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Preventing Child Abuse

creating a safe place





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creating a safe place

BETH A. SWAGMAN



Grand Rapids, Michigan

Acknowledgments:

This revised edition is dedicated to Dr. Bernard and Verna Alberta; Faye Martin; Atie Ott; and Ronald Knol. These friends walked in front of me to show the way; walked in back to keep me from slipping; and walked alongside to help carry the burden. Thank you.

The author gratefully acknowledges the contributions of Mr. Ronald L. Foster, Attorney at Law. His diligent efforts to improve this publication stem from his concern for the safety of children served by nonprofit organizations. Any remaining errors or misstatements of the law are the responsibility of the author.

Disclaimer: The materials in this book sometimes touch legal issues. Laws and the contexts that give rise to them vary across states and provinces. Therefore, the suggested policies in this book may not be consistent with the laws and legal practices in all communities within the United States and Canada. The information and policies contained in this book should not be construed as legal advice or as a substitute for legal advice. Organizations should consult legal counsel before approving and implementing a child safety policy.

Composite Stories: This book contains many anecdotal stories and examples shared with the author over several years and from many sources. The stories and examples are useful to illustrate various issues and to create awareness. However, the stories and examples were altered to protect any individual's identity and, in some cases, an organization's identity.

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Preface

The Gospel's Message of Hope

I like the good news Mark gives us in his gospel. His story of Jesus doesn't begin with Christ's birth and early life—not that those events are unimportant or insignificant; Mark just can't wait to tell us about Jesus' ministry and message. With just an introductory comment or two he jumps right into the one thing he's most excited about, the thing Jesus proclaims in his first sermon: "The time has come. The kingdom of God has come near. Repent and believe the good news!"

Into the midst of the kingdoms of this world characterized by selfish use of power, materialistic greed, inordinate luxury on one hand and painful poverty on the other, Jesus brings a new kingdom. Into a world in which the weak were (and are!) often used and abused, where injustice flourished, Jesus offered an alternative way of life; one lived under the loving rule of God and in constant fellowship with God. It's a new kingdom of love and peace, joy and justice, harmony and wholeness.

Jesus proclaimed the presence of this new era, God's kingdom, in Mark 1:14-15. From there Mark goes on to relate in rapid succession one event after another displaying the reality of the kingdom that had come in Jesus Christ. Mark shows us Jesus confronting evil, casting out demons, forgiving sin, healing broken bodies, challenging economic perspectives, raising the dead, stilling storms, ministering with compassion, and, in the midst of all of this adult-oriented activity, *caring for children*.

Yes, caring for children! This too is essential in Christ's new kingdom! "[Jesus] took a little child whom he placed among them. Taking the child in his arms, he said to them, 'Whoever welcomes one of these little children in my name welcomes me; and whoever welcomes me does not welcome me but the one who sent me'" (Mark 9:36-37). In the next chapter, verse 14, Mark again quotes Jesus: "Let the little children come

to me, and do not hinder them, for the kingdom of God belongs to such as these.”

Even though his kingdom has come, Jesus anticipates those who will refuse to live kingdom lives, especially in their relationship with Christ’s “little ones.” Some of Christ’s sternest words of warning, therefore, have to do with those who mistreat or abuse children. “If anyone causes one of these little ones—those who believe in me—to stumble, it would be better for them if a large millstone were hung around their neck and they were thrown into the sea” (Mark 9:42). It takes no stretch of interpretive imagination to believe that Jesus had in mind “sinning against a child” as well as “causing a child to sin.” Child abuse is sinning against a child in a most abhorrent manner. It’s a violation of the weakest and most vulnerable of persons through a manipulative use of power and control for selfish purposes. So unacceptable is it in Christ’s kingdom that it elicited some of the severest words Jesus ever spoke.

If only sins against children were confined to an unbelieving society! Sadly, however, statistics and stories reveal its real presence within the church—with devastating results to children and to the reputation of the church. A 1992 survey by the Christian Reformed Church indicated that the frequency of child abuse within the church is equal to its occurrence in the general population. The report called upon the church “to publicly acknowledge that the sin of abuse exists among us, [and] to support efforts that such abuse be addressed promptly so that abused and abusers may experience the healing power of God’s grace”; it also urged the denomination “to take positive steps to make their congregations safe for all persons” (*Acts of Synod 1992*, p. 673).

The book you have in your hand is one step in that direction. First issued as a three-hole-punched handout in 1995, this new and updated fourth edition suggests that the process for protecting children and youth is constantly undergoing change and improvement. One thing that does remain constant, however, is that the church is called to examine itself and to lead society in addressing both the needs of the abused and the abuser. Much more must be done in these and other areas of this enormous challenge. This book will help.

Read it, share it, implement it—with the earnest prayer, “Thy Kingdom come.”

Rev. Edward J. Tamminga

Introduction

We hope this book will provide you with the basis for developing a comprehensive child safety policy. Although this is the fourth edition of *Preventing Child Abuse*, it's just the first time we've widened our audience to include churches *and* nonprofit organizations. As you read further, keep in mind that the policies and procedures we suggest pertain only to churches or nonprofit organizations that sponsor programs for children and youth.

Permit me to digress a moment with a bit of history. In 1992 the Christian Reformed Church in North America (CRCNA) conducted a survey on abuse, the results of which clearly indicated that children are vulnerable to abuse within the context of the church. In 1994, with the creation of the office of Abuse Prevention for the CRCNA, efforts began to establish guidelines for reducing the risk of abuse in congregations. In 1995 the office of Abuse Prevention made available to churches a three-hole-punched handout entitled *The Abuse Prevention Program*, which was expanded and published in 1997 as the first edition of the book you're reading, *Preventing Child Abuse: A Guide for Churches* (now retitled *Preventing Child Abuse: Creating a Safe Place*). Over the years since 1997 the book has been updated and revised—and continues to provide congregations with a comprehensive program for identifying and responding to child abuse in the church.

As a result of this book, hundreds of Christian Reformed churches have developed child safety policies. In addition, countless congregations from other denominations have written policies based on the concepts and policies presented here. The book has also been helpful to many nonprofit organizations that provide care and supervision through programs to children and teenagers, among them 4-H clubs, domestic violence shelters, community theaters, after-school tutoring programs, community-based teen clubs, and teen health clinics.

It's a daunting task to write a child safety policy! Because there are several aspects to abuse prevention, developing a careful policy involves many hours of discussion, planning, and writing. Crafting a purpose statement and setting up program policies—including screening of workers, outlining reporting obligations, and developing clear procedures for working with victims and offenders following a disclosure—all requires careful thought and wording. Child Safety Committees are challenged to write helpful policies that attempt to ensure the safety and protection of children without creating an alarmist environment in which a veteran staff member or volunteer is afraid to hug a child.

Congregations and nonprofit organizations often hesitate to develop and implement a child safety policy. In addition to the lengthy process it requires, here are some typical reasons why many institutions fail to institute policies of their own:

- A congregation or nonprofit organization may be unaware of incidents of abuse within the organization (and, in fact, there may be none to date), which makes developing a policy seem unnecessary.
- A group may often have an unspoken fear that if abuse is openly discussed and abuse policies developed, a child will be more likely to conjure up a story of abuse to retaliate against someone in the organization.
- A congregation or organization may avoid establishing a policy either because it does not understand the liability it could face if abuse happens or because it is concerned that adopting child safety policies will *increase* the church's legal liability.

It's important for churches and nonprofit organizations to heighten their awareness and inform themselves of the realities of child abuse and related legal issues. Keep in mind that the baseline policies in this book are by no means exhaustive, foolproof, or even the most effective in *every* situation. We urge you, whether you're part of a congregation or a nonprofit organization, to modify the policies to fit your unique community and situation.

Although we've offered comprehensive policies and procedures, we cannot guarantee that implementing each policy and procedure will prevent the occurrence of abuse in your particular church or organization. Rather, we have tried to provide you with basic, widely recognized, and accepted policies. We encourage your group to use these policies as a basis for establishing a unique child safe policy that reflects your organization and its commitment to children and youth.

This question inevitably arises, “Are we better off with or without a policy?” You may have asked it yourself! Once a congregation or organization understands the risk of child abuse and the importance of reducing that risk within its own walls and programs, it can hardly turn its back on writing a policy. Know that if you choose *not* to write a policy and a harmful situation does arise, you will face some tough questions as to why no basic steps were taken to prevent that harm to children. On the other hand, if your organization does write a policy, and a harmful situation still arises, you will be able to demonstrate that your organization did earnestly attempt to reduce the risk of harm to children.

Here’s a related issue that’s just as important as whether or not to have a policy: Is your policy *enforceable* as written? Volunteers, staff, parents, and children and youth should be able to rely on a written policy that will be fully implemented. If people cannot rely on a policy as written, the church or organization’s liability may increase rather than decrease.

We’ve found no hard data to confirm the incidence of child abuse within the facilities of churches and nonprofit organizations. In the 1992 CRCNA survey, conducted by the Calvin College Social Research Center, we learned that 4 percent of sexual abuse victims reported abuse by a church-related abuser. However, the designation of “church-related” was not specific enough to claim that the abuser was, in every case, a volunteer or staff person in that organization. Survey respondents did give some anecdotal examples of sexual abuse by clergy, other church leaders, and church volunteers.

Unfortunately, implementing a child safety policy as a church or organization will not eradicate abuse in the wider community since abuse occurs far more frequently in the home than anywhere else. However, if implementing child safety policies in every church and organization reduces the incidence of child abuse by just 4 percent, that’s an important achievement for the protection of our children.

Rationale for Developing a Child Safety Policy

You’re reading this introduction, which probably means you’re thinking about how to proceed in a way that’s helpful for your church or organization. Here are additional reasons for beginning work on a policy:

- *To assist in responding to an incident of abuse.* When an allegation of abuse arises, volunteers and staff need a reliable policy to follow that protects the victim from further harm and offers due process to the accused. Without a policy, it may be difficult to know exactly what

to do and who to call when caught up in the intense emotions that follow the disclosure of abuse.

- *To satisfy insurance companies' requirement of a policy.* Following the removal or conviction of a volunteer or staff member accused of child abuse, victims often sue churches and nonprofit organizations, claiming negligence or failure to protect them from harm. Insurance companies now require written policies in order to reduce the risk of abuse and, subsequently, to reduce the risk of liability.
- *To satisfy legal counsel's request for a policy.* Not every civil suit stemming from an allegation of abuse results in a mega-award for the victim. Attorneys who represent churches and organizations with comprehensive child safety policies may plead before a jury that child safety *was* important, policies *were* put into place to reduce the risk, and volunteers and staff *did* comply with the policies. And, despite taking reasonable steps, an incident of abuse still occurred. Incidents like these are unspeakably tragic but not always foreseeable or avoidable—even with a comprehensive policy. Faced with a civil lawsuit, it will be more difficult for legal counsel to defend a church or organization that, for whatever reason, does not have a policy in place.
- *To protect children.* Churches and organizations have a moral imperative to provide reasonable protection for children and youth under their care and supervision. Children may become victims of abuse because of their age, size, lack of strength, lack of emotional and cognitive maturity, race, gender, or lack of personal power or authority. They simply cannot defend themselves against older, stronger teens and adults who have authority and power over them—they need the protective shield that a policy provides.
- *To protect volunteers and staff.* An allegation of abuse harms the reputation of a volunteer or staff person regardless of the outcome of the investigation. If volunteers and staff carefully follow a comprehensive child safety policy, they'll be protected in situations when allegations of abuse arise. For example, a policy that requires two volunteers or staff members to be present in a classroom may protect either one from an allegation because one person is able to corroborate the actions of the other. Each time a church or organization adopts a specific policy or procedure, it says to its volunteers and staff, "You are valued for the work you do, and we do not want you to put yourself in jeopardy."
- *To create an opportunity to talk about abuse and its impact.* We know from relationships with family, friends, and coworkers that it is difficult to solve a problem if people won't talk about it. So, too, child abuse

thrives in secrecy. When an offender bribes or threatens a child not to tell the “secret,” the offender rationalizes continuing the harm because no one knows and no one can put a stop to it. When a church or organization implements a child safety policy, it gives people an opportunity to learn about child abuse in their community. By talking about the issue and becoming educated about proper responses, a community sends a signal to offenders that they are being watched. Children and youth will feel increasingly confident that they can talk to someone who is there to help.

- *To create a safe haven in the church and organization.* A church or organization that sponsors programs for children and youth does not want to be known as a place where children might be hurt. Organizations that serve children and youth are highly motivated to offer quality programs and opportunities for youth to mature spiritually, to grow in relationship with others, to learn moral values, to build character, and to develop life skills. No one will achieve these goals if the learning environment creates fear and distrust, or if it proves to be unsafe. A reasonable effort to create a safe haven whereby youth mature, learn, and grow includes developing a child safety policy!

This all sounds well and good, right? So let’s get started. Here’s how this new edition works—it’s a bit different from previous editions: In Chapter 1 we lay a foundation for the work of a Child Safety Committee. In Chapter 2 we describe the potential legal and liability issues that can arise in cases of alleged child abuse within an organization. Then, in Chapter 3, we list the various elements that comprise a comprehensive child safety policy; and in Chapter 4, we offer a complete outline, along with suggested policy guidelines, to assist you in developing your own baseline policy. Chapter 5 offers a comprehensive look at the screening process and the protocols that are necessary for volunteers and staff to understand. Chapters 6 and 7 present similar looks at protocols for reporting abuse and responding to reports of abuse in a careful and effective way.

Also new to this edition are appendices that highlight the challenges of dealing with bullying, sexual harassment, and the possibility of abuse in programs for people with disabilities, like Friendship Ministries (see Appendices A through E). You’ll want to check out our updated resource suggestions, training materials, and useful forms (Appendices F through AA), many of which are also new to this edition.

One final note—beginning now, we will refer to churches and nonprofit organizations collectively as *organizations*, highlighting any material that refers exclusively to one or the other.

1 Getting Started

Receiving a Mandate

Ready for step one? The first thing you'll need to do is obtain the authority to write a child safety policy. Many projects come to a skidding halt when a draft document ends up in the hands of the organization's governing body—when it was not expecting one. Worse yet, the governing body might think someone did an end-run around them by producing, without permission, a document that has potential legal entanglements. Including the right elements in your policy is important, but first you need permission to gather those elements and formulate a policy. So you'll want to begin by asking the organization's governing body to craft a mandate for a committee appointed to write a child safety policy.

Authority from the organization is important for three reasons. First, the organization's governing body is ultimately accountable for the contents of the policy. Second, liability that arises from the policy often rests with the governing body. Third, the governing body's role is to approve all policies that directly affect the organization's personnel and programs.

Before the governing body issues a mandate, it should be aware of the risks of child abuse occurring in the facility, within the programs, or by the volunteers and staff. Your job of educating begins with the governing body. Once this group understands the issues, their support of the policy and its implementation will help immensely in the establishment of a safe and open environment where abuse is not tolerated.

Forming a Child Safety Committee

Once the governing body of your organization develops a mandate, it needs to appoint a committee of six to eight people whose task it will be to develop a child safety policy. Composition of the committee might include program staff and volunteers, parents with children in the programs, and governing board members. Just as the governing body

- Receiving a Mandate
- Forming a Child Safety Committee
- Beginning the Work

Sample mandate: The governing body announces the appointment of a Child Safety Committee with the mandate to develop policies and procedures that will reduce the risk of child abuse occurring in the facility, in the programs serving youth, or by volunteers and staff associated with the programs.

should be informed in the area of child abuse issues, so should the Child Safety Committee (CSC).

Creating awareness of abuse among the governing body and newly appointed committee members does take time. But don't skip this step. If you do, valuable time may be lost later in the process when discussions bog down because people do not clearly understand the risks of abuse that are inherent in organizations that sponsor programs for children and youth. In addition, the governing body and committee members may feel ill-equipped to defend the policy if they do not understand the dynamics of child abuse that lie behind its existence.

Beginning the Work

As it begins its work, your CSC should consider these key questions:

- What policies will create a safe environment for children and youth who participate in our organization's programs?
- How can our organization modify its facility to create a safe environment for children and youth?
- What policies will protect our volunteers and staff from allegations of abuse?
- What policies will reduce this organization's liability?

Here are some tips for a process that might be helpful as you organize and get started:

Initial meeting:

During your first meeting you'll want to appoint

- a chairperson to organize the meetings and keeps members on task.
- a recorder to take minutes and draft (or combine drafts of) each of the separate policy sections into one document. This is an important task because a document written in one voice is usually clearer and more succinct than one that utilizes several voices.
- a collector to gather documents and information that the CSC will use as it develops and writes a policy. These documents and information might include policies from other organizations, newspaper and magazine articles focused on abuse, the organization's insurance policy, state or provincial child protection laws, pertinent denominational documents, guidelines from an organization's headquarters or national office, and so on.

To avoid burnout, consider scheduling meetings once a month and limiting each meeting to ninety minutes. It can also be helpful to make

decisions by consensus, which means it's critical that everyone on the committee understands *what* is being recommended and *why*.

Second meeting:

The second time you meet, focus on your facility (see Appendix F, Facility Walking Tour Checklist).

You'll want to report obvious hazards immediately. The committee should also alert the governing body to the potential need for facility changes or improvements. (The governing body should anticipate some expenditure of funds to coincide with the conclusion of the committee's work and recommendations.)

Taking a facility tour will help committee members identify situations of potential risk to children's safety. It will also help the group identify all of the programs and places where volunteers and staff interface with youth, for example, nursery rooms, classrooms, library, vans or buses, gymnasium, bathrooms, conference room, counseling office, and more. In addition, the facility tour might lead to the identification of structure or facility changes that could reduce the risk of abuse occurring on the premises (see Appendix G, Facility Changes for the Protection of Youth).

Third meeting:

The agenda for your third meeting should include time for committee members to generate a list of the program, facility, and personnel issues that your completed policy needs to cover. Individual members might want to choose the issues for which they would like to draft sections of the policy. Or members may prefer to work in pairs to draft small, specific sections of the document. At subsequent meetings, you'll want to review the sections as a full committee as you pull together the parts that will form the larger policy document.

Progress reports to governing body:

The chairperson of your group should meet with the governing body for regular progress reports. The governing body needs to know the issues the committee struggles with and how the committee is working toward resolution of each issue.

Communication:

In any organization, communication is essential to successful planning and to the implementation of change. This is particularly true when the change required is focused on the prevention of child abuse. One way to communicate your work to others is to gather church members or stakeholders of the organization for dialogue, providing them with

an opportunity to learn about child abuse and abuse prevention and ask questions of your committee. Communication of this sort will be especially important when you have drafted the initial policy statement for your organization. You'll want feedback!

Another good communication device—consider developing a newsletter that informs and educates people about the risks of child abuse and about changes that may be necessary for your organization.

Policy reviews:

Another duty of the CSC is to obtain reviews of the proposed policy by the organization's insurance carrier, the organization's legal counsel or an attorney familiar with child safety issues, and at least one outside source. The insurance company will be concerned with issues that relate to the facility, to transportation, and to the selection of volunteers and staff. Legal counsel will be concerned with reporting procedures as well as with the selection, supervision, and retention of volunteers and staff. An outside person will be an independent and objective reviewer; he or she can give you feedback on flaws, inconsistencies, or omissions in the policy, which will also strengthen the completed document.

Implementing the policy:

While the CSC's main responsibility is to develop the policy, the governing body will likely establish another committee to implement the policy. In some cases, the two committees might overlap in membership. The benefit in establishing two separate committees, however, is that the involvement of more people means greater buy-in for the new policy.

When the governing body approves the policy, it should indicate the date at which the policy goes into effect. It's best if the start date also coincides with the beginning date for implementing screening policies and other general policies.

If liability arises from the policy, civil authorities usually turn to the governing body that is currently administering the policy. Therefore, after the governing body initially approves the policy, subsequent governing bodies should review the document periodically and adapt it as new issues of risk or liability arise.

Training staff and volunteers:

To enhance the success of the policy, the implementation committee should establish a process for educating and training volunteers, staff, parents, other concerned stakeholders, and children and youth before the policy takes effect.

Monitoring and revising the policy:

If the governing body determines a specific portion of the policy is not effective or enforceable, the governing body should revise the statement to make it more effective and enforceable—or the governing body should promptly remove that specific statement. In cases in which something is removed from the policy, the organization should notify its personnel, the parents of participating children and youth, as well as the children and youth, if appropriate. The governing body can be liable for a specific policy statement that remains in the document even though it may be ineffective or unenforceable.

A word of advice and encouragement:

Expect the policy-writing process to take fifteen to eighteen months (no one wants to read this!). Depending on the size of the facility, the number of programs offered, and the number of volunteers and staff, a comprehensive policy may take several months to design and implement. You'll also want the governing body of your organization to carefully examine the finished document before approving it because of the liability that is attached to a child safety policy. Substantial change to an organization's way of doing business *always* takes considerable time and careful communication. Don't cut corners by rushing the design, approval, and implementation of your child safety policy!

A word of caution:

No single policy works well everywhere! The child safety policy that works well in one church or nonprofit organization will not necessarily work well in another church or organization. Sample policies may help your CSC visualize what the final product could look like, but an organization that adopts another organization's document without first examining how well it fits its own setting will often find that it should have "tried it on before buying it." The time you might save by copying another organization's policy that doesn't fit your own organization may actually set your process back by several weeks or months.

Speaking of *copying*, it's unethical and illegal to copy a document or portions of a document and present it as if it's your own work. Furthermore, if a CSC copies a document or a portion of it and it contains material that is adverse to the community's laws or practices, the governing body will be held accountable for approving the material without review and without permission.