

**POLICY ON THE PREVENTION
AND REPORTING OF CHILD
ABUSE**

**FIRST FAMILY CHURCH
WICHITA, KS
September 2006**



firstfamily

I. PREFACE

All church workers must conduct themselves with prudence and virtue, being aware of our responsibility before God as ministers and as representatives of the Church, and being aware of the sensitivity of our times to these questions. The Policy on the Prevention and Reporting of Child Abuse and these guidelines are set forth for the guidance of all staff pastors, and laity of the church.

II. DEFINITIONS

For the purposes of these Guidelines of Implementation, the following definitions are applicable:

1. "Child" means any person under 18 years of age.
2. "Physical, mental, or emotional abuse or neglect" means the physical, mental or emotional injury to a child.
3. "Sexual abuse" means any unlawful sexual act to or with a child as set forth under Articles 35 and 36 of Chapter 21 of the Kansas Statutes Annotated.
4. "Personnel" means the pastors, director of ministries, and lay volunteers who serve in a regular, on-going ministry to children or youth and who are members of the church or have been in regular attendance for three months.

III. DISTRIBUTION

1. A copy of First Family Church's Policy on the Prevention and Reporting of Child Abuse, as well as the Guidelines for Implementation of the Policy shall be sent to:
 - a. Pastors, lay volunteers, and all employees.
 - b. Every director and administrator of ministries and services including all children and youth ministries.
2. All pastors and/or directors of ministries (cf. Section II, Para. 4 above) who work with or around children and youth are to distribute the policy and guidelines to all future church personnel when they apply for their positions.
3. All church personnel will, upon receiving a copy of the policy and the guidelines, sign a receipt and return to the person who distributed it. A copy of the receipt shall be kept by the church, The receipt shall read:

IV. PREVENTION

Our goal is to reasonably deter any abuse from ever happening by limiting opportunities during which abuse might occur. By limiting those opportunities, we not only protect potential victims, but also protect volunteers and staff from false accusation.

1. Church Personnel Applications and Background Checks

See attached Background Check and Application Policy

2. Church personnel assignments:

Any location for an activity must be available for viewing and the activity area must be available for parents, coordinators, or other personnel to visit at any time.

V. REPORTING

1. Every incident of allegation of suspected child abuse by church personnel must be brought to a pastoral staff member's attention immediately-whether State law requires you to report such directly or not to authorities. A written report will be kept in a locked file cabinet. A child, who may be involved in suspected sexual abuse, should only be interviewed by SRS/Law Enforcement and the Children's Director and Pastor in order to minimize trauma to the child.

2. Generally speaking, persons responsible for the care of children must report suspected child abuse to civil authorities. Such reports are made to the Kansas Department of the Social and Rehabilitation Services (SRS). Persons who must report are those who deal with the care and supervision of children; for example, teachers, principals, and other school officials, employees, and child day care centers. (See Kansas Law Summary attached to the policy, especially paragraphs 1, 2, 8, and 9).

3. Those required to do so must report promptly to the Department of Social and Rehabilitation Services (SRS Hotline is 337-7000). When this department is not open for business, the report is to be made to the appropriate law enforcement agency or 911. A volunteer may ask a member of the pastoral staff to assist them in this reporting process.

4. Any questions about the church policy or the implementation guideline should be directed to the immediate supervisor or pastoral staff member.

5. After reporting to the SRS, notification should be also given to Pastor and Children's Director.

VI. CONFIDENTIALITY

1. To protect the reputation and good name of both accused and children, those who know of an alleged incident or case of child abuse should disclose information only to those authorized to receive such under Kansas law or under these guidelines and church policy.

2. There is always the possibility of false accusations or unsubstantiated claims. It is important for all church personnel to know that civil law provides penalties for libel and slander.

3. Under Kansas law (K.S.A. 38-1526), anyone participating without malice in the making of an oral or written report on the abuse of a child, or in any follow-up investigation of the report, shall have immunity from civil liability that might otherwise be incurred or imposed. Such a participant has the same immunity with respect to participating in a judicial proceeding resulting from a report.

VII. POLICY

1. One such damaging violation occurs when children are physically, mentally, emotionally, sexually, etc., abused or neglected. In such a case, First Family Church will have as its primary concern the alleged victim's safety and well-being. It will be committed to pastoral care for the alleged victim, the family, and for the accused. The actions described below are meant to ensure the safety of all, and to protect the rights of all, including the right to a good name for the accused. With these pastoral concerns in mind, the following steps will be the official policy of First Family Church.

2. Abusive or neglectful behavior in any form is outside the scope of employment for all persons at the church. The church strongly supports the State as it tries to deal with this social and moral evil. We intend to comply with all civil laws, and we also expect those in service with us to do so. All employees, affiliates, and volunteers of the church must comply with state and local laws as well as with church policy and guidelines about child abuse.

3. This policy statement is meant to emphasize our deep pastoral concern for the victim and the family of the victim; to safeguard against fraudulent claims that may ruin the reputation of innocent persons; and to assist in the reconciliation of the offender and his or her family.

4. This document is intended to present guidelines that will thwart child abuse, mitigate harm to others, and provide guidance to church personnel in responding to allegations.

VIII. APPLICABLE LAW

1. The Kansas statutes and cases define the types of conduct that violate the law. A supplement to this policy summarizes state law on abuse of children.

2. The law changes from time to time. Because of this, all personnel should familiarize themselves with the changes that may occur. Regular updates of the law will be provided by the Children's Director.

IX. ACTION WHERE GUILT DETERMINED

Any pastor, employee, volunteer, or affiliate of First Family Church who admits to, does not contest, or is found guilty of an incident involving abuse (or neglect) of a child shall be terminated.

X. IMPLEMENTATION

1. First Family Church will adopt practices and procedures to implement and disseminate this policy.
2. The successful implementation of this policy will require a judicious vigilance by all, including pastors and directors of ministries and services.

Recommended and approved by the Church Board (MST) August 13th, 2006.

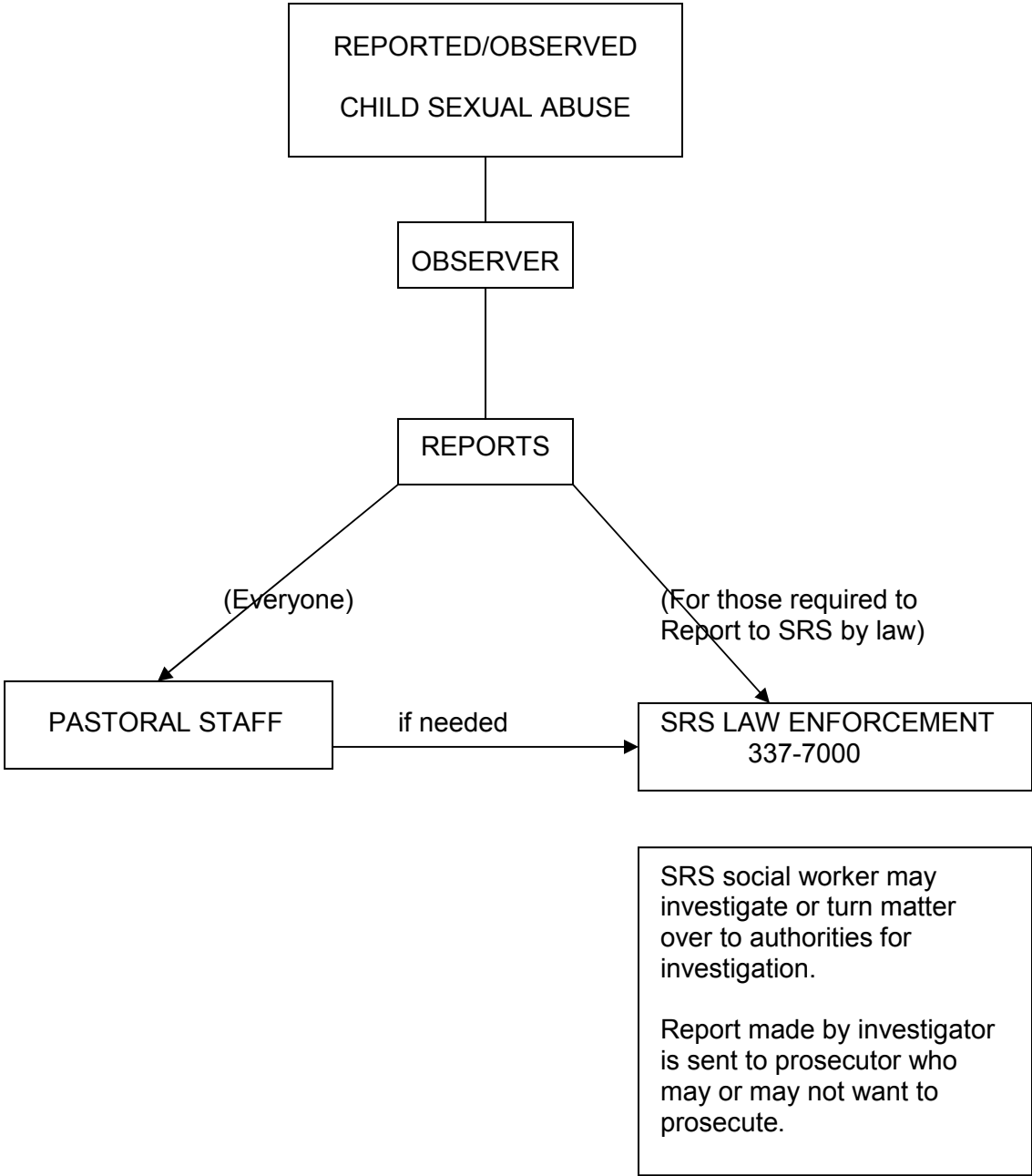
Bob Crew
Secretary of the Board

Mark Pennington
Pastor

8-13-06
Date

8-13-06
Date

REPORTING CHANNELS
POLICY ON THE PREVENTION AND REPORTING OF CHILD ABUSE
FIRST FAMILY CHURCH
WICHITA, KS



KANSAS LAW SUMMARY

The following is a summary of Kansas Law about reporting and other requirements relating to child abuse.

1. Who Must Report? According to Kansas State Law (K.S.A. 38-1522) when there is reason to suspect a child has been injured as the result of physical, mental, or emotional abuse or neglect or sexual abuse, a report must be made by the following persons: “persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed professional or practical nurses examining, attending, or treating a child under the age of 18; teachers, school administrators, or other employees of a school which the child is attending; chief administrative officers of medical care facilities; registered marriage and family therapists; persons licensed by the secretary of health and environment to provide child care services are being provided to the child; licensed social workers; fire fighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; and law enforcement officers.”

2. Staff Pastors must report when they fall into any of the categories mentioned above. Kansas law does not say clergy must report simply because they are clergy.

3. What Requires a Report? A report must be made when a person has reason to suspect that a child has been injured through physical, mental, emotional abuse, neglect, or sexual abuse.

4. Summary of Legal Definitions:

“Child” refers generally to any person under 18 years of age.

“Abuse” minimally includes any or all of the following:

- a. physical, mental, or emotional injury inflicted on a child
- b. sexual contact or intercourse
- c. sexual exploitation of a child

5. To Whom Must the Report Be Made? Reports—oral or written—are made to the Kansas State Department of Social and Rehabilitation Services (SRS). When this department is not open for business, the report is made to the appropriate law enforcement agency (K.S.A. 39-1522(c)). The person reporting may speak with an attorney beforehand.

6. Willful and knowing failure to report is a Class B Misdemeanor (K.S.A. 38-1522(f)). Preventing or interfering with the making of a report required by the law is also a Class B Misdemeanor (K.S.A. 39-1522(g)).

7. Under Kansas law (K.S.A. 38-1526) anyone participating without malice in the making of an oral or written report of the abuse of a child, or in any follow-up investigation of the report, shall have immunity from any civil liability that might otherwise be incurred or imposed. Such a participant has the same immunity with respect to participating in a judicial proceeding resulting from the report.

8. Kansas law (K.S.A. 60-249) recognizes as privileged what the statute defines as “penitential communication”.

“A person, whether or not a party, has a privilege to refuse to disclose, and to prevent a witness from disclosing a communication if he or she claims the privilege and the judge finds that (1) the communication was a penitential communication, (2) the witness is the penitent or the minister, and (3) the claimant is the penitent, or the minister making the claim on behalf of an absent penitent.” (K.S.A. 60-429(b)).

9. Clergy should keep in mind that Kansas law does not REQUIRE them to report, unless they are functioning in one of the positions listed in K.S.A. 38-1522. See paragraph 1 above. The law clearly protects the clergy/penitent and confessional secrecy.

The statutory definition of penitential communication appears broader in scope, moreover, than a strictly sacramental and confessional communication; it protects a broader class of communications from disclosure. Nevertheless, a minister may well be subpoenaed to testify about cases of child abuse. He can legitimately be asked for all information obtained outside the embrace of a “penitential communication” as defined by the statute.

RECEIPT

I hereby acknowledge that on _____ (date) I have received the Policy on the Prevention and Reporting of Child Abuse and Guidelines for Implementation of the policy. I also acknowledge that I have read and understand the meaning and agree to conduct myself in accordance with the policy and guidelines. Yes _____ No _____

Signature

Print Name