

**Statement of Purpose and Policy
For Presbytery of West Virginia Events
Involving Children, Youth and Persons with Disabilities**

The members of the Presbytery of West Virginia believe that we are called by God to create a safe haven for all of the children, youth and persons with disabilities in our care, nurturing, protecting and empowering them through faith and trust. This commitment includes taking appropriate steps to reduce the risk to these vulnerable people in our care. The following material will help in establishing measures that will minimize the risk of any of our children, youth and persons with disabilities being subject to various types of abuse. These policies and procedures are also intended to respect the rights and afford due process to persons accused of improper conduct.

It is the intent of these policies to protect persons with disabilities regardless of age, as well as children and youth. Policies and procedures to protect such persons from harm and/or abuse must be carefully observed. However, it is understood that adult persons with disabilities are distinct from younger persons and as such, these guidelines (such as the two adult rule) are mitigated.

As used herein, the terms “child,” “children” and youth” refer to all persons under 18 years of age.

For the protection of those persons in our care, everyone working directly with children, youth and persons with disabilities, whether paid or volunteer at any Presbytery of West Virginia sponsored or cosponsored events is subject to the provisions of this policy. Youth who are assigned leadership responsibilities shall also be subject to the provisions of this policy. Therefore, all such persons are expected to participate in pre-event training and orientation including but not limited to training to increase their sensitivity to the prevention of any form of abuse to and protection of children, youth and persons with disabilities.

Revised as of May 22, 2017, by the Safe Child Oversight Team of:
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Approved by Presbytery of WV on August 19, 2017

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I. BIBLICAL, CONFSSIONAL AND REGIONAL MANDATES

It is imperative that the Church of Jesus Christ express in action and intentions the love of God to children, youth and persons with disabilities by providing a safe and welcoming environment for their care and nurture. Therefore, the Presbytery of West Virginia, its member congregations, and all of its programs and activities seek to prevent abuse in any form or of any type to children, youth and persons with disabilities. We further seek to be in ministry to families where abuse may occur.

Biblical mandates

“He has shown you O mortal, what is good: and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.”

Micah 6:8

“The Lord our God, the Lord is one, and you shall love the Lord your God with all your heart, and with all your soul, and with all your strength....You shall love your neighbor as yourself. There is no other commandment greater than these.” **Mark 12:29-31**

“As he who called you is holy, be holy yourselves in all your conduct.”

I Peter 1:15

“I exhort the elders among you to tend the flock of God that is in your charge, exercising the oversight, not under compulsion but willingly, as God would have you do it – not for sordid gain but eagerly. Do not lord it over those in your charge, but be examples to the flock....Discipline yourselves, keep alert.” **I Peter 5:1-3, 8**

Confessional

“The Spirit gives us courage
to pray without ceasing,
to witness among all peoples to Christ as Lord and Savior,
to unmask idolatries in Church and culture,
to hear the voices of peoples long silenced,
and to work with others for justice, freedom, and peace.”

A Brief Statement of Faith (lines 66-71)

Regional

“Mountaineers are always free.” **Motto of West Virginia**

II. EXAMPLES OF INAPPROPRIATE CONDUCT

A commitment to the call to care for all of God’s children includes preventing the following types of inappropriate conduct:

Physical Abuse, including any unwanted touch, any physical contact intended to coerce or do harm, any hitting or touch in anger.

Emotional/Verbal Abuse, including insults, name calling, belittling remarks, harassment, unfavorable comparisons with other children or youth, shaming, deliberately causing fear, using speech to hurt, and bullying.

Spiritual Abuse, including using scripture or church authority to coerce, control or shame; using threats about condemnation from God or making threats about God withholding love to control behavior.

Sexual Abuse, which is defined as any sexual contact with children, youth or persons with disabilities in a leader’s charge, including:

- Fondling private part
- Oral, genital, or anal penetration
- Sexual intercourse
- Forcible rape
- Suggestive sexual comments
- Showing pornography (sexually explicit materials)
- Exposing sex organs
- Allowing children to witness sexual activity

With regard to appropriate and inappropriate interactions, the following guidelines apply:

1. **Approval and Affection** – In providing approval or affection:

<i>Appropriate Physical Interactions</i>	<i>Inappropriate Physical Interactions</i>
<ul style="list-style-type: none"> • Side hugs • Shoulder-to-shoulder or “temple” hugs • Pats on the shoulder or back • Handshakes • High-fives and hand slapping • Verbal praise • Pats on the head when culturally appropriate • Touching hands, shoulders, and arms • Arms around shoulders • Holding hands (with young children in escorting situations) 	<ul style="list-style-type: none"> • Full-frontal hugs • Kisses • Showing affection in isolated area • Lap sitting • Wrestling • Piggyback rides • Tickling • Allowing a child to cling to an employee’s or volunteer’s leg • Any type of massage given by or to a child • Any form of affection that is unwanted by the child or the employee or volunteer • Compliments relating to physique or body development • Touching bottom, chest, or genital areas

2. **Verbal Interactions** – The manner of speaking with children establishes respect.

<i>Appropriate Verbal Interactions</i>	<i>Inappropriate Verbal Interactions</i>
<ul style="list-style-type: none">• Positive reinforcement• Appropriate jokes• Encouragement• Praise	<ul style="list-style-type: none">• Name-calling• Discussing sexual encounters or in any way involving children in the personal problems or issues of employees and volunteers• Secrets• Cursing• Off-color or sexual jokes• Shaming• Belittling• Derogatory remarks• Harsh language that may frighten, threaten or humiliate children• Derogatory remarks about the child or his/her family

III. POLICY OF THE PRESBYTERY OF WEST VIRGINIA FOR SAFEGUARDING THE WELL BEING OF CHILDREN, YOUTH AND PERSONS WITH DISABILITIES

The members of the Presbytery of West Virginia (hereafter 'the Presbytery') believe that we are called by God to create a safe haven for all of the children, youth and persons with disabilities in our care, protecting those who are powerless and empowering them through faith and trust. During each baptism of an infant, child or adult into this covenant community of faith, the members of the churches of this Presbytery pledge to uphold that person in Jesus Christ and to teach, strengthen and support the individual's relationship with the household of God. We believe there are biblical, confessional and even regional mandates for providing protection of and care for the children, youth and persons with disabilities in our midst.

Therefore, the Presbytery of West Virginia is committed to the safety, welfare, and protection of all children, youth and persons with disabilities participating in the activities and programs of this Presbytery. This policy addresses the preventable risk of any form of abuse or harassment, whether physical, mental or sexual, by any of the employees, or volunteers of this Presbytery engaged in Presbytery sponsored activities or programs. This policy further helps protect workers from unsubstantiated charges of wrongdoing. In addition, we are called to stand not in judgment, but with compassion for each other. We believe that any person who has been accused of committing an act of abuse can expect due process, our prayers, and acceptance as a human being.

Therefore, all Presbytery activities and programs, regardless of location, involving children and youth, will be subject to the following policy:

- Two unrelated adults will be assigned to supervise or lead all activities involving children and youth. This shall be known as the “Two Adult Rule.”
- Acknowledging there may be times when there is a need for one on one interaction, all one on one interaction between a child or youth and an adult shall take place in a public place where interactions can be observed.
- Exceptions to the above two bullet points would be: in the event of an emergency and/or a child in direct harm; or when prior permission has been given by a parent/guardian concerning transportation. (See Appendix E)
- No person will serve as a teacher or volunteer leader of children or youth activities until such person has been a member or an active participant as certified by the Pastor or Clerk of the Session of a church of the Presbytery for six months. Exceptions to this would be new staff members of churches in the presbytery, provided that the responsible church would have conducted a thorough background check of the person. All adults will be subject to background checks by the presbytery.
- An Information Form, criminal record check, and reference checks must be completed before service begins.
- This Presbytery will neither tolerate nor accept any act or omission as specifically described in Prohibited Acts on page 9.
- Upon accusation the accused is entitled to prompt and fair disposition of such serious charges and to receive due process of law including the presumption of innocence unless proven guilty.

- Any violation of the policy shall be reported in accordance with Reporting Suspected Violation of Policy on page 10.

Information Form

Employees and volunteers for children, youth, and persons with disabilities in the activities or programs of the Presbytery will be required to complete an Information Form (Appendix A) providing personal and confidential information necessary to perform criminal and driving (where appropriate) record checks and reference checks on each individual. While this process understandably intrudes into the privacy of our lives, the security of our children, youth and persons with disabilities outweighs the personal invasion inherent with such investigation and disclosures. All personal information is voluntarily disclosed. Furthermore, the results of all criminal record checks and reference checks as well as the refusal of any person to participate in a program or activity in lieu of such disclosure requirements will be considered confidential.

Criminal record checks (Appendix B) for persons 18 and older will be conducted by a Presbytery staff person designated as the "Administrator." Additionally, character references will be checked by a person designated by the planning committee for each activity or program (Appendix C). The written results of the criminal record checks and the reference checks initially will be reviewed by the Administrator. After this initial review, if the Administrator determines that further review should be made, the Administrator will consult with the appropriate program staff.

The information contained in the Information Form, the results of the criminal record check, and the results of the reference check will be disclosed only to the persons designated in the previous paragraph and only with the written permission of the worker.

The Administrator will maintain a locked storage cabinet in the Presbytery office for all Information Forms and results of all record checks. The results of the criminal record checks will be updated every two years. Whether disclosed voluntarily or by result of the criminal record check, the following items will automatically disqualify a person from participating in the leadership or sponsorship of any children or youth activity or program:

Any pending indictment alleging the offense of, or any conviction for: murder; aggravated assault; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child; incest; indecency with a child; inducing sexual conduct or sexual performance of a child; possession or promotion of child pornography; the sale, distribution, or display of harmful material to a minor; employment harmful to children; or abandonment or endangerment of a child.

All other convictions or charges for any other crimes not listed above will be reviewed by the Administrator as described in the second paragraph under Information Form. When leadership involves driving, driving records will be reviewed and carefully considered.

Prohibited Acts

The following acts are prohibited by this Policy and will not be tolerated or accepted during any Presbytery activity or program. Any observations or personal knowledge of such violations must be immediately reported to the Designated Person after the safety of the child, children, or youth involved has been assured.

- **Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards any participant;**

- **Sexual advances or sexual activity of any kind between any adult and a child, youth or person with disabilities;**
- **Allowing sexual advances or sexual activity of any kind between youth;**
- **Infliction of physically abusive behavior or bodily injury to a child, youth, or person with disabilities;**
- **Physical neglect of a child, children, youth or persons with disabilities, including failure to provide adequate supervision in relation to the activities of the Presbytery;**
- **Causing mental or emotional injury to a child, youth or person with disabilities;**
- **Possessing obscene or pornographic materials at any function of the Presbytery;**
- **Possessing, consuming or being under the influence of alcohol or illegal drugs while leading or participating in a children or youth function of the Presbytery.**

Reporting Suspected Violation of Policy

In order to maintain an environment free of destructive acts toward all children, youth, and persons with disabilities, the staff, employees, teachers, parents and volunteers of the Presbytery must be aware of their individual responsibility to report any questionable circumstance, observation, act, omission, or situation thought to be in violation of this Policy. All questions or concerns of any suspected abusive behavior or harassment shall be directed to the Designated Person or in extenuating circumstances, the General Presbyter of the Presbytery of West Virginia. West Virginia law requires the prompt reporting of suspected abuse to the Department of Health and Human Services (DHHR), and, in the event of sexual abuse to the State Police and any law-enforcement agency having jurisdiction, and the designated person. (See Appendix F)

In the event anyone personally witnesses, suspects or is made aware of an alleged violation of this policy should follow these steps to insure the security and protection of all persons involved:

- **PERSONALLY SECURE THE SAFETY OF THE VICTIM.**
- **REPORT THE INCIDENT IMMEDIATELY TO THE DESIGNATED PERSON OR, IN EXTENUATING CIRCUMSTANCES, THE GENERAL PRESBYTER. DO NOT LEAVE THE ALLEGED VICTIM ALONE TO REPORT THE INCIDENT.**
- **THE PERSON WHO WITNESSES OR REPORTS AN INCIDENT IS NOT RESPONSIBLE FOR INVESTIGATING OR INTERVENING IN THE ALLEGED EVENT OUTSIDE OF SECURING THE SAFETY OF THOSE INVOLVED.**
- **COMPLETE AN INCIDENT REPORT (Appendix D) WHICH WILL BE PROVIDED BY THE DESIGNATED PERSON; THIS WILL BE GIVEN TO LAW ENFORCEMENT/DHHR (CPS). A COPY WILL BE KEPT ON FILE.**
- **THE DESIGNATED PERSON WILL REPORT THE INCIDENT TO THE PERSON LEGALLY RESPONSIBLE FOR THE VICTIM.**
- **MAINTAIN THE CONFIDENTIALITY OF THE ACCUSED, THE ACCUSER AND THE VICTIM.**
- **THE PRESBYTERY BEARS THE RESPONSIBILITY FOR OFFICIAL COMMUNICATION ON BEHALF OF THE PRESBYTERY.**

Consequences of Alleged Violation

Any person accused of committing a Prohibited Act (see page 9 and 10), whether an employee or volunteer, will be suspended immediately from participation in all children/ youth activities and children/youth programs of the Presbytery. Such suspension shall continue during any investigation by the Presbytery, law enforcement or child protection agencies. Such removal does not assume guilt but makes the top

priority the protection of those who are most vulnerable. Pastoral care for the accused must also be provided.

Any person, who after formal due process, has been found guilty of abuse shall ordinarily be prohibited from future participation in all children and youth activities and programs of the Presbytery. If the person, who after formal due process has been found guilty of abuse, is an employee of the presbytery, the Personnel and Administration Committee shall be informed of the finding. If the person, who after formal due process has been found guilty of abuse, is an employee of Bluestone Conference Center, the Bluestone Director in consultation with the General Presbyter and the Chair of the Bluestone Committee shall decide regarding that person's employment .

As required by West Virginia law, (Appendix F) all reports of abuse will be forwarded to the appropriate child protection and law enforcement authorities. Such reporting must be accomplished in addition to complying with this Policy.

Failure to report a Prohibited Act to the designated person in a timely manner shall be considered a procedural violation of this Policy. This violation may be grounds for termination of employment, or for suspension or dismissal from participation in all children and youth activities and programs of the Presbytery.

RESPONSE TO ALLEGATIONS

- A. Responsibilities of the Person who suspects or witnesses an incident
- Assure the safety of the alleged victim.
 - Complete an Incident Report immediately.
 - Contact the law-mandated authorities to report the incident.

B. Responsibilities of the Designated Person

- Assure the safety of the alleged victim.
- Assure that an Incident Report is completed immediately.
- Contact the law-mandated authorities to report the incident.
- If possible, remove the alleged violator from direct contact with children, youth and adults with disabilities.
- With Incident Report in hand, contact the General Presbyter. Proceed at the direction of the General Presbyter.

C. Responsibilities of the General Presbyter

Upon notification by the Designated Person, the General Presbyter, shall act in accordance with the procedures detailed in the “Committee on Ministry: Implementing Procedure for Presbytery of West Virginia Sexual Misconduct Policy (Appendix G).”

D. Communications

Other than required reporting to authorities as stated above, all Presbytery staff and volunteers working with children and youth should be instructed that any other communications about any incidents come only from the General Presbyter of the Presbytery. No Presbytery staff or workers with children and youth shall make comments.

IMPLICATIONS FOR SPECIFIC PROGRAMS

A. Bluestone Camps

1. Screening and selection of staff

- All staff members (employed and volunteer) must complete Information Form (Appendix A).
- A criminal record check will be performed by the Presbytery.
- All staff responsible for driving will be subject to a driving record check.

- #### **2. Supervision by and of staff**
- See appropriate pages of this policy above regarding the “Two Adult Rule.” See page 7 of this policy.

3. **Staff training** - Each year, all summer staff will receive training during the designated time for staff training, which occurs prior to the beginning of summer camp.

4. **Reporting allegations**

All Bluestone staff must know the procedure for reporting alleged violations of this policy and the requirements of state and local laws regarding the reporting of child abuse. The Designated Person in such cases shall ordinarily be the Director of Bluestone, or the Director's designee, or in extenuating circumstances the General Presbyter.

5. **Response to Allegations**

In the event an incident is reported, the Designated Person will notify the General Presbyter as noted above.

B. Presbytery meetings:

1. **Screening and selection of child care workers:**

- The screening and selection process of childcare workers will be handled by the host church which is providing the childcare. Childcare provided at presbytery meetings shall be in accordance with the Presbytery's guidelines regarding a Policy for the Protection of Children, Youth and Persons with Disabilities.
- Ordinarily the Presbytery will not allow a Presbytery event involving care or activities for children and youth to be held at a church unless the host church has a Child Protection Policy in place.

- The host church should use the Acknowledgment Form (Appendix G) to verify the screening of its workers.
- Presbytery Staff, will see that policy information is distributed to the host church(es) and will see that the suitability of caregivers is verified.

2. **Supervision by and of childcare workers**

- The host church that is providing the childcare workers will handle supervision of workers.
- The “Two Adult Rule” will be standard procedure. See page 7 of this policy.

3. **Reporting and responding to allegations**

- Anyone aware of a violation of this policy should follow the procedure for reporting alleged violations. The Designated Person for such events shall ordinarily be the Stated Clerk of the Presbytery or, in extenuating circumstances, the General Presbyter.

C. **Other Events such as Festival of Faith and youth retreats.**

1. **Screening and selection of leaders**

- All leaders must complete an Information Form (Appendix A) which provides personal and confidential information necessary to perform background and reference checks on each individual.
- A criminal record check will be performed by the committee of the Presbytery in charge of the event.

- All adults responsible for driving will be subject to a driving record check. This includes Youth Council adults as they often drive youth members to retreats and meetings.
- If these adults have been through a screening process at their own church, they must present verification of that fact using an Acknowledgement Form (Appendix G).
- The Presbytery committee planning the event is responsible for seeing that the policies are implemented.

Training - Ordinarily adult participants/leaders will be expected to have read this policy in advance of the event. All adults at these events will be provided a time of training prior to or at the beginning of the event. Training will include a review of this policy. Following training, participants will acknowledge participation by signing a “log book, with the date of training.”

2. Supervision by and of leaders

The “Two Adult Rule” will be standard procedure with children and youth. See page 7 of this policy.

4. Reporting allegations

All leaders working with children, youth and persons with disabilities at Presbytery sponsored events must know the incident reporting procedure and the requirements of state and local laws regarding the reporting of child abuse. The Designated Person at such events shall ordinarily be the Associate for Educational Ministry or, in extenuating circumstances, the General Presbyter.

5. Response to allegations

In the event an incident is reported, the Designated Person will notify the General Presbyter.

MONITORING OF POLICY

The Nurture Committee will establish a Safe Child Oversight Team to review these policies and their implementation in all the programs and activities of the Presbytery every three to five years or as needed. Members of the Safe Child Oversight Team shall include the Associate for Educational Ministry for the Presbytery of WV and the Director of Bluestone, and may include a member of the Administration Committee, a physician, an attorney, an educator, and others within the Presbytery, to a total of not more than eight members.

APPENDIX A

**PRESBYTERY OF WEST VIRGINIA
INFORMATION FORM FOR WORKERS WITH
CHILDREN, YOUTH AND PERSONS WITH DISABILITIES**

1. Name (last, first, middle, maiden name)

If you have ever used another name, please indicate the name and the time period(s) used: _____

Current Address: _____

How long have you lived at this address: _____

How long have you lived in West Virginia: _____

Gender: M ___ F ___ Birth date: _____

Home Phone: _____

Place of Employment: _____

Work Phone: _____

2. *(skip number 2 if your position does not include driving)*

Drivers License Number: _____

Have you ever had your driver's license suspended or restricted for any reason? _____ If yes, please describe the dates and reasons for each such occurrence on the back.

3. Please answer the following questions:

Name of church in which you participate _____

How long have you been regularly participating _____

Are you a member? _____ Date you became a member? _____

4. Have you served as a volunteer at any church in the past ten years? If so, please state the name and address of the church, the pastor of the church, the time period(s) of your volunteer work and describe generally the nature of your volunteer work:

5. Have you served as a volunteer for any civic organization in the past ten years? If so, please state the name and address of that organization, the person overseeing the volunteer work the time period(s) of your volunteer work and describe generally the nature of your volunteer work. Please indicate which organizations involved working with children and youth.

6. Have you ever been arrested, charged, indicted or convicted for any criminal offense (misdemeanor or felony) other than a traffic violation? _____ (If yes, please explain on the back.)
7. Have you ever been subject to any disciplinary action, complaint or allegations that you violated any employer's or any organization's policy concerning sexual misconduct? _____ (If yes, please explain on the back.)
8. References: Please list the names, addresses, occupations, and telephone numbers of three people who are not related to you who are familiar with your character and abilities. References will be contacted.

<u>Name</u>	<u>Address</u>	<u>Occupation</u>	<u>Work Phone</u>	<u>Home Phone</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

12. I understand and agree that:
 - a. All Information that I have provided may be verified. I agree to release from liability any person or organization that provides information concerning me, including these persons I have listed as references. I understand and agree that any information received will not be disclosed to me, and I hereby waive any right I may have to inspect any information provided about me by any person or organization identified by me on this form.
 - b. By signing this form, I certify and affirm that the information I have given is true, complete, and correct in all respects.
 - c. I have read, understood and agree to abide by the Statement of Policies and Procedures for the Protection of Children, Youth and Persons with Disabilities of the Presbytery of West Virginia.
 - d. [Only applicable to persons eighteen years of age and older] I have completed the release of information form.

Signature: _____ Date: _____

Parent or Guardian's Signature: _____ Date: _____
(If under age eighteen)

This form is confidential and will be kept in a locked file.

APPENDIX B

Background Check Consent Form

Applicant should complete all relevant information sign and date the form.

Applicant's Full Name (Printed): _____

Other Names Used: _____ Phone: _____ Gender: ____

Social Security Number: _____ Date of Birth: ____/____/____

*NOTE: The above information is required for identification purposes only, and is in no manner used as qualifications for employment, internship, or service as a volunteer. Presbytery of West Virginia abides by all applicable state and federal employment laws.

ADDRESSES (for the past 10 Years)

Present Address _____

City _____ County _____ State _____ Zip _____ Country _____

How Long at Present Address? _____

Former Address _____

City _____ County _____ State _____ Zip _____ Country _____

How Long at Former Address? _____

Former Address _____

City _____ County _____ State _____ Zip _____ Country _____

How Long at Former Address? _____

Please list all states and counties of residence since turning age 18: _____

(Please circle any of the following states in which you have lived: CA, CO, DE, LA, MA, SD, VT, WV, WY)

MOTOR VEHICLE RECORDS

Names as it appears on License: _____

Driver's License Number: _____ State of License: _____

I, _____, hereby authorize Presbytery of West Virginia, and/or their agents to make an independent investigation of my background, references, character, past employment, education, credit history, adult criminal or police records, and motor vehicle records including those maintained by both public and private organizations and all public records for the purpose of confirming the information contained on my Application and/or obtaining other information which may be material to my qualifications for service now and, if applicable, during the tenure of my employment or service with Presbytery of West Virginia.

I release Presbytery of West Virginia and their agents and any person or entity which provides information pursuant to this authorization from any and all liabilities, claims, or law suits in regards to the information obtained from any and all of the above referenced sources used. The name above is my true and complete legal name and all information provided above is true and correct to the best of my knowledge:

Signature of Applicant

Date

APPENDIX C

TELEPHONE REFERENCE CHECK

Identify yourself

Tell the person that (applicant's name) gave you permission to call for a personal reference and that you will keep the conversation confidential.

Explain what the applicant will be doing for the (church's name) and the age and sex of the children or youth with whom the volunteer will be working.

.....

NAME OF APPLICANT _____

NAME OF PERSON (AND POSITION IN THE PRESBYTERY) CALLING FOR REFERENCE _____

NAME OF REFERENCE _____

TITLE/OCCUPATION _____

PHONE NUMBER _____

DATE CALLED _____

How long have you known (applicant's name) and in what capacity?

Have you observed (applicant's name) interacting with children/youth/persons with disabilities and in what kind of environment?

Please describe this interaction.

Is there any other information you can tell me about (applicant's name)?

Would you let (applicant's name) take care of your children or persons with disabilities?

APPENDIX D

INCIDENT REPORT FORM

Reason for report _____

Date of incident _____ Time _____

Name of Reporter _____ Title _____

Name(s) of Child(ren) _____ Age(s) _____

Quote the child's first words verbatim: _____

Briefly describe child's/youth's behavior/appearance. _____

Briefly describe what happened _____

What action did you take?: _____

Has the incident been resolved?: yes no Explain: _____

Were there any witnesses?

Names: _____

Report submitted to: _____

Appendix E

Waiver of Two-Adult Rule for Transportation

**(NOTE – THIS NEEDS TO BE SIGNED BY A PARENT
AND WITNESSED by an UNRELATED ADULT not on the trip)**

The Child Youth Protection Policy the Presbytery of West Virginia requires that two adults be present at all activities involving children, youth and persons with disabilities. There are specific exceptions to this policy including “when prior permission has been given by a parent/guardian concerning transportation.”

There may be circumstances in providing transportation to and from presbytery events in which only one adult is present in a vehicle. This completed form will enable us to facilitate transportation needs as we also seek to keep your youth safe.

I hereby give my permission for my child,

_____, **to be alone with**

_____ **(please insert**

names of particular adults or staff) in appropriate ways and settings for

transportation purposes.

Signed

Witness

Date

APPENDIX F

West Virginia Child Abuse Reporting Law

(from WV Code, <http://www.legis.state.wv.us/WVCODE/Code.cfm> 08/2017)

§49-2-801. Purpose.

It is the purpose of this article through the complete reporting of child abuse and neglect:

- (1) To protect the best interests of the child;
- (2) To offer protective services in order to prevent any further harm to the child or any other children living in the home;
- (3) To stabilize the home environment, to preserve family life whenever possible;
- (4) To promote adult responsibility for protecting children; and
- (5) To encourage cooperation among the states to prevent future incidents of child abuse and neglect and in dealing with the problems of child abuse and neglect.

§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.

(a) Any medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor who has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than forty-eight hours after suspecting this abuse or neglect, report the circumstances or cause a report to be made to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.

(b) Any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately, and not more than forty-eight hours after receiving that disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law-enforcement agency having jurisdiction to investigate the report. In the event that the individual receiving the disclosure or

observing the sexual abuse or sexual assault has a good faith belief that the reporting of the event to the police would expose either the reporter, the subject child, the reporter's children or other children in the subject child's household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm and the individual makes the report as soon as practicable after the threat of harm has been reduced. The law-enforcement agency that receives a report under this subsection shall report the allegations to the Department of Health and Human Resources and coordinate with any other law-enforcement agency, as necessary to investigate the report.

(c) Any school teacher or other school personnel who receives a disclosure from a witness, which a reasonable prudent person would deem credible, or personally observes any sexual contact, sexual intercourse or sexual intrusion, as those terms are defined in article eight-b, chapter sixty-one, of a child on school premises or on school buses or on transportation used in furtherance of a school purpose shall immediately, but not more than 24 hours, report the circumstances or cause a report to be made to the State Police or other law-enforcement agency having jurisdiction to investigate the report: *Provided*, That this subsection will not impose any reporting duty upon school teachers or other school personnel who observe, or receive a disclosure of any consensual sexual contact, intercourse, or intrusion occurring between students who would not otherwise be subject to section three, five, seven or nine of article eight-8, chapter sixty-one of this code: *Provided, however*, That any teacher or other school personnel shall not be in violation of this section if he or she makes known immediately, but not more than 24 hours. to the principal, assistant principal or similar person in charge, a disclosure from a witness, which a reasonable prudent person would deem credible, or personal observation of conduct described in this section: *Provided further*, That a principal, assistant principal or similar person in charge made aware of such disclosure or observation from a teacher or other school personnel shall be responsible for immediately, but not more than 24 hours, reporting such conduct to law enforcement.

(d) County boards of education and private school administrators shall provide all employees with a written statement setting forth the requirement contained in this subsection and shall obtain and preserve a signed acknowledgment from school employees that they have received and understand the reporting requirement.

(e) The reporting requirements contained in this section specifically include reported, disclosed or observed conduct involving or between students enrolled in a public or private institution of education, or involving a student and school teacher or personnel. When the alleged conduct is between two students or between a student and school teacher or personnel, the law enforcement body that received the report under this section is required to

make such a report under this section shall additionally immediately, but not more than 24 hours, notify the students' parents, guardians, and custodians about the allegations.

(f) Nothing in this article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a child has been abused or neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

§49-2-812. Failure to report; penalty.

(a) Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section eight hundred nine of this article to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction, shall be confined in jail not more than ninety days or fined not more than \$5,000, or both fined and confined.

(b) Any person, official or institution required by this article to report a case involving a child known or suspected to be sexually assaulted or sexually abused, or student known or suspected to have been a victim of any non-consensual sexual contact, sexual intercourse or sexual intrusion on school premises, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than six months or fined not more than \$10,000, or both.

§49-2-805. Educational programs; requirements.

Subject to appropriation in the budget, the department shall conduct educational and training programs for persons required to report suspected abuse or neglect, and the general public, as well as implement evidence-based programs that reduce incidents of child maltreatment including sexual abuse. Training for persons required to report and the general public shall include:

- (1) Indicators of child abuse and neglect;
- (2) Tactics used by sexual abusers;
- (3) How and when to make a report; and
- (4) Protective factors that prevent abuse and neglect in order to promote adult responsibility for protecting children, encourage maximum reporting of child abuse and neglect, and to improve communication, cooperation and coordination among all agencies involved in the identification, prevention and treatment of the abuse and neglect of children.

The State Department of Human Services may be reached at 1-800-352-6513, 24 hours per day. This is a confidential report. In the event of an emergency call 911!

APPENDIX G

**ACKNOWLEDGEMENT OF POLICY
FOR THE PROTECTION OF CHILDREN,
YOUTH AND PERSONS WITH DISABILITIES**

_____ (“Church”)

The undersigned representative of the Church hereby acknowledges that the Church maintains a written policy for the protection of children, youth and persons with disabilities. Furthermore, all of those individuals named at the bottom of this form are members of the Church and have been screened in accordance with said Policy including a criminal record check, and will be working with the Presbytery sponsored event. They have been, and currently are, authorized by the Church to work with the children, youth and persons with disabilities of the Church.

Signed this _____ day of _____, 20_____

Signature

Printed Name

Capacity with Church

Members authorized to work with Children and Youth of Church

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

APPENDIX H

COMMITTEE ON MINISTRY IMPLEMENTING PROCEDURE FOR

PRESBYTERY OF WEST VIRGINIA SEXUAL MISCONDUCT POLICY

PROCEDURE

For the following procedures to be used, the accused must be a Minister of Word and Sacrament, Certified Christian Educator, Commissioned Lay Pastor, lay preacher trained and recommended by Presbytery, who serves within the Presbytery of West Virginia; an officer or employee of the Presbytery of West Virginia; a volunteer or lay person serving a congregation under its supervision, including anyone who serves on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs. In such a case, the presbytery declares its intention to deal clearly and fairly with the alleged sexual misconduct when experienced by any person while involved in any professional or volunteer relationship with the presbytery.

In order to fulfill this intention, the presbytery shall maintain a pool of persons for the creation of Response Teams. Each team shall be made up of at least three persons, and the team shall always have a majority of members who are of the same sex as the alleged victim.

Goals of Procedure:

- 1) listen to all parties
- 2) inform all parties of their options (including resources for consultation, counseling, mediation, as well as the steps and resources necessary to utilize the disciplinary procedures in the Book of Order)
- 3) provide mediation with the hope of reconciliation for the parties involved.

If disciplinary procedures are begun, the role of the response team is concluded. Continuing pastoral care will be provided by the Presbytery.

THE RESPONSE TEAM

Being careful to maintain appropriate gender balance, and representation by quadrants, the Committee on Ministry will appoint a pool of resource people to serve as potential members for Response Teams. The Committee on Ministry shall designate one member of this pool as the convener. The Committee on Ministry shall provide for appropriate training for all people appointed, with such training updated annually. These appointments shall be reviewed annually by the Committee on Ministry. It shall be the responsibility of the Committee on Ministry to evaluate the work of all Response Teams that have been active during the year.

When a request is made to the Presbytery, the convener of the Response Team shall be notified. The convener shall then select individuals from the pool to form the required Response Team. This appointment shall be reported to the next Committee on Ministry meeting.

Each Response Team shall report to the chairperson of the Committee on Ministry when it has concluded its proceedings. Their conclusions and any recommendations for further action shall be reported to the next meeting of the Committee on Ministry, with this information made available to the General Presbyter.

TIME FACTORS

When a person notifies the General Presbyter or the Committee on Ministry Chair, of allegations of sexual misconduct, the convener shall be notified. The convener shall attempt to make immediate contact with the alleged victim. After contact with the alleged victim, the convener shall attempt to make contact with the accused. Ordinarily, from the time notification is made, no longer than ten (10) days shall elapse until the alleged victim and representatives of the Response Team shall hold an initial meeting. Following the meeting with the alleged victim, the Response Team shall meet with the accused.

From the date of the initial meeting of the Response Team and the alleged victim, no longer than thirty (30) days shall elapse until recommendations are made to the parties involved and a report filed with the Committee on Ministry regarding the allegation.

RECORDS

The only required records of each case shall include the names of the Response Team members; the name of the victim of an alleged incident; the name of the person accused; the date(s) of the incident(s); the date of all meetings with the alleged victim, the accused, and other parties to the incident; the date on which the final recommended disposition of the matter was made; the specifics of the final disposition; and any recommendations for further action. One copy of these records shall be kept in the permanent files of the Chair of the Committee on Ministry, and the Presbytery of West Virginia shall retain one copy in its office. Such records will be marked confidential and securely stored. The Response Team shall keep no separate records of this confidential material.

The person within Presbytery giving a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct. The response, however, must be limited to information that is a matter of record.

OTHER OPTIONS

At any point, a person alleging sexual misconduct may initiate disciplinary action as provided for in “The Rules of Discipline”, Chapter X, (D-10.0000 ff.). Likewise, at any point, the accused may request vindication as provided for in “The Rules of Discipline”, Chapter IX, (D-9.0000 ff.).

SCREENING PROCESS

Part of pre-employment screening shall include specific questions related to discovering previous complaints of sexual misconduct. The Committee on Ministry shall screen all persons seeking ministerial calls. The Personnel and Administration Committee shall be responsible for screening persons applying for presbytery staff positions. Each committee or unit of Presbytery is responsible for screening the volunteers it enlists. It shall be the Committee on Ministry’s responsibility to hold all entities of Presbytery responsible in the implementation of this policy.

The following questions are recommended to each entity:

- (1) Has a civil, criminal, or ecclesiastical complaint ever been filed against you alleging sexual misconduct? If so, indicate the date, nature, and place of these allegations, and the name, address, and phone number of your employer at the time.
- (2) Have you ever resigned or been terminated from a position for reasons relating to allegations of sexual misconduct? If so, indicate the date, nature, and place of these allegations, and the name, address, and phone number of your employer at the time.
- (3) Have you been required to obtain professional treatment, physical or psychological, for reasons related to sexual misconduct by you? If so, would you be willing to sign a release of information to an appropriate entity of Presbytery.

APPENDIX I

Resources available in the Resource Center Of the Presbytery of West Virginia (06/12/2017)

- Advisory Committee on Social Witness Policy of the General Assembly Council.
“Resolution on Allegations of Child Sexual Abuse Against Educators with Study Guide.” 2005. Presbyterian Church (USA).
- Basham, Beth and Sara Lisherness, editors. *Striking Terror No More: The Church Responds to Domestic Violence, Second Edition*. 2006. Bridge Resources.
- Capps, Donald. *The Child’s Song: The Religious Abuse of Children*. 1995. Westminster John Knox Press.
- Cloud, Henry, *Boundaries with Kids: When to Say YES When to Say NO*, Zondervan, 1998.
- Cloud, Henry *Boundaries with Kids: When to say YES When to Say NO, Workbook* Zondervan, 1998.
- Fosarelli, Patricia D. *Family Ministry Desk Reference: Holistic Responses to Contemporary Challenges*, Westminster John Knox Press, 2004.
- Freeman, Lory. *It’s My Body*. 1982. Parenting Press.
- Guy, Kathleen and Shannon Daley. *Welcome the Child: A Child Advocacy Guide for Churches*. 1994. Children’s Defense Fund.
- Hale, Gloria, Editor. *The Source Book for the Disabled*. 1979. Saunders Press.
- Hedges-Goettl, Len, *Sexual Abuse: Pastoral Responses*, Abingdon Press, 2004.
- Kuhns, Mary. *Hearing the Silence, Healing the Pain*. 1995. Presbyterian Church (USA).
- Kutz-Mellem, Sharon, Editor. *Different Members, One Body: Welcoming the Diversity of Abilities in God’s Family*. 1999. Witherspoon Press.
- Leehan, James. *A Defiant Hope: Spirituality for Survivors Of Family Abuse*, Westminster John Knox Press, 1993.
- MacDonald, Bonnie Glass. *Child Abuse Ministry: A Bibliography of Resources for the Religious Community*. 1995. National Council of Churches.
- _____. *Surely Heed Their Cry: A Presbyterian Guide to Child Abuse Prevention, Intervention, and Healing*. 1993. Presbyterian Publishing House.

- Martin, Emily. *Stop the Hurt: A Handbook for Victims of Family Violence*. 1994. West Virginia Women's Commission.
- McClintock, Karen A. *Preventing Sexual Abuse in Congregations: A Resource for Leaders*. 2004. Alban Institute.
- Melton, Joy Thornburg. *Safe Sanctuaries: Reducing the Risks of Child Abuse in the Church*. 1998. Discipleship Resources.
- _____. *Safe Sanctuaries for Youth: Reducing the Risk of Abuse in Youth Ministries*. 2003. Discipleship Resources.
- Merrick, Lewis H. *And Show Steadfast Love: A Theological Look at Grace, Hospitality, Disabilities & the Church*. 1994. Presbyterian Publishing House.
- Miller, Melissa A. *Family Violence: The Compassionate Church Responds*. 1994. Herald Press.
- Parker, Mary, ed., *Safe Place: Guidelines for Creating an Abuse-Free Environment* Christian Publications, Inc. 2002.
- Project Child. *Understanding Child Abuse: An Adult Education Series in a Religious Setting*. 2003. The Child Abuse Prevention Coalition of the Lehigh Valley.
- Reid, Kathryn Goering. *Preventing Child Sexual Abuse: A Curriculum for Ages 5-8*. 1994. United Church Press.
- Reid, Kathryn Goering and Marie Fortune. *Preventing Child Sexual Abuse: A Curriculum for Ages 9-12*. 1989. United Church Press.
- Rowett, G. Wade Jr. *Adolescents in Crisis: A Guide for Parents, Teachers, Ministers, and Counselors*, West Minster John Knox Press, 2001
- Wright, N.T. *His Name is Joel: Searching for God in a Son's Disability*. 1999. Bridge Resources.
- Zarra, Ernest J. III, *It Should Never Happen Here*, Baker Book House Co. 1997.
- Videos
- “Not in My Church.” 1991. Center for the Prevention of Sexual and Domestic Violence.
- Church Mutual, *Preventing Youth & Child Sex Abuse*, Church Mutual Insurance Co. 2010.

“Witnesses to Truth, Witnesses to Healing: Investigating Child Abuse in a Missionary Setting.” 2006. Presbyterian Church (USA), Independent Abuse Review Panel.

Other Resources Available (Not in the Resource Center)

Besharov, Douglas J. *Recognizing Child Abuse: A Guide for the Concerned*. 1990. Free Press

Carlson, Lee W. *Child Sexual Abuse: A Handbook for Clergy and Church Members*. 1988. Judson Press.

Fortune, Marie M. *Love Does No Harm: Sexual Ethics for the Rest of Us*. 1998. Bloomsbury Academy.

_____. *Violence in the Family: A Workshop Curriculum for Clergy and Other Helpers*. 1991. Pilgrim Press

Freeman, Lory. *Loving Touches*. 1986. Parenting Press, Inc.

Heggen, Carolyn H. *Sexual Abuse in Christian Homes and Churches*. 2006. Wipf and Stock Publishers.

Horton, Anne L. and Judith A. Williamson. *Abuse & Religion: When Praying Isn't Enough*. 1998. Lexington Books.

Patterson, John. *Staff Screening Tool Kit: Keeping the Bad Apples Out of Your Organization*. 1994. Nonprofit Risk Management Center.

Voelkel-Haugen, Rebecca, and Marie M. Fortune. *Sexual Abuse Prevention: A Course of Study for Teenagers*. 1996. Pilgrim Press.

Videos

“Caring Shepherds.” Risk Management Department of the General Council on Finance and Administration of the United Methodist Church.

“Bless Our Children: Preventing Sexual Abuse.” Center for the Prevention of Sexual and Domestic Violence.