

# Child Abuse

## 1 Purpose:

As Christ nurtures his children, so Lenape Valley seeks to nurture its children. As we have the Christian responsibility to foster their spiritual growth, we have the obligation to provide a safe and secure environment. This policy has at its core the welfare and safety of each child entrusted to our care as they participate in ministries designed to mature their faith and knowledge in Jesus Christ.

Conduct which violates the physical and emotional safety and wellbeing of children constitutes a violation of the principles set forth in Scripture. Such conduct is never permissible or acceptable.

## 2 Applicability:

This policy of the Lenape Valley Presbyterian Church applies to all pastors, elders, deacons, employees, volunteers, counselors, supervisors, teachers, independent contractors and advisors of any kind, except as otherwise specified, hereafter referred to as church associates.

The Session adopts this policy to affirm its obligation to assist in identifying possible child abuse as well as victimization of any child under its direct supervision of any church associate, and to cause to be established procedures for reporting such in compliance with the Child Protective Services Law of 1999 and its amendments and The Book of Order (PCUSA).

## 3 Definitions:

**Applicant** – an individual, other than elder or deacon having no direct programmatic responsibility requiring other than incidental and non-supervisory contact with a child, who seeks to serve as a church associate

**Child** – an individual *under* the age of eighteen (18) years

**Child Abuse** – shall mean any of the following:

- Any recent act or failure to act by a perpetrator that causes non-accidental serious physical injury to a child less than eighteen (18) years of age.
- Any act or failure to act by a perpetrator that causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child less than eighteen (18) years of age.
- Any recent act, failure to act, or series of such acts or failures to act by a perpetrator that creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under eighteen (18) years of age.
- Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, that endangers a child's life or development or impairs the child's functioning.

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

**Church Associates** – pastors, elders, deacons, employees, volunteers, counselors, supervisors, teachers, independent contractors and advisors of any kind.

**Perpetrator** – a person who has committed child abuse and is a parent/guardian of a child, a person responsible for the welfare of a child, an individual residing in the same home as a child, or a paramour of a child's parent/guardian. The term does not include a person who is employed by or provides services or programs at Lenape Valley.

**Serious Mental Injury** – a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

- Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**Serious Physical Injury** – an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.

**Sexual Abuse or Exploitation** – the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction including photographing, videotaping, computer depicting or filming of any sexually explicit conduct, or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

**Serious Bodily Injury** – bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

**Supervisor** – a person directly responsible for overseeing, coordinating and/or implementing the program in which a child is participating or his/her supervisor

The term supervisor includes, but is not limited to Pastor, Associate Pastor, Youth Director, Nursery School Director, Director of Music Ministry, and Worship Leader.

### **Child Abuse by Perpetrator**

#### **Duty to Report:**

Church Associates who in the course of performing assigned duties come into contact with children shall report or cause a report to be made when they have reasonable cause to suspect, on the basis of their medical, professional, or other training and experience, that a child coming before them in their professional or official capacity is an abused child. The child does not have to “come before” the mandated reporter if the person has sufficient information about the child that creates a reasonable cause to suspect that the child is a victim of abuse.

Privileged communication between any professional person required to report and the client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report.

Church Associates required to report suspected child abuse shall include but are not limited to pastors, program directors, nursery school teaches, nursery school assistants, church school teachers and church school assistants, Bible school teachers and Bible school assistants, youth program volunteers.

Any person required to report child abuse who, in good faith, makes or causes the report to be made shall have immunity from civil and criminal liability related to those actions. (23 Pa. C.S.A. Sec. 6319)

A church employee or official required to report suspected child abuse or make a referral to the appropriate authorities who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.

A mandated reporter must report suspicions of child abuse regardless of whether the alleged perpetrator of abuse falls under the definition of perpetrator as defined by the Child Protective Services Law. It will be the duty of the Child Protection Agency to contact the district attorney or other law enforcement officials.

#### Reporting Procedures:

Church associates who suspect child abuse shall immediately notify the supervisor. The supervisor in consultation with church personnel will determine who will report the abuse. In the absence of the supervisor, the church associate will report the suspected abuse.

Reports of child abuse shall immediately be made by telephone and in writing on the required form within forty-eight (48) hours after the oral report. Oral reports shall be made to the Department of Public Welfare and may be made to the appropriate county agency.

#### Investigation:

Church associates shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected child abuse, including permitting those authorized personnel to interview the child while s/he is in attendance at school.

The supervisor required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report.

#### **Abuse by a Church Associate**

##### Duty to Report:

A church associate shall immediately contact his/her supervisor when the church associate has reasonable cause to suspect, on the basis of his/her professional or other training and experience, that a child coming before the church associate in her/his professional or official capacity is a victim of child abuse by a church associate.

If the accused church associate is the supervisor, the church associate shall immediately report to law enforcement officials and the district attorney.

The supervisor who receives a report from a church associate or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials and the appropriate district attorney. The supervisor shall exercise no discretion but has an absolute duty to report when s/he receives notice from a church associate.

A church associate or supervisor who refers a child abuse report shall be immune from civil and criminal liability arising out of the report. (23 Pa. C.S.A. Sec. 6352)

A church associate who willfully fails to report suspected child abuse or who willfully violates the confidentiality of such a report commits a summary offense. A church associate, who, after being sentenced for such violation, does so again, commits a misdemeanor of the third degree.

A supervisor who willfully fails to report immediately to law enforcement officials and the appropriate district attorney any report of child abuse alleged to have been committed by a church associate against a student commits a misdemeanor of the third degree.

#### Reporting Procedures:

The supervisor's report to law enforcement officials and district attorney shall include: name, age, address, and school of the child; name and address of the child's parent/guardian; name and address of the supervisor; name, work, and home address of the church associate; nature of the alleged offense; and any specific comments or observations that are directly related to the alleged incident and the individuals involved.

The church associate making a report of child abuse or injury by another employee shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.

#### Investigation:

Upon receipt of a report of suspected child abuse, an investigation shall be conducted by law enforcement officials, in cooperation with the district attorney.

If law enforcement officials have reasonable cause to suspect, on the basis of initial review, that there is evidence of serious bodily injury, sexual abuse or sexual exploitation committed by a church associate against a child, the officials shall notify the county agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.

Church associates shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected child abuse, including permitting those authorized personnel to interview a child while s/he is in attendance at school.

Law enforcement officials and the county agency shall coordinate their respective investigations. They shall conduct joint interviews with the child, but law enforcement officials shall interview church associates prior to the county agency. The supervisor has an independent duty to report to the Head of Staff and Chair for Administration and Personnel or designee that an employee has allegedly abused or otherwise victimized a child. The requirement not to divulge the existence of

the report or its content shall not limit the supervisor's responsibility, in consultation with the Chair for Administration and Personnel to use the information s/he received to initiate and conduct an independent investigation into the allegations. The independent investigation shall be conducted in cooperation with the county agency and law enforcement officials, and shall be for the purpose of ascertaining appropriate employee or church associate discipline and taking action necessary to curtail wrongdoing

**4 Clearance Statement:**

In accordance with this policy and due diligence, unless the applicant can provide the requisite clearances issued by the Pennsylvania Department of Public Welfare, Pennsylvania State Police and Federal Bureau of Investigation except for those exempted by law and dated within one year of possible service, the Session shall cause to be secured for each applicant such clearance statements.

At its sole discretion, Session may waive the requirement for such clearance statements as long as the individual has served continuously as a church associate or, having served as a church associate, has maintained active membership in Lenape Valley as indicated by documented service in a church ministry other than with children, documented service on a committee or sub-committee of the Session, or by documented church attendance at least six (6) times yearly.

No applicant may serve as a church associate who is named as the perpetrator in a founded report or be named as an individual responsible for injury or abuse in a founded report. Lenape Valley has sole discretion whether someone who has been named on an indicated report may serve as a church associate.

**5 Training:**

Annually, training will be provided to all church associates encompassed by this policy. Responsibility for training is that of the Chair of Session's Administration and Personnel Committee.

**6 Annual Notice:**

The contents of the Lenape Valley Presbyterian Church Child Abuse Policy will be published annually. Responsibility for the publication is that of the Chair of Session's Administration and Personnel Committee.

**7 References:**

Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304  
Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 *et seq.*  
Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945  
PA Statutes, Title 42, Judiciary and Judicial Procedure – 42 Pa. C.S.A.  
Sec. 9795.1, 9795.4, 9798.1  
Book of Order – G-6.0204, G-6.0304, G-60402 and G-14.0732  
Book of Order – D-1.0101, D-2.000, D-3.0101

Effective Date: 3/25/2009

Approval Date: 3/24/2009

Approved: \_\_\_\_\_