

# **Concordia Lutheran Church**

## **YOUTH PROTECTION Policy**

Updated April, 2017

**"Keep watch over yourselves and all the flock of which the Holy Spirit has made you overseers (Acts 20:28)**

**"Children are a gift from the Lord. They are a reward from him" (Psalm 127:3)**

**"And whoever welcomes a little child like this in my name welcomes me. But if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea (Matthew 18:5-6)**

### **I. Purpose**

The scriptures teach us that children are a gift from God, wonderful and precious, to be guarded and guided carefully. With this privilege comes the responsibility of nurturing and protecting the youth of our congregation. The youth ministry at Concordia Lutheran Church (Concordia) provides opportunities and resources for youth to be involved in the church's mission of joyfully sharing the love of Christ in our congregation, our community and throughout the world. Both the youth and their parents should expect that all that interact with them do so in a professional and healthy manner.

The congregation's purpose for establishing this Youth Protection Policy is to demonstrate our clear commitment to the physical safety and spiritual growth of all our youth and define relationships between them and those by whom they are ministered. Concordia recognizes the need to have a formal, written policy to help (1) prevent the occurrence and/or appearance of abuse of our children/youth, (2) protect adults from false accusations and/or suspicions and (3) protect the reputation and financial and emotional well-being of the entire church.

### **II. Application of Policy/Definitions**

#### Application

This policy is applicable to all individuals having direct contact with the youth of Concordia, including, but not limited to, clergy, staff, teachers, volunteers, chaperones and drivers. The Learning Center has its own, separate policy and procedures and is excluded from this policy.

This policy does not supercede or countermand requirements that apply to any paid or unpaid staff, volunteers, etc. by reason of applicable law or regulation.

## Definitions

1. Youth – For purposes of this policy, any person under the age of 18 or enrolled in high school or within six months of graduation from high school.
2. Adult – any person who is not a youth
3. Youth Assistant – any youth who is involved in ministry (e.g. VBS, nursery, Caraway) at Concordia who directs, supervises, leads or counsels youth younger than himself
4. Types of potential abuse:
  - a. Emotional – abuse in which a person exposes a youth to spoken or unspoken violence or emotional cruelty.
  - b. Neglect – abuse in which a person endangers a youth’s health, safety or welfare through negligence
  - c. Physical – abuse in which a person deliberately and intentionally causes bodily harm to a youth.
  - d. Sexual – abuse in which sexual contact between a youth and an adult (or older and more powerful youth) occurs.
5. Examples of inappropriate displays of affection:

Any form of unwanted affection, examples of which may include:

  - Any form of sexual contact or contact perceived as stimulating
  - Intimate kissing
  - Initiating full frontal hugs or “bear hugs”
  - Massages
  - Lying down or sleeping beside youth
  - Tickling or wrestling
  - Touching or hugging from behind
  - Showing affection in isolated/inappropriate areas such as bedrooms, closets, restricted or private rooms
  - Comments that relate to physique or body development
  - Patting on the thigh, knee or leg
  - Inappropriate or lengthy embraces
  - Piggyback rides
6. Appropriate displays of affection:

While use of appropriate physical contact in a public setting to show support, encouragement and affection toward youth who are receptive to this form of expression, adults must use good judgment and never force any physical contact on any youth. Examples of appropriate displays of affection may include:

  - Holding hands during prayers or when person is upset
  - Side-hugs
  - Holding hands while walking with small children
  - Hand-shakes
  - High-fives and hand slapping
  - Verbal praise
  - Arms around shoulders
  - Pats on the shoulder/back

7. Inappropriate discipline

Discipline should be individualized and consistent for each youth, appropriate to the youth's level of understanding and directed toward teaching the youth acceptable behavior and self-control.

There should be no harsh, cruel or unusual treatment of any youth. The following examples of discipline and guidance are prohibited (this list is not meant to be a complete list):

- Corporal punishment or threats of it
- Punishment associated with food, naps or toilet training
- Pinching, shaking or biting
- Hitting a youth with a hand or instrument
- Putting anything in or on a youth's mouth
- Humiliating, ridiculing, rejecting or yelling at a youth
- Subjecting a youth to harsh, abusive or profane language
- Requiring a youth to remain silent or inactive for inappropriately long periods of time for the youth's age

8. Appropriate discipline

An adult may only use positive methods of discipline and guidance that encourage self-esteem, self-control and self-direction; which include at least the following:

- Using praise and encouragement of good behavior instead of focusing only upon unacceptable behavior
- Reminding the youth of behavior expectations by using clear, positive statements
- Redirecting behavior using positive statements
- Using brief supervised separation or time out from the group, when appropriate for the youth's age and development

### **III. Guidelines**

#### General

- Adults involved in Concordia youth activities must assume the full burden for setting and maintaining clear and appropriate physical and emotional boundaries in all youth ministry relationships. They will exhibit the highest Christian ethical standards and personal integrity in their day-to-day work and personal lives, supporting the teachings, disciplines and traditions of the Lutheran Church-Missouri Synod.
- None of the types of potential abuse are acceptable to Concordia and will not be tolerated. Toward that end, adults will employ only acceptable forms of affection, as described in Section II.6 of this policy, in providing an environment that protects youth and fosters their Christian development. Similarly, adults will employ only acceptable means of discipline, as described in Section II.8 of this policy.
- Adults participating in youth ministry at Concordia must be a member of Concordia for at least six months and must be at least twenty-one years old and be at least five years older than the youth they are with. Any deviation from these requirements must have the approval of both the Pastor and the Board of Elders. Adults must also meet the screening and training requirements in Sections IV and V of this document.
- Two Adult Rule – Two or more adults are to be present at all times during any Concordia sponsored youth activity. If one-on-one interactions between adults and youth are unavoidable or necessary, the interaction should occur in an area that is visible to others and with the knowledge of another adult. No youth assistant will have sole responsibility for, or be alone with, youth. Where application of this rule is

not possible or practical (see emergencies), a "roaming adult" should be utilized. Youth activities that cannot meet the requirements of the two adult rule will be cancelled.

- Proportional adult coverage – It is recommended that there be a minimum of 1 adult per 10 youth for high school level activities, 1 adult per 7 youth for middle school age activities and 1 adult per 5 youth for youth activities under middle school age. Per the two adult rule, no activity will have less than two adults, preferably one male and one female if mixed gender youth are participating.

#### On-site Activities

In addition to the abovementioned general guidelines, the following apply for on-site youth activities:

- Classrooms or spaces where youth are involved will be clearly visible from the outside. They will have windowed doors, an eye level window in the door or the door shall be left open. Windowed doors or the windows within doors cannot be covered.
- Restrooms – Whenever possible, an adult shall escort any child in grades pre-K through 5<sup>th</sup> grade to the restroom and wait outside with the door ajar during any youth activity.
- Drop Off/Pick Up – Youth should never be dropped off at an activity unless there is a supervising adult present. It is the parent's responsibility to stay with their children until one arrives.

Concordia's responsibility begins only upon the arrival of an adult. Likewise, every reasonable effort should be taken to ensure that a child is released to the proper parent, guardian or person designated by the parent/guardian and, for safety purposes, that an adult be present outside during hours of darkness when youth are being dropped off or picked up.

When another adult (not the child's parent/guardian) is picking up, a permission slip signed by the parent/guardian should be presented at drop off so the supervising adult will have confirmation that this is permitted.

- The playground will be fenced and supervised by an adult when in use.

#### Off-Site Activities

In addition to the abovementioned general guidelines and the on-site guidelines, where applicable, the following apply to all youth trips made under the auspices of Concordia:

- It is preferable that one or more of the adults be parents/guardians of participants.
- Transport - All youth must ride in vehicles driven by authorized adults which must:
  1. Be at least 25 years old.
  2. Have a valid Texas driver's license, qualified for the vehicle being operated
  3. Have no record of convictions for the past five years for DUI, driving with a suspended or revoked license or reckless endangerment.
  4. Have proof of insurance
  5. Never be alone in a vehicle with a youth other than his/her own. Therefore, no fewer than three persons, one of them an adult, should occupy a vehicle traveling to/from an activity.
  6. Ensure vehicles are not filled beyond the capacity of their intended use, appropriate use of seat belts and acceptable youth behavior.
  7. Maintain sign-in sheets to identify individuals riding in their vehicle.
  8. Ensure vehicles possess a current passing state safety inspection
  9. All drivers must understand emergency contact procedures with the person in charge (e.g. cell-phones).

- Overnight events:  
Care needs to be taken that there is a safe environment provided for sleeping, showering, bathing, dressing and all other aspects of being away for a period of time. Adults must always respect the privacy of youth, as well as youth respecting the privacy of adults and each other. Adults must likewise respect their own privacy in the same way.
  1. When the youth group includes both males and females, and stays overnight, both male and female adults must be present. (This would also apply for overnight stays at Concordia)
  2. Only Concordia, and associated congregational group, youth and adults participating in the trip are allowed to stay overnight in the accommodations.
  3. Sleeping areas and access to bathroom facilities should be segregated between males and females. Every sleeping unit (hotel room, dormitory room, cabin, tent, etc.) should have either two adults of the same gender as the youth, or no adults assigned to it. In the rarest of cases when only one adult is available, the sleeping unit must have at least two youth of the same gender as the adult. Adults are not allowed to share a bed with a youth unless it is their own child. If necessary, beds may be shared by youth of the same gender. If separate bathroom facilities are not available, times for male and female and youth/adults use should be scheduled and posted for showers.
  4. When one room is used for sleeping, youth and adults of the opposite gender will sleep an appropriate distance apart, as determined by the adult in charge.
  5. Both youth and adults shall wear appropriate sleeping apparel.
  6. In booking hotel rooms, reservations should be made, if possible, with all rooms on the same floor or location in the hotel. Adjacent rooms allow for better safety.
  7. No youth(s) should be allowed to leave the premises without authorized and appropriate adult supervision.
  8. Curfews must be established and adhered to by all participants.

#### Emergency/Exceptional Situations

These guidelines are provided so that adults can support the youth of Concordia, while minimizing the potential risk to the youth and the adult:

- Only under the rarest and most unusual situation should an adult be alone in a car, room or other accommodation with a youth. This might include a case where a youth is ill or a medical emergency. The adult should make every reasonable effort to enlist the help of another youth or adult to be present and assist. In these situations however, the welfare of the youth takes precedence, and whatever action is necessary and appropriate must be taken.
- If there is a unique need for an adult to talk with a youth in private, the adult should choose a quiet place that is in public view. Examples of this may include open areas around the church (or courtyards and hotel lobbies if on a trip), short walks down the sidewalk, a restaurant or other location where people are present in the area.
- Adults need to acknowledge that there is potential for sexual abuse by outside parties and must take reasonable and appropriate steps to ensure the safety of all youth.

#### **IV. Screening**

In order to provide a safe environment for both youth and adults, Concordia requires all adults working with our youth to comply with this policy. In doing so, those individuals will be required to comply with the following screening procedures prior to active involvement:

- All adults who are being considered must complete the Screening Form shown in Section VIII of this policy. The intent of the form is to evaluate the adult's personal and work background by assessing any relevant criminal history or reference information. By signing this form, the adult gives Concordia permission to contact references and perform any investigation deemed appropriate. All information provided on this form will be kept in strictest confidence, accessible only to the Pastor, Head Elder and the church secretary, and will be kept in a secure location under lock.
- Additionally, adults will be required to complete and sign the Adult Affirmation of Policy contained in Section VIII of this policy.
- The Pastor, Head Elder or DCE may interview adults being considered for ministry that involves greater youth interaction, and therefore greater potential risk. A list of all eligible adults will be made available, upon request, from any of these individuals.

#### Disqualification

Adults may be disqualified from ministry based on the results of reference or criminal background checks and/or personal interviews. No person may serve with Concordia youth who have any of the following related to a disqualifying offense:

- Been convicted of
- Pleaded guilty, nolo contendere or no contest to
- Admitted to or had any judgement or order rendered against
- Entered into any settlement of an action or claim of
- Resigned from volunteerism for
- Had a report of child abuse or neglect substantiated against for
- Have any pending criminal or civil charges, in any jurisdiction, for

Disqualifying offenses, whether criminal or civil, include, but are not limited to the following:

- A felony or misdemeanor classified as an offense against the person (including, but not limited to murder, rape, assault, battery, sexual assault, and injury to a child, exploitation, molestation or endangerment of a child).
- A felony or misdemeanor classified as an offense against the family (including, but not limited to bigamy, incest, interference with child custody, enticing a child, any type of child abduction and harboring a runaway child).
- A felony or misdemeanor classified as an offense against public order (including, but not limited to prostitution, obscenity, sexual performance by a child, lewdness or indecent exposure/behavior, possession or promotion of child pornography).
- A felony or misdemeanor violation of any law intended to control the possession or distribution of any substance included as a controlled substance by a governing or law enforcement agency.

While not disqualifying from involvement, convictions for driving while under the influence (DUI) or driving without a license will preclude an adult from driving Concordia youth to and from activities. Other significant traffic violations may also disqualify an adult from driving as well.

### Security Designations

One of two security level designations will be assigned to all adults that involve interaction with youth. Appropriate security requirements will be associated with each level based on the type of interaction the adults would typically have with children and youth, as follows:

- Level 1 – includes adults that have or expect to have regular and consistent interaction with youth, primarily for on-site activities. The following are the requirements for Level 1 adults:
  1. Must complete and sign a Screening Form and Adult Affirmation of Policy
  2. May be subject to criminal/background checks and reference checks
  3. Must attend an orientation which will include a review of this Youth Protection Policy and training as outlined in section V and in the implementation of these guidelines and procedures
- Level 2 – includes all adults that require interaction for extended periods of time and/or those who will be on overnight trips with youth. Also, includes Adult authorized to drive youth. The following are the requirements for Level 2 adults:
  1. Must complete and sign a Screening Form and Adult Affirmation of Policy
  2. Must pass a criminal history/background and reference check successfully.
  3. Must pass a motor vehicle record check
  4. Must attend an orientation which will include a review of this Youth Protection Policy and training as outlined in section V and in the implementation of these guidelines and procedures
  5. May be required to successfully pass a random drug screening test

These individuals will be subject to rechecking, as deemed necessary, but at least every 3 years.

### Exceptions

In the rarest and most extraordinary situations, adults failing to qualify under the above requirements may petition for acceptance. Such acceptance will require the approval of the Pastor and unanimous approval of the Board of Elders.

## **V. Training**

Concordia understands that preventative education and training are required to protect youth. Concordia will rely on the following methods to educate and train its adults involved with the youth of Concordia.

1. Review and understanding of this policy and related procedures, including Adult Affirmation in Section VIII of this document
2. Viewing of video on sexual abuse – Church Mutual Insurance Companies “Preventing Youth and Child Sex Abuse”
3. Providing adults written information on recognition, prevention and reporting of the various types of abuse as required by Concordia and the state of Texas

This training is mandatory prior to active participation with the youth of Concordia. Likewise, it is required that each adult attends training at least every two years thereafter.

Concordia will also provide age appropriate training for its youth. Parents are strongly encouraged to attend these training sessions.

## **VI. Reporting**

Any person, adult or youth, must be ready to safeguard and protect the trust and safety of children and youth. Anyone who has "reason to believe" or evidence that a child/youth is a victim of abuse or neglect has a duty to report. This duty to report is not limited to events or activities at Concordia or under our supervision. A failure to report is a criminal offense and potentially subject to civil liability.

Concordia understands that appropriate government agencies must respond and investigate reports of abuse/neglect of a child/youth to the Texas Department of Family and Protective Services (DFPS). Concordia will at all times fully cooperate with such governmental agencies, and in no way attempt to interfere in or obstruct such agencies or their investigations. Response and reporting to the DFPS is summarized on their Form 7261, included in Section VIII – Supporting Forms of this policy.

If anyone is unsure whether an incident should be reported, they should feel free to discuss the circumstances with the Pastor. Additionally, Concordia asks that if an incident is reported to the DFPS, that the Pastor be notified of the situation.

## **VII. Administration/Implementation**

### Oversight

Oversight of the implementation and administration of this policy will be the responsibility of the Board of Elders. As such, the Board of Elders will be responsible for:

- Annual review of the policy
- Making appropriate changes, as necessary, and reporting those changes to the affected individuals/boards of the congregation
- Supervise the annual training component, as described in Section V.
- Appoint one Board Member to oversee implementation of this policy and the record-keeping concerning all adults participating in Concordia youth activities.

### Care of Documents

All information will be treated in a confidential manner, except as required by legal reporting requirements or legal process. Documents will be kept in secure storage; available only to those charged in this policy with responsibilities requiring direct access to information within their purview. This secure storage will house all Screening Forms, Adult Affirmation of Policy forms and any other sensitive information related to youth protection.

Concordia's church secretary will maintain a form listing the adult's name, date of birth, date of last background check, date of last training, current security level, driver's license number and expirations date if applicable). This document will be secured at all times, however, access will be granted to Concordia's Pastors and the Board of Elders. Youth directors and teachers will be allowed access as needed for events.



### Implementation

Any activity or program ministry involving youth will implement this policy effective January 1, 2009, if approved by both the Board of Directors and the Board of Elders. All adults involved with youth activities will be given a copy of this policy and required to fill out and sign the Screening Form and Adult Affirmation within one month of the approval date. Within two months of the approval date, all necessary background checks/ investigations and training will be completed. As of January 1, 2009, all policies set forth in this document will be strictly adhered to.

This policy does not take the place of, or invalidate, existing Concordia policies concerning additional physical safety procedures (e.g. fire safety, evacuation policy, playground, nursery, etc.) used in conjunction with our youth activities.

### **VIII. Supporting Forms**

- Screening Form
- Adult Affirmation of Policy
- Texas DFPS – Reporting of Child Abuse

## INFORMATION ON REPORTING CHILD ABUSE

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- **Child abuse and neglect are against the law in Texas, and so is failure to report it.\***
- *If you suspect a child has been abused or mistreated, you are required to report it to the Texas Department of Family and Protective Services or to a law enforcement agency.*
- You are required to make a report within 48 hours of the time you suspected the child has been or may be abused or neglected.

**What is Abuse?** Abuse is mental, emotional, physical, or sexual injury to a child or failure to prevent such injury to a child

**What is Neglect?** Neglect includes (1) failure to provide a child with food, clothing, shelter and/or medical care; and/or (2) leaving a child in a situation where the child is at risk of harm.

### How do I make a report?

1. Call the abuse and neglect hotline at **1-800-252-5400**.
2. When you make a report, be specific. Tell exactly what happened and when. Be sure to record all injuries or incidents you have observed, including dates and time of day and keep this information secured.
3. Reports should be made as soon as possible but no later than 48 hours before bruises and marks start to fade. It is important for the investigators to be able to see the physical signs.
4. Give the agency person any information you have about the relationship between the child and the suspected abuser.
5. Please provide at least the following information in your report.
  - Name, age, and address of the child
  - Brief description of the child
  - Current injuries, medical problems, or behavioral problems
  - Parents names and names of siblings in the home

**Will the person know I've reported him or her?** Your report is confidential and is not subject to public release under the Open Records Act. The law provides for immunity from civil or criminal liability for innocent persons who report even unfounded suspicions, as long as your report is made in good faith. *Your identity is kept confidential.*

**Finally, err on the side of caution.** If you have reason to suspect child abuse, but are not positive, *make the report.* If you have any doubts about whether or not it is abuse, call the hotline. They can advise you if the signs you have observed are abuse.

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\* Failure to report is a Class B criminal offense, punishable by a \$2,000 fine and/or imprisonment for up to 180 days. Failure to report also could subject you to considerable monetary liability in a civil rights action.

**CHILD ABUSE HOTLINE 1-800-252-5400**