

**Duncan Memorial United Methodist Church
Ashland, VA**

**CHILD/YOUTH/VULNERABLE ADULT PROTECTION
POLICY AND PROCEDURES**

Date approved: December 12, 2009

I. PURPOSE

A. To help Duncan Memorial United Methodist Church provide a caring and secure environment for children, youth and vulnerable adults in all phases of church life.

B. To help protect employees and volunteers of Duncan Memorial from false allegations of misconduct.

II. BIBLICAL FOUNDATION

Duncan Memorial seeks to express God's love of children, youth and vulnerable adults and provide for their personal wholeness. This caring community seeks to prevent abuse of any form to our children, youth and vulnerable adults and to be in ministry to families where abuse may occur. The Bible is foundational to our understanding upon which all policies, procedures, and ministries must stand.

And they were bringing children to him, that He might touch them, and the disciples rebuked them. But when Jesus saw it He was indignant, and said to them, "Let the children come to me, do not hinder them; for to such belongs the kingdom of God. Truly, I say to you, whoever does not receive the kingdom of God like a child shall not enter it." And He took them in his arms and blessed them, laying his hands upon them.
Mark 10: 13-16

Jesus teaches us explicitly that children have the right and the keys to the Kingdom of God. He demonstrated this through blessing and touch. Our goal in response to this Biblical mandate is to maintain a safe, secure, and loving place where children may grow; a place where care givers, teachers and leaders (both paid and volunteer) minister appropriately to their needs.

In our interpretation of this Biblical passage, and in the pages which follow, the terms, "child" and "children" shall be inclusive of all persons from birth through age 18 or graduation from high school, whichever is later, and adults with such physical, emotional or mental disabilities, including advanced age, which places on our church a special responsibility for care.

III. SELECT PROVISIONS OF VIRGINIA'S CHILD ABUSE LAW

Duncan Memorial has adopted the following definitions as set forth in Va. Code Ann. § 63.2-100. Below are the relevant provisions of Virginia law:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;
3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law; or
5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing *in loco parentis*.

Duncan Memorial has adopted the following provisions of Va. Code Ann. § 63.2-1509 dealing with who must report certain injuries to children and the penalty for failure to report under Virginia law. 63.2-100. Below are the relevant provisions of Virginia law:

- A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:
 1. Any person licensed to practice medicine or any of the healing arts;

2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;
6. Any person providing full-time or part-time child/adult care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person associated with or employed by any private organization responsible for the care, custody or control of children; and
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1.
13. Any person, over the age of 18 years, who has received training approved by the Department of Social Services for the purposes of recognizing and reporting abuse and neglect.

This subsection shall not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) information that would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court.

- B. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information or testimony, unless such person acted in bad faith or with malicious purpose.

In addition, although not required by law to do so, anyone else who knows or reasonably suspects child abuse should report such suspected abuse immediately.

C. Any person required to file a report pursuant to this section who fails to do so within 72 hours of his/her first suspicion of abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1000.

IV. TYPES OF ABUSE

Duncan Memorial UMC does not condone any abuse at anytime of anyone. The Virginia Department of Social Services has provided some useful definitions that Duncan Memorial is adopting:

Child abuse: An act committed by a parent, caregiver, or person in a position of trust (even though he/she may not care for the child on a daily basis) which is not accidental and which harms or threatens to harm a child's physical or mental health or welfare.

Physical Abuse: A physical injury, threat of injury, or creation of a real and significant danger of substantial risk of death, disfigurement, or impairment of bodily functions. Such injury or threat of injury, regardless of intent, is inflicted or allowed to be inflicted by non-accidental means. Examples: asphyxiation, bone fracture, brain damage, skull fracture, subdural hematoma, burns, scalding, cuts, bruises, welts, abrasions, internal injuries, poisoning, sprains, dislocations, gunshot, stabbing wounds.

Physical Neglect: The failure to provide food, clothing, shelter, or supervision for a Child if the Child's health or safety is endangered. Physical neglect may include multiple occurrences or a one-time critical or severe event that results in a threat to health or safety, such as a toddler left alone. Other types of neglect include abandonment, inadequate supervision, inadequate clothing, inadequate shelter, inadequate personal hygiene, inadequate food, and malnutrition.

Sexual Abuse: Any act defined in the *Code of Virginia* that is committed or allowed to be committed, upon a Child by his/her parent or other person responsible for the Child's care. Examples of such abuse are sexual exploitation, sexual molestation, intercourse/sodomy, and other sexual abuse.

Medical Neglect: The refusal or failure by a care giver to obtain and/or follow through with a complete regimen of medical, mental, or dental care for a condition, which if untreated, could result in illness or developmental delays.

Failure to Thrive: A syndrome of infancy or early childhood that is characterized by growth failure, signs of severe malnutrition, and variable degrees of developmental retardation. Children are considered to be in this category only when the syndrome is diagnosed by a physician and is caused by non-organic factors.

Mental Abuse/Neglect: A pattern of acts or omissions by the caregiver that results in harm to a Child's psychological or emotional health or development.

Educational Neglect: The failure of the Child's caretaker to ensure that the Child attends school or an approved alternative program of study.

Bizarre Discipline: Any actions in which the caregiver uses eccentric, irrational, or grossly inappropriate procedures or devices to modify the Child's behavior.

Adult Protective Services defines adult abuse as “the willful infliction of physical pain, injury or mental anguish or unreasonable confinement.” Abuse includes battery and other forms of physical violence including, but not limited to, hitting, kicking, burning, choking, scratching, rough handling, cutting, biting, etc. It includes sexual assault, inflicting pornography, voyeurism, exhibitionism, and other forms of forced sexual activity on an elder or an adult with disabilities. It includes any sexual activity with an adult who is unable to understand or give consent. It includes the control of an adult through the use of threats and intimidation and through the abuse of a relationship of trust (*Code of Virginia*, §63.1-55.2). Duncan Memorial UMC also defines as “vulnerable” those adults who have reached their 18th birthday while still in high school, through Labor Day following graduation.

Neglect: An adult living under such circumstance that he is not able to provide for himself or is not being provided such services as are necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. This definition incorporates both those who are self-neglected, i.e., living under such circumstance that he/she is not able to provide for himself/herself, and those whose need for physical and mental health services are not being provided by another person. Indicators of neglect include, but are not limited to, malnourishment, dehydration, the presence of pressure sores, inadequate personal hygiene, inadequate and/or inappropriate clothing, inadequate or inappropriate supervision, extreme filth of person or home, severe pest/rodent infestation, offensive odors, inadequate heat, no fuel, no electricity, no refrigerator, or untreated physical or mental health problems. Abandonment is also a form of neglect.

Exploitation: The illegal use of an incapacitated adult or his resources for another's profit or advantage. Exploitation, or financial abuse, is accomplished by the use of covert, subtle, and deceitful means. It is usually a pattern of behavior rather than a single episode. Financial exploitation includes, but is not limited to, the crimes of larceny, embezzlement, theft by false pretenses, burglary, forgery, false impersonation, and extortion. Indicators that a person is being financially exploited may include, but is not limited to: activity in that adult's bank account that is erratic, unusual, or uncharacteristic of that person; the person's automatic teller card is used and the account owner is unable to use the card; new acquaintances have taken up residence in the older person's home; change in the older person's property titles, will, or other documents, particularly if the person is confused and/or the documents favor new acquaintances; a power of attorney is executed by a confused older person; documents and/or property is missing; the older person is being evicted and believes he/she owns the house; or the elder's mail has been redirected to a different address.

Abuse under the definition of the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) means “any act or failure to act by an employee or other person responsible for the care of an individual that was performed or was failed to be performed knowingly, recklessly, or intentionally, and that caused or might have caused physical or psychological harm, injury, or death to an individual receiving services. Examples of abuse include but are not limited to the following:

- Rape, sexual assault, or other criminal behavior;
- Assault or battery;
- Use of language that demeans, threatens, intimidates or humiliates the person;
- Misuse or misappropriation of the person’s assets, goods or property;
- Use of excessive force when placing a person in physical or mechanical restraint;
- Use on a person of physical or mechanical restraints that is not in compliance with federal and state laws, regulations, and policies, professionally accepted standards of practice or the person’s individualized services plan; and
- Use of more restrictive or intensive services or denial of services to punish the person or that is not consistent with his individualized services plan.

V. REDUCING THE RISK OF ABUSE

A. Employee and Volunteer Screening

1. Background Checks

In an effort to create the safest possible environment within Duncan Memorial, several abuse prevention measures will be utilized. These measures include criminal background checks for all current staff, parents and volunteers who serve as “primary adults” with children/youth/vulnerable adults. No one will be permitted to serve as a primary adult working with Duncan Memorial's children/youth/vulnerable adults who have any of the following on their criminal background check:

- a. conviction of an offense involving sexual behavior
- b. conviction of a child abuse offense
- c. conviction of a child molestation offense
- d. conviction of a DWUI offense within the last five years
- e. conviction of a felony within the last seven years

These background checks will be renewed every four years and paid for by Duncan Memorial. Any background check made by another organization within four years can satisfy this requirement if the organization provides a copy directly to the Duncan Memorial Protection Policy Committee. All background check results shall be received reviewed and maintained by the Protection Policy Committee members only.

2. Screening Form

All applicants for volunteer service will complete a screening form (copy attached), which will ask for the following: general information, any of the above criminal convictions (see Section 1); date first active at Duncan Memorial; prior church membership(s); prior church volunteer work; two references from prior volunteer activities or if the person does not have prior volunteer activities, then two personal references that know the person’s character. Duncan Memorial will require a valid state driver's license or other photographic identification to confirm identity. No one who refuses to complete this

screening form will be permitted to work with Duncan Memorial's children/youth/vulnerable adults.

3. Protection Committee

The Pastor, Coordinator of Church Council and Coordinator of the Trustees will be the Protection Policy Committee. The Protection Policy Committee members will be required to maintain confidentiality. The Protection Policy Committee will review the Background Checks and other forms submitted by employees and volunteers to determine compliance with the Protection Policy and Procedures. All completed screening forms and criminal record checks shall be maintained in a locked and secured manner in the pastor's office. Two members of the Child Protection Committee must be present to view files. The Committee will maintain a list of cleared individuals with expiration dates. The Director of Christian Education and Director of Youth Ministries will receive current lists as they are updated. The Director of Christian Education and the Education ministry team will distribute and implement the policy with church volunteers.

B. Training

All Duncan Memorial clergy, lay employees, and volunteers will be required to read Duncan Memorial's Child/Youth/Vulnerable Adult Protection Policy and sign a statement indicating that they have read and understand the policy and agree to abide by it. This statement shall be part of the screening form (copy attached hereto as Exhibit "A"). Anyone failing to sign this statement will be contacted. If the employee or volunteer does not sign the statement after being contacted, that person will not be permitted to serve until the policy has been read and the form signed. Such persons also will be required to complete one orientation session about Duncan Memorial's Protection Policy. Orientation sessions will be offered by Duncan Memorial semiannually or more often as needed.

All adult members of Duncan Memorial are encouraged to read and sign the Protection Policy, and attend an orientation session.

Outside groups who seek to use Duncan Memorial's facilities will be given a copy of the policy and encouraged to comply with its provisions. An authorized representative of each outside group shall sign a statement that they received and read this policy.

C. Six Month Rule

Prior to serving as a primary adult, an applicant for service with children, youth or vulnerable adults must have been an active participant at Duncan Memorial for six months, with the exception of employees. New participants in church ministries are welcome to serve as helpers, provided primary adults are present in the required ratios (see Sections D and E below).

D. Leadership Definitions

1. An "adult" is defined as an individual that is eighteen years of age and no longer attending high school.
2. A "primary adult" is defined as an adult who has:
 - a. satisfied the background check;
 - b. attended orientation on this Protection Policy;
 - c. signed an agreement to follow the Protection Policy;

- d. is at least five years older than the oldest youth they are supervising;
- e. complied with the 6 month rule; and
- f. previously worked as a volunteer under a primary adult

3. A “helper” is defined as a youth or adult who has been trained for their job responsibilities, including training for age-appropriate applications of this policy. Anyone working in the capacity of helper will not count in determining protection ratios governing youth in grades 6 -12 (see Section E below).

E. Leadership Ratios

1. Within the framework of the guidelines below, there should always be at least two adults, one of whom shall be primary, present in every classroom and at every event for children, youth or vulnerable adults, and present in the following ratios for multiple participants:

Infant – 3 years (nursery): Two adults for between one and six children, and 1 more helper for every 1 to 3 additional children.

Pre-school (3-5): Two adults for one to ten children, and 1 more helper for every 1 to 5 additional children.

Elementary (K-5th): Two adults for one to sixteen children, and 1 more helper for every 1 to 8 additional children.

Youth (6th -12th): Two adults for one to twenty youth, and 1 more helper for every additional ten youth.

Vulnerable adults: Two adults for one to four persons, but adjusted according to the needs of participating individuals.

2. Sunday School, non-overnight, and other church-sponsored activities: Volunteers will be assigned in teams of two or more (with at least one being a primary adult) per Sunday School hour to every class of children/youth/vulnerable adults, as well as other activities of these groups. A concerted effort will be made to recruit sufficient numbers of volunteers to permit such team teaching. In the event that 2 volunteers are not available, the group will either relocate or leave the door open. Other church-sponsored or community groups of children/youth/vulnerable adults who meet at the church should have two or more volunteers present, at least one of whom is a primary adult.

3. Overnight Events: If children, youth or vulnerable adults stay overnight, at least two of the volunteers must be primary adults. If the group has both male and female participants, then at least one primary adult must be male and one primary adult must be female. Boys should sleep in one room, and girls in a separate room. Adults and helpers should maintain separate sleeping spaces.

4. Transportation: Approval to drive the church van requires a separate application, available in the church office. If there is only one vehicle transporting youth, church van or other vehicle, there must be two adults present, and one of them must be a primary adult. Additional vehicles may have one adult driver as long as:

- a. There is more than one child, youth, or vulnerable adult, not exceeding the ratios stated above, and
- b. The ratios and other requirements of this policy are met at the destination of the trip.

5. Counseling Sessions: Leaders are encouraged to conduct one-on-one counseling sessions (one primary adult with one youth/child/vulnerable adult), in a public arena (fellowship hall, public library, eating establishment, etc.). Offices or classrooms with windows in the doors or open doors would be a secondary option.

E. Classroom Discipline

All employees and volunteers will use the following discipline measures:

- If a student is behaving inappropriately, the employee or volunteer will tell the child specifically what he/she is doing that is not acceptable and state what the expected behavior (e.g., "We do not throw the blocks. We use blocks for building.");
- If this measure is not effective, the child will be guided to another activity;
- If inappropriate behavior continues, the child may be placed at a table to work alone away from the other children;
- If the child's disruptive behavior continues after these steps have been taken, the child may be taken to the following people and left under that person's supervision:
 1. parent or guardian;
 2. Director of Christian Education;
 3. Director of Youth Ministries;
 4. Sunday School Superintendent
- *No physical punishment or verbal abuse, e.g., ridicule, is to be used at any time;*
- If isolating the child within the classroom or removal of the child from the room becomes necessary, the situation will be discussed with the child's parents or guardian as soon as possible.

F. Open Classrooms

Classrooms or child care rooms may be visited without prior notice by Duncan Memorial employees, volunteers, or parents. Windows on the classroom doors should never be totally blocked so as to prevent visual observation of the classroom from the hallway. Brief observations of child care rooms and classrooms of children/youth/vulnerable adults are conducted by the Director of Children's Ministries, the Director of Youth Ministries, and the Sunday School Superintendent during Sunday school hours or other times of gathered groups.

VI. REPORTING OF CHILD ABUSE

The allegation of child/youth/vulnerable adult abuse is very serious. Throughout the course of the exploration of alleged incident, both prayer and the appropriate pastoral care resources must be made available to all those in need.

Should there be an allegation of abuse at Duncan Memorial UMC, the matter must be reported immediately to the Senior Minister and the District Superintendent. In the absence of the Senior Minister or if the Senior Minister is being accused, the matter is reported to the Chairperson of the Staff Parish Relations Committee and District Superintendent. Additionally, the Chair of Church Council, Chair of Trustees and the Chair of Staff Parish Relations will receive notification that there has been an allegation. The Senior Minister will notify Duncan Memorial's Legal Counsel. The Legal Counsel - will do the following:

- A. Collect a written statement from the reporting person(s);
- B. Document the specifics of the alleged incident on the Report of Suspected Abuse;
- C. Notify the Virginia Department of Social Services State Hot Line (children/youth) 1-800-552-7096 (24 hours a day/7 days a week). State Hot Line (adults) 1-888-83-ADULT;
- D. Once the report has been filed with Child Protective Services, the parents/guardian of the child/youth/vulnerable adult must be contacted by the Senior Minister/designee, unless the parents/guardians in the home are suspected of the alleged abuse;
- E. Notify the church's insurance company;
- F. All interviews, conversations, and actions will be documented in writing;
- G. Every effort will be made to protect the confidentiality for both the alleged victim and the alleged accused. However, it will be necessary to discuss the allegation(s) with a limited number of appropriate individuals;
- H. No outside media will be contacted and no statements generated other than by the appointed Duncan Memorial spokesperson;
- I. No one shall confront the accused with the allegations unless and until advised by state or local authorities and/or Ashland District Superintendent; and
- J. If the accused has assigned duties within the life of the church, that person must be temporarily relieved of his/her duties.

VII. POLICY REVIEW

The Child/Youth/Vulnerable Adult Protection Policy and Procedures of Duncan Memorial United Methodist Church shall be reviewed annually by the Board of Trustees and the Protection Policy Committee. A report will be made each year at Charge Conference to insure the integrity of the policy and procedures.