

# First Baptist Church Carthage, TX

## Texas Child Protection Definition & Laws

### Child Protection Policy For all workers with children



Approved in business meeting November 29, 2020

## TEXAS CHILD PROTECTION DEFINITIONS AND LAWS

### Definition of child abuse or neglect as defined by the Texas Family Code:

**Child abuse** is defined to include acts or omissions which cause or permit:

Mental or emotional injury to a child.

Physical injury or threat of physical injury to a child.

Failure to make reasonable efforts to prevent action by another person that results in a physical injury to a child.

Sexual contact with a child.

Failure to make reasonable efforts to prevent sexual contact with or in the presence of a child.

**Neglect** includes:

Leaving a child in a situation where the child would be exposed to a substantial risk of harm.

Requiring the child to use judgement or take actions beyond the child's level of maturity, physical condition or mental abilities.

Failure to obtain medical care for a child.

Failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child.

### Sexual misconduct

Sexual misconduct claims include all crimes involving sexual conduct under the Texas Penal Code. They include indecent exposure, indecency with a child and sexual assault including rape. They also include conduct that may not violate a penal statute but is still sexually oriented such as sexual harassment and sexual suggestion. If this conduct is committed by agents of the church, either employed or volunteer, claims are often made against the individual and the church.

### Duty to report. . .the Texas Reporting Statute

Any person who learns of or has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person must report that belief to a local or state law enforcement agency or the Texas Department of Protective and Regulatory Services.

An oral report must be made immediately upon learning of the abuse or neglect or the likelihood of abuse or neglect. A written report must be made within five days to the same agency or department.

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The report shall be non-accusatory, meaning the identity of the victim of the abuse or neglect must be identified, but the person making the report is not required to speculate as to the person who committed the abuse or neglect.

### Liability of failure to report

A person failing to report child abuse or neglect commits a Class B Misdemeanor punishable by fines up to \$1,000 and/or confinement for up to 180 days. Additionally, a person who is the victim of child abuse and his or her family may bring a civil claim against the church and/or agent (the person who failed to report the crime as required by law.)

### Immunity

A person making a report or assisting in the investigation of a report of child abuse or neglect is immune from liability, either civil or criminal, that might be incurred. This means that a person who reports child abuse and is later sued by any of the parties including the parents of the child or the accused perpetrator of the crime, can defend themselves on the basis that their actions were absolutely protected by this immunity statute and the reporter should not be liable for damages relating to the reporting.

### Clergy privilege

The Texas Rules of Civil and Criminal Evidence provides that communications between clergy and an individual consulting with him or her for the purpose of seeking spiritual advice in the clergy's professional capacity is considered privileged. There is **however, an express exception** which provides that the privilege disappears in the event the clergy member learns of child abuse or neglect, and the clergy is **required** to report the information to authorities under the child abuse reporting statute.

### Church liability

A church is liable to civil action if, as an employer, it failed to make inquiries of past employers (where names and addresses have been disclosed) who employed the employee within the last five (5) years, concerning the possible occurrence of sexual exploitation by the employee.

# First Baptist Church Child Protection Policy

## 1. **Goal**

It shall be the goal of the First Baptist Church to provide a safe environment for the physical and emotional well being of all children participating in church programs, including participants in any daily or temporary childcare programs. The church's goal is to inform workers and enforce policies to ensure that all children are safe and well protected while attending scheduled activities.

Future revisions to this policy may be made with the authorization of both the Executive Pastor and the Youth and Children's Ministers.

## 2. **Definition of "children"**

The term "child" or "children" shall include all persons under the age of eighteen (18) years.

## SELECTION AND SCREENING PROCESS

## 3. **Pre-employment procedures for paid and volunteer workers**

It is the goal of First Baptist Church to adequately screen the applications of persons desiring to work with children participating in all church programs, including participants in any daily or temporary childcare programs.

## 4. **Classification of workers**

In order to screen workers appropriately to their responsibilities, the ministerial staff person responsible for each division will categorize workers into two categories: primary and secondary. These terms refer to the relative levels of responsibility and risk, not to the ages of the children being served.

**Primary volunteer workers:** Includes all paid staff members plus those volunteers in roles with greater responsibility or risk are classified as primary workers. Must be eighteen (18) years of age.

**Secondary volunteer workers:** Persons who occasionally interact with children and/or do so in less risky circumstances. (ie: Volunteers who see children only in a group setting, on church premises, or who interact with children in the presence of an approved primary worker are classified as secondary workers.) This category may also include parents of participants who help supervise activities. All volunteer workers under the age of eighteen (18) will be considered secondary workers.

## 5. **Minimum age**

All primary volunteer workers must be 18 years of age or older. Younger persons may assist adults, but may not take the place of adult workers. The church may employ responsible teens (under the age of 18) only in positions with and under the direct supervision of an approved adult worker.

## 6. **Volunteer Applications**

The applicant for a primary volunteer position must have been in attendance in First Baptist Church activities for a period of time in which the paid staff has observed and interacted with the applicant to observe their character and spiritual condition.

Volunteer applicants must complete and sign a Children's/Youth Volunteer Application. Applications will be submitted to the administration office. The minister in charge of the division in which the volunteer will work will be responsible for the interview process and reference checks.

The church keeps confidential all information received in the applicant selection process. Such information will be stored with access afforded only to appropriate church staff on a need-to-know basis.

If the church learns of false, misleading or amended information on an application that could cause potential danger to children or liability to the church that person will be terminated.

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## **7. References**

The minister in charge of the division in which the person will work must check at least 2 references for each primary worker applicant and must conduct a reasonable inquiry into the character of secondary worker applicants.

References may be checked by phone, mail, or in person. Whenever possible, the references should include:

A person who has known the applicant for an extended period.

A former supervisor or co-worker.

Information gained in these checks should be noted directly on the application.

## **8. Survivors of child abuse**

Survivors of childhood sexual or physical abuse need the love and acceptance of the church family. Their experience with abuse and their recovery process may be pertinent to their work with children.

Survivors of abuse may, if they choose, request confidential counseling either from the pastor or from a professional counselor. It will not necessarily disqualify them from service. The desire of the church is to assist and care for survivors of abuse as well as fulfill our obligation to protect the children left in our care.

## **9. Confidential interviews**

All applicants desiring to work with children must meet with the minister of the program in which the applicant will work. A team of interviewers may be used. Church policy concerning prevention and response to child abuse and neglect must be discussed during the interview.

## **10. Criminal background check**

A criminal background check and child abuse registry check shall be required for all children's worker positions, both employee and volunteer workers. No one will be allowed to work with children who has been convicted of a crime involving misconduct with children.

Completing the Children's/Youth Volunteer Application authorizes the church to conduct these checks. Background checks will be kept confidential in a

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locked file with access afforded only to appropriate church staff on a need-to-know basis.

The minister in charge of the division in which the person will work will conduct criminal background checks and will notify the Executive Pastor if a negative report is received. The Executive Pastor will keep all results.

Should a negative report be received, or it is made aware to church staff that a person in our congregation is a convicted sex offender, the following steps will be made.

- 1) The congregation will be made aware that a convicted sex offender is attending. However, the name will remain confidential.
- 2) The convicted sex offender cannot participate in any children's or youth activities.
- 3) Should the convicted sex offender still be on probation/ parole, church staff will contact the offenders probation/parole officer and confirm there are no restrictions regarding the offender attending services or other functions where children are present.
- 4) The convicted sex offender can only attend one predetermined service each week.
- 5) The convicted sex offender will have someone assigned to him/her to be monitors while on campus.

If you have additional questions concerning this policy, please contact the Executive Pastor.

## **11. Vehicle safety**

Persons who drive the First Baptist Church owned or privately-owned vehicles for conducting church business or transporting children on a regular basis must maintain a current valid Texas driver's license (CDL for church-owned vehicle), provide proof of insurance, and comply with all other church transportation policies.

## **12. First aid training**

It will be the goal of the church that most paid employees who work with children will maintain current certification in basic first aid and basic CPR (or the equivalent) as required by applicable licensing requirements or other local

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regulations. The church will pay the cost of this training. Employees will be paid for attending training.

Volunteer workers are encouraged, but not required to get training if they frequently accompany children on activities such as recreational activities, camps, retreats, mission trips or any other activity with an element of risk.

### **13. Identification of workers**

All employees or volunteers who are engaged to work with children must be willing to be photographed and be willing to have copies of these photographs kept in their personnel file.

All employees or volunteers must be willing to wear identification while they are supervising children. These tags will be provided by the church and will show the workers name and ministry authentication.

### **14. Child Abuse Training**

Each new worker and volunteer will be given a copy of both the Texas Child Protection Definition and Laws and First Baptist Church's Child Protection Policy. They must sign a statement indicating they have received and read both before they can begin working with children.

All employees and volunteers must complete the child abuse training course prescribed by the church. This can be completed either in person or online.

### **15. Acknowledgement of church policies**

All applicants must acknowledge in writing that they understand the church's policies pertaining to the protection of children and that they agree to abide by them. This requirement will be met by having applicants sign the Acknowledgement of Receipt form.

## **SUPERVISORY REQUIREMENTS FOR ALL PERSONS WORKING WITH CHILDREN AT FIRST BAPTIST CHURCH CARTHAGE**

It is the policy of the church to provide adequate supervisory control of persons working with children participating in all church programs, including daily or temporary childcare programs of the church. The following regulations shall be applicable to all primary and secondary workers having contact with children participating in all church programs

### **16. Safety of children**

It is the responsibility of all persons having contact with children participating in church programs to promote the emotional and physical safety of the participants giving regard to all factors and circumstances known to them. If in their opinion, an unsafe condition exists, such persons shall immediately take appropriate precautions under the circumstances to protect all children. Nothing contained in any other church policy, procedure or instruction shall be construed to relieve persons having contact with children from this responsibility.

### **17. Preschool identification system**

To reduce the possibility of kidnapping, the church will have in place an identification system so that the adults who drop off a small child are the same adults who pick the child up. The minister in charge shall maintain the system to identify persons authorized to pick up and take responsibility for preschool children leaving a church activity. The identification system will not be necessary for children above the grade of Kindergarten unless a parent specifically requests it in writing.

### **18. Two-adult rule**

It shall be the goal of First Baptist Church that a minimum of two workers will be in attendance at all times when children are being supervised during a church activity regardless of the number of participants, location or activity. At least one of these must be a primary worker.

Some children's Sunday School classes may have only one adult in attendance as the teacher while the class is in session. In these instances, doors to the classrooms will be either removed or will remain open.

## **19. Observation of children**

Church activities for children should be scheduled in areas visible from adjoining areas. Such visibility will be maintained by leaving curtains and blinds open and, whenever possible, by leaving the door to the room open. Reasonable exceptions to this rule may be made by the minister in charge where seclusion is necessary for rest, provided two unrelated workers are present in the room at all times.

At no time will an adult meet alone with a single child in a room where the door is closed or in an area where they cannot be seen.

## **20. Ratio of workers to children**

It is required that a reasonable ratio of adults to children is maintained at all times involving the supervision of children.

The ministerial staff member responsible for the division shall be primarily responsible for setting and maintaining a reasonable ratio of workers to children giving due regard to all factors present, including the number and age of the participants, the nature of the activities and the location where the activities are taking place.

## **21. Physical contact**

Staff and volunteers should never tickle, swing a child by the arms, wrestle with or kiss a child on the lips or coax a child to kiss you. Be very wise how you treat a child physically. Never touch a child inappropriately. Never spank, thump, or hit a child under the supervision of the church.

Children of Kindergarten age and older are not to sit on the lap of a volunteer.

## **22. Bathrooms**

Volunteers of 4 year olds and older will not go into the restroom to assist the children. You should wait at the door and remind them to wash their hands. Female volunteers of 3 year olds and younger should take the children into the women's bathroom and only if they need help.

## **23. Children's pickup**

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Children who are six years old or older are permitted to leave the area of the church activity at the conclusion of the scheduled activity without further supervision of the workers unless otherwise instructed by the parent or guardian. If a child younger than six is not picked up by their parent or guardian on time, they will be kept by their teachers in the children's area where safe supervision can be continued until the parent or guardian is located.

A child of twelve years or younger shall not be taken from or allowed to leave church property, either unattended or in a group without specific parental permission.

**24. Ministerial and staff oversight**

The ministerial staff member responsible for each division shall coordinate with the respective ministry coordinators to ensure ongoing supervision of all workers. This should include regular unannounced visits into classes and other program sites.

**25. Awareness of church policy**

The Executive Pastor shall periodically review the definition of child abuse and neglect as defined by law and the church's policy concerning these crimes. Any changes shall be brought to the attention of the leaders of the divisions.

**26. Release of claims**

Prior to any activity away from the church, a Release Form will be necessary to be signed by the child's parent or legal guardian. Without the form signed and in the possession of the church, the child will not be allowed to participate in the away activity.

**REPORTING AND RESPONDING TO ALLEGED CHILD ABUSE OR  
NEGLECT**

**27. Reporting policy**

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It is the policy of the church to report any incident of child abuse or neglect toward any child in the church. This would include participants in temporary childcare programs.

Do not treat any suspicion as frivolous.

Notify your staff supervisor immediately. The staff supervisor will commence the investigation right away.

The staff member in charge should suspend the accused person from the performance of duties involving children until the official investigation has been completed.

Cooperate fully with law enforcement officials.

The pastor will inform victim and victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigation. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter and fully cooperate to address their requests within the bounds of a legal and prudent response. (church legal counsel should assist in this determination)

In an instance where child abuse is confirmed, the church will immediately dismiss the worker from their position. Termination will be considered appropriate in the circumstances.

In instances where evidence is inconclusive, the church should take action with the advice of law enforcement officials depending on the strength of the evidence available and after consideration of the victim and the victim's family's requests.

The pastor will determine the amount of information he believes is appropriate to relate to the congregation. Usually commenting on an ongoing investigation is not wise.

## **28. Reporting obligation**

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the person's belief. Non-accusatory reports, that identify the victim whether or not the person responsible for the abuse is known, must be made to the local or state law enforcement agency or to the Texas Department of Human Services as follows:

- A. An oral report must be made immediately on learning of the abuse or neglect.
- B. Notify a pastor as quickly as possible.
- C. A Incident Report report must be made within five (5) days.

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- D. All reports must contain the name and address of the child, the name and address of the person responsible for the care of the child and any other pertinent information.

The oral and written reports are required by law. This entire reporting policy is required as a condition of employment for both paid and volunteer workers.

## **29. Reports required**

Any worker of the church who has cause to believe that a child's physical or emotional health or welfare has been or may be adversely affected by abuse or neglect shall report that belief according to the following procedure:

- A. The worker shall report such belief to the pastor and complete an Incident Report.
- B. The pastor will immediately report to one of the following:
  - 1. The Police Department (903-693-3866)
  - 2. Texas Child Protective Services hot line (800-252-5400)
- C. The pastor will notify the parents of the child (unless the parent is the person responsible for the abuse or neglect).
- D. The Executive Pastor will notify the appropriate legal counsel.
- E. The Executive Pastor will notify the church's insurance agent that an abuse report has been filed with the appropriate local or state agency.

## **30. Incident report**

The person making a report should identify:

- A. The name and address of the child.
- B. The name and address of the person responsible for the care, custody, or welfare of the child.
- C. Any other pertinent information concerning the alleged or suspected abuse or neglect.

## **31. Confidentiality**

All reports of child abuse or neglect shall be held in absolute confidence. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. Any breach of this confidentiality by an employee of the church shall be cause for immediate dismissal.

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The pastor, in consultation with the official conducting the investigation may authorize limited additional disclosure if necessary to protect other children from harm in the near future, particularly where the person responsible for the abuse cannot be identified, but in no case shall the identity of the victim or the accused person be disclosed except as required by law.

### **32. Investigation of alleged abuse or neglect**

It is acceptable to obtain a reasonable amount of information to have cause to believe a child has been abused or neglected.

Interviews shall be conducted only by authorized officials of the agency to whom the suspected crime has been reported or, when appropriate, by legal counsel or persons representing the church in an official capacity. All employees and volunteers of the church shall cooperate with the official investigation as requested.

### **33. Suspension of church related duties**

A person accused of child abuse or neglect will be suspended from all church related duties involving children. This would include all childcare, teaching, transportation or sponsorship duties. The Executive Pastor will monitor any investigation and receive confidential information concerning the incident as may be necessary to determine issues concerning continuation of employment and compensation.

An employee accused should be suspended on “paid leave” until the investigation is completed. This removal from duty should occur in such a way that an innocent person is not immediately deemed guilty. If the allegation is determined to be unsubstantiated, the employee can be returned to their prior position.

### **34. Preservation of records**

Copies of all documents relating to an event of abuse or neglect, including a list of all persons known to be present or in the vicinity shall be transferred to the Executive Pastor. He will review them to determine if the documents are complete in accordance with church policy. If any documents are missing, the

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Executive Pastor shall make a written notation and will retain the records until advised that all criminal and civil investigations and actions have been completed.

**35. Ministerial care**

The ministerial staff shall encourage and assist the child and the parents in securing appropriate counseling, care and support. In the event the abuse or neglect involves a member or employee of the church, the staff shall encourage and assist the individual in securing appropriate pastoral care and support, including third party counseling, being mindful of the potential for a conflict of interest. All persons shall act towards the child, the parents, and the accused in accordance with the principles of Christianity at all times.

**36. Liaison with the community**

The Executive Pastor will serve as the church's sole access to the media. The church should emphasize to the public its position on child abuse, its concern for the victim and the extensive steps being taken to address the safety of all children.