

**PRESBYTERY OF SAN FERNANDO**  
**CHILD AND YOUTH PROTECTION POLICY**

**ADOPTED APRIL 18, 2017**

**Policy Statement**

The focus of child/youth protection policies is to ensure a safe, thriving, and nurturing environment for children and youth in our churches and church-sponsored events. The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world" (Book of Order, G-2.0104).

It is the policy of the Presbytery of San Fernando ("Presbytery") that persons, whether paid or volunteer, serving at any Presbytery sponsored ministry, mission trip or program are to maintain the integrity of the ministry, employment and professional relationships at all times. This policy has been adopted in order to provide practices that will protect children and youth from incidents of misconduct or inappropriate behavior and also protect the staff and volunteers from false accusations. It is never permissible or acceptable for a presbytery officer, employee, elected representative, contracted person or volunteer to engage in sexual misconduct or other mistreatment with youth or children.

By action of the Presbyterian Church (U.S.A.) General Assembly, each congregation within the Presbytery is responsible to create and enforce a Child Protection Policy suitable to its own setting. (Book of Order, G-3.0106). The Session or Council of each congregation is responsible for the supervision of its own officers, members and non-ordained staff. This specific policy applies only to events sponsored directly by the Presbytery including IMPACT and child care at Presbytery meetings. It is intended as guidance and policy for Presbytery sponsored events and ministries including, but not limited to NCDs and Worshipping Communities related to the Presbytery. The Presbytery has a separate Sexual Conduct Policy which was adopted on November 26, 1996.

This policy and its procedures shall be made available to all persons involved in the life of the Presbytery, to those who accuse others of misconduct and to those who are or claim to be victims of misconduct and their families.

**Standards of Conduct**

The following acts are prohibited by this Policy and will not be tolerated or accepted during any Presbytery activity or program.

Child sexual abuse, which includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not it is consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen. Child abuse also includes the physical neglect of a child, children, or youth, including failure to provide adequate supervision in relation to the activities of the presbytery.

Sexual abuse, which is defined in the Book of Order as “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (Book of Order, D-10.0401c).

Sexual conduct (such as offensive, obsessive or suggestive language or behavior, unacceptable visual contact, touching or fondling) that is injurious to the physical or emotional health of another.

Sexual Malfeasance; as defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

Misuse of technology; use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

### **Responses to Allegations of the Abuse of a Child**

In responding to allegations of the abuse of a child, Presbytery officers, employees, elected representatives, contracted person or volunteer members, shall seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of misconduct, Presbytery officers, employees, elected representatives, contracted person or volunteer of the Presbytery should seek to uphold the dignity of all persons involved. This includes persons who are alleging harm, persons who are accused of misconduct, the families of each and the communities of each.

If the person accused of misconduct is no longer a member, officer, employee or volunteer of the Presbytery, but the conduct occurred while the person was acting on behalf of the Presbytery, the Presbytery church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The Presbytery is a mandated reporter and will work in full cooperation with civil government.

## **Reporting Requirements**

Any observations or personal knowledge of violations of this policy must be immediately reported to the director of the event or program, or designated program staff representing the Presbytery after the safety of the child, children, or youth involved has been assured. Any person accused of violating this policy, whether a staff member, employee, member, or volunteer, must immediately be reassigned to responsibilities without direct child contact. If investigation supports the accusations, the accused person will be suspended from participation in all children's and youth activities and programs of the Presbytery. Such suspension shall continue during any investigation by the church and/or law enforcement or child protection agencies.

The first person to learn of an incident of sexual misconduct shall not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling or a therapy session. If the victim is hesitant to talk to "higher authorities," the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person making the report of alleged sexual misconduct may be the person alleging harm or any member of PC(U.S.A.). The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PC(U.S.A.) and shall work with the Stated Clerk of the Presbytery to make sure that the allegations of offense are filed with the Council having jurisdiction over the person accused.

If the report is made orally, the person receiving the report of allegations shall request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(U.S.A.) alleging another member or officer of the Presbytery committed an offense must be acted on according to the Rules of Discipline of the Book of Order. If the Presbytery Stated clerk receives a report of allegations in writing from a nonmember of the PC(U.S.A.) alleging another member or officer of the PC(U.S.A.) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the Book of Order. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(U.S.A.) may make the written statement that will automatically trigger the Rules of Discipline of the Book of Order.

If the person accused of misconduct with children is a member, officer or employee or of the Presbytery, a report shall also be made to the Presbytery Stated Clerk. When an allegation of offense of sexual misconduct has been received by the Stated Clerk of the Presbytery, the Clerk will report to the Personnel Committee that an offense has been alleged.

Because a council or entity cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees and persons highly visible to ministry participants and visitors understand how reports of incidents are channeled to the proper person. The

allegations may come from persons who have or who do not have a formal relationship with the PC(U.S.A.) and may be made to a variety of officers or leaders within the PC(U.S.A.). It is the duty of these officers or leaders to see that any allegation of the abuse of a child is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

### **Mandatory Reporting of Child Abuse**

Any member of the Presbytery engaged in ordered ministry and any certified Christian Educator employed by the Presbytery, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and /or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained out of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302) These provisions of the Book of Order attempt to balance conflicting moral duties for persons in ordered ministry of the Presbytery. Councils and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

### **Specific Requirements for Presbytery Sponsored Events or Programs**

At least two unrelated adults over the age of 18 will supervise all Presbytery sponsored programs and activities involving children and youth. Adults must remain in sight of one another at all times except in emergency situations. Adults in leadership roles are expected to avoid situations where they are alone with children and youth by having leadership teams of at least two adults for all activities. The presence of two or more adults prevents awkward circumstances where child abuse could occur or be alleged, allows shared leadership and facilitates appropriate discipline. The policy extends to all events. Under no circumstances can one adult alone take or accompany children or youth on an overnight outing.

Adults are to avoid one-adult, one-child situations. If it is necessary for a child to get home after an event, an effort should be made to contact the family and inform them of the situation before transporting the child. If it is necessary for an adult to drive alone with a child, the adult should notify another adult before and after the period during which he/she is alone with the child. It is permissible for one adult driver to transport several children and youth in a single vehicle in a convoy of vehicles traveling to or from an event. When one-on-one interactions between children and youth and employees/volunteers are necessary (e.g. in emergency situations or occasions of pastoral care), care must be taken to conduct the meeting in an environment that provides visibility by others.

In the case of the ministry of IMPACT, trip leaders shall be educated in this policy and procedures. In addition to the “no coupling” rule that exists in IMPACT, IMPACT participants shall also be required to adhere to child protection policies that exist among international partner ministries. However, the failure of civil authorities in another country to take appropriate action

does not supersede the full enforcement of this policy by the Presbytery. A written application, with employment history, contact information for at least three (3) references and disclosure of any previous criminal convictions and background checks are required of all adults going on IMPACT trips that include persons under the age of 18, with the only exception allowed for the parents of those persons if there are no other participants under 18 on the trip. Background checks are not required for Teaching Elder members of the Presbytery who have already completed clear and passed a background check.

In the case of child-care at Presbytery Meetings and Presbytery Sponsored Events, the Presbytery will not allow a Presbytery event involving children or youth or where child care is offered to be held at a church unless the host church has a Child Protection Policy in place. The screening, selection and supervision process of child care workers will be the responsibility of the host church, under the conditions of that church's Child Protection Policy.

Adopted by the Presbytery of San Fernando \_\_\_\_\_ (date)