or nursery school;
 - ii. Any person providing full-time or part-time child care for pay on a regularly planned basis;
 - iii. Any person age eighteen years or older associated with or employed by any private organization responsible for the care, custody, or control of children;
 - iv. Any person age eighteen years or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect.
 - v. Any minister, priest, rabbi, imam, or duly accredited practitioner or any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by of the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to Section 8.01-400 or 19.2-271.2 if offered as evidence in court (i.e. statements made by a person about himself or another to seek spiritual counseling or advice).
- b. The Methodist Book of Discipline states as follows: “all clergy of The United Methodist Church are charged to maintain all confidences inviolate, including confessional confidences, except in the cases of suspected child abuse or neglect or in cases where mandatory reporting is required by civil law.” (See *Methodist Book of Discipline* § 341.5 (2012)). Therefore the Methodist Book of Discipline does not require that confidential statements made by a person about himself/herself or another to the minister regarding suspected child abuse or neglect be kept in a confidential manner and the minister is permitted to report it.
- c. Under Virginia law, the minister, who was privileged communications, is not required to report the alleged child abuse or neglect because he shall not be “required to give testimony as a witness or to relinquish notes, records or any written documentation....which would disclose information communicated to him in a confidential manner, ... wherein such person was communicating such

information about himself or another was seeking spiritual counsel and advice... (See Virginia Code Section 63.2-1509(A)(19)(reporting); Virginia Code Section 8.01-400 (testimony in civil trial); Virginia Code Section 19.2-271.2 (testimony in criminal trial). This evidentiary privilege to not produce testimony solely belongs to the minister and cannot be invoked by the person who made the statements.

- d. Since the United Methodist Book of Discipline does not prohibit ministers from disclosing confidences relating to child abuse and neglect and Virginia Codes 8.01-400 and 19.2-271.3 do not require ministers to give testimony regarding information provided to them in confidence by a person seeking spiritual counsel and advice relative to the information being imparted, it is left to the clergy member's or minister's discretion to report suspected child abuse or neglect in instances of privileged communications.
- e. Minister is interpreted as all clergy in the church and ministers of the gospel, which normally include non-clergy staff who undertake religious or pastoral counseling with individuals as part of their official duties as a member of the SGUMC staff.
- f. With the exception of confidential communications to ministers, all persons listed in subsection (a) above as well as ministers, who have evidence of abuse or neglect, that was witnessed, observed or suspected are required to report the matter immediately to the local department of the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or the Department's toll-free child abuse and neglect hotline. (See Virginia Code Section 63.2-1509(A))
- g. Said abuse shall be reported immediately and no later than 24 hours after having reason to suspect a reportable offense. A person, who is required to file a report and fails to do so shall be fined not more than \$500 for the first failure and for any subsequent failure not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (Section 18.2-61 et seq) of Chapter 4 of Title 18.2 shall be guilty of a Class 1 misdemeanor if he knowingly and intentionally fails to make the required report. (See Virginia Code Section 63.2-1509 (D))
- h. No person shall be required to make a report pursuant to Section 63.2-1509 if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

- i. Virginia law provides that persons reporting and testifying to child abuse or neglect pursuant to Virginia Code Section 63.2-1509 shall be immune from civil and criminal liability unless such person acted in bad faith or with malicious purpose. (See Virginia Code Sections 63.2-1509 and 63.2-1512).