

## Mitigating the Risk of Child Sexual Abuse in Church Programs and Activities

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The public revulsion at accounts of sexual misconduct by clergy and lay church volunteers has reached a new and increasingly palpable level. The public is increasingly intolerant of the inadequate response by churches to incidents of sexual abuse. Church leaders need to review current policies and be prepared to take additional steps to protect minors.

There are many steps that churches can take to reduce the risk of child sexual abuse on church premises and during church programs and activities. Here are 14 of them based on a comprehensive examination of all relevant court rulings.

1. **Interview.** Interview all applicants for youth and children's ministry positions. This applies to both paid employee and unpaid volunteer positions. Interviews provide the church with an opportunity to inquire into each applicant's background and assess each applicant's suitability for the position under consideration.
2. **A written application.** Every applicant for a youth or children's ministry position (volunteer or compensated) should complete an application. At a minimum, the application should ask for the applicant's name and address, the names of other youth-serving organizations in which the applicant has worked as an employee or volunteer, a full explanation of any prior criminal convictions, and the names of two or more personal references.
3. **"Institutional references."** The best reference is an *institutional reference*. This is a reference from another organization in which the applicant has worked with minors either as a paid employee or an unpaid volunteer. The key question to ask is whether the institution is aware of any information indicating that the applicant poses a risk of harm to minors or is in any other respect not suitable for youth or children's ministry. Obviously, obtaining a positive reference from one or more other institutions that have actually observed the applicant interact with minors is the gold standard in screening prospective youth and children's workers. Some applicants have not worked with other youth-serving institutions in the past, and so no institutional reference is available. In such cases, a church's only option is to obtain personal references. However, risk can be reduced by limiting personal references to members of the church, or to members of other churches that are well known to church leadership.

For nonminister employees and volunteers, the best references will be from other churches or charities in which the applicant has worked with minors. Examples include Boy/Girl Scouts, Big Brothers/Sisters, Boys/Girls Clubs, YMCA, Little League, Catholic Charities, public or private schools, youth sports, or other churches or religious organizations. Seek a reference from every such organization in which the applicant has served. Your application form should ask applicants to list all such organizations, including contact information.

For persons seeking a position as a youth or children's pastor, institutional references include other churches in which the applicant has worked in youth or children's ministry, and the district council with which the applicant is credentialed.

Often, a church will not receive a response to a written reference request. In such a case, contact the reference by phone and prepare a written memorandum noting the questions asked and the reference's responses. Show the date and method of the contact, the person making the contact, the reference's identity, and a summary of the reference's remarks. Ideally, have a second person listening in on the conversation who can sign the memorandum as a witness. Such forms, when completed, should be kept with an applicant's original application. They should be kept permanently.

**Caution.** Be sure you are aware of any additional legal requirements that apply in your state. For example, a number of states have passed laws requiring church-operated child-care facilities to check with the state before hiring any applicant for employment to ensure that each applicant does not have a criminal record involving certain types of crimes. You will need to check with an attorney for guidance.

4. **A six-month rule.** Churches can reduce the risk of sexual molestation of minors by adopting a policy restricting eligibility for any volunteer position involving the custody or supervision of minors to those persons who have been members in good standing of the church for a minimum period of time, such as six months. Such a policy gives the church an additional opportunity to evaluate applicants, and will help to repel persons seeking immediate access to potential victims.
5. **"Benchmark" church policies by comparing them with the policies of other charities and the public schools.** Check with other churches and youth-serving charities (i.e., YMCA, Boy/Girl Scouts, Big Brothers/Sisters) to see how your procedures compare. Most importantly, check with your public school district. Public schools are agencies of the state, and therefore by aligning your procedures to those of public schools you are going a long way in demonstrating that your procedures are reasonable and not negligent.
6. **Periodic review of your policies by legal counsel.** Like benchmarking, having an attorney periodically review your worker selection procedures will help to establish the exercise of reasonable care which will reduce the risk of both harm and a finding of negligence.
7. **Adopt a two-adult policy prohibiting a child from being alone with an unrelated adult.** Adopt a "two-adult" policy. Such a policy simply says that no minor is ever allowed to be alone with an adult during any church activity. This rule reduces the risk of child molestation, and also reduces the risk of false accusations of molestation.

**Example.** *A church has a policy requiring two adults to work in the nursery. However, the policy does not prohibit children from being in the custody of less than two adults. On a Sunday morning during worship services, one adult temporarily leaves the nursery for ten minutes to speak with another church member. A few days later the parents of one*

*of the infants in the nursery suspect that their child has been molested. Suspicion is focused on the church nursery. Since the two nursery workers cannot prove that they both were present with the child throughout the entire worship service, they cannot "prove their innocence." The worker who was present in the nursery while the other worker was temporarily absent is suspected of wrongdoing, even though she is completely innocent.*

**Example.** *A church sponsors a campout for young boys. Some of the boys are accompanied by their fathers, but several are not. One tent is occupied by an adult volunteer worker and three boys. This arrangement violates the two-adult rule.*

**Example.** *A youth pastor takes home a group of five teenagers following an activity at church. After taking four of the teenagers to their homes, he is left in his car with a 15-year-old female. This arrangement violates the two-adult rule.*

8. **A criminal background check consisting of a nationwide search of sex offender registries, and a national criminal file search.** Criminal records checks are inexpensive and convenient, and they are an essential component of risk management. Preferential pricing often is available from your insurance company. Never hire anyone in a youth or children's ministry position, as either an employee or volunteer, who was or is on a sex offender registry in any state. Other crimes are disqualifying as well if they suggest that a person poses a risk of harm to minors. If in doubt about the relevance of a particular crime, a good practice is to bar persons from youth or children's ministry who would not be eligible to work as a public school employee. Your local public school district offices should be able to provide you with a list of disqualifying crimes.
  
9. **Prompt reporting of child abuse (known and suspected).** It is imperative for church leaders to comply with their state's child abuse reporting law. Promptly report all known and reasonably suspected cases of child sexual abuse to the designated state agency. In some states a report must be filed within 24 hours. Know the reporting requirement in your state. Be sure to make a telephone memorandum of your call, and ideally have a second person listening in on the conversation who can sign the memorandum as a witness. Resolve any and all doubts in favor of reporting. Prompt reporting has several advantages:
  - It is required by law (for mandatory reporters).
  - You avoid misdemeanor liability for failure to report.
  - You avoid civil liability in many states for not reporting.
  - Reporters are given immunity from liability in every state (except for malicious behavior).
  - You protect the current victim from further harm.
  - You are placing the abuser's identity in the criminal justice system, making it more likely that this information will be flagged to other churches and youth-serving charities evaluating an applicant for youth or children's ministry.
  - You minimize the risk of public outrage that can be unleashed if your church failed to report abuse to the state and the offender later molests other minors.

10. **Promptly address and halt high-risk behaviors.** Often, those who molest minors in churches or church activities have openly engaged in high-risk behaviors, including:

- Minors spending time in the home of a youth or children's ministry leader.
- Minors spending the night in a leader's home.
- An adult leader drives a vehicle with one or more unrelated minors on board, and no other adults.
- An adult goes on day trips with an unrelated minor.
- An adult goes on overnight trips with an unrelated minor.
- A leader spends the night in a hotel with one or more unrelated minors.
- A leader meets one or more minors in malls or other places where minors congregate.
- An adult leader sleeps in a tent with an unrelated minor during a campout.

These, and similar, "grooming" behaviors are associated with many incidents of sexual abuse involving youth and children's ministry leaders in churches. It is imperative that they be promptly confronted and stopped.

11. **Social media.** As a "best practice," churches should prohibit any private messaging on any social media platform by a youth or children's pastor or lay volunteer with unrelated minors. For support, contact your local public school district and find out what if any restrictions they place on communications between teachers and students.

12. **Video technology.** The installation of video cameras in strategic locations can serve as a powerful deterrent to child molesters, and can reduce a church's risk of negligent supervision. Video technology has become affordable for most churches, and should be considered by all churches as both a powerful deterrent and a means of proving or disproving alleged misconduct. Consider the following uses:

- Video cameras are helpful in a church's nursery since infants and very young children are present who are incapable of explaining symptoms of abuse. In such cases, innocent nursery workers may be suspected who lack the ability to conclusively prove their innocence. Video cameras can be helpful in documenting how symptoms of abuse may have occurred, and in proving the innocence or guilt of nursery workers.
- Church restrooms present a unique risk of molestation for both infants and older children. After all, they are frequented by children, they are easily accessible, and they often are in remote locations or are not adequately supervised. A video camera in a hallway outside a restroom door that is frequented by minors can be a powerful deterrent to child molesters. It also will provide church leaders and local authorities with evidence in the event that a minor is molested in a church restroom.

13. **Training.** Churches should conduct periodic training of employees and volunteers on recognizing and reporting child abuse, the identification of abused minors, and the importance of familiarity with the 14 recommendations summarized in this document. It is a "best practice" to

incorporate employees of your child abuse hotline office, and employees of your prosecuting attorney's office, in your training.

14 **Negligent supervision.** Churches can use reasonable care in selecting workers, but still be liable for injuries sustained during church activities on the basis of *negligent supervision*. The term *negligence* means carelessness or a failure to exercise reasonable care. *Negligent supervision*, then, refers to a failure to exercise reasonable care in the supervision of church workers and church activities. Churches have been sued on the basis of negligent supervision in a variety of contexts, but most often in child abuse cases. Adequate supervision involves a number of safeguards, including:

- Lock rooms and hallways that are not being used;
- Use video technology (see above);
- Have an adequate number of adults present during youth and children's activities to monitor workers and activities;
- Enforce a two-adult policy prohibiting one adult worker from being alone with one minor;
- No "early releases" of minors;
- Only release minors to the parent or other adult who brought them;
- Be especially vigilant with off-site activities such as field trips and camping since they present potential opportunities for sexual abuse due to the difficulty of adequate supervision.
- Exclude known or registered sex offenders from any youth or children's activity;
- In formulating policies, "benchmark" by examining the policies of other charities and the public schools.

**Key point.** Look at these 14 steps as ways to protect minors rather than as a risk management tool. If your goal is risk reduction, compliance is likely to suffer. Compliance is higher and of longer duration when leaders are motivated primarily by a desire to protect minors.