

**PRESBYTERY OF CARLISLE
PRESBYTERIAN CHURCH (USA)**

Camp Hill, Pennsylvania

Approved by Carlisle Presbytery December 5, 2017

Child and Youth Protection Policy



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INTRODUCTION

Purpose

The Presbytery of Carlisle (“Presbytery”) seeks to provide a safe and secure environment for the children who participate in our programs and activities. By implementing the policies and procedures outlined in this document, our goal is to protect children involved in Presbytery events from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers from false accusations.

Scope

This child protection policy (“Policy”) applies to Presbytery workers while involved in Presbytery programs and activities. Each congregation in the Presbytery is strongly encouraged to have its own child protection policy.

Definitions

For the purposes of this Policy, the following terms shall have the meanings indicated:

“Child” or “children” includes all persons under the age of (18) years.

“Child abuse” means intentionally, knowingly or recklessly doing any of the following:

Causing bodily injury to a child through any recent act or failure to act;

Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act;

Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act;

Causing sexual abuse or exploitation of a child through any act or failure to act;

Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act;

Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act;

Causing serious physical neglect of a child;

Causing the death of the child through any act or failure to act;

Engaging a child in a severe form of trafficking in persons or sex trafficking; or

Engaging in any of the following acts:

Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;

Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement;

Forcefully shaking a child under one year of age;

Forcefully slapping or otherwise striking a child under one year of age;

Interfering with the breathing of a child;

Causing a child to be present during the operation of a methamphetamine laboratory, provided that the laboratory is being investigated by law enforcement;

Leaving a child unsupervised with an individual, other than the child's parent, who the worker knows or reasonably should have known was required to register as a Tier II or Tier III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

"Workers" includes both employees and those volunteers who work with children.

EMPLOYMENT

Selection of Workers

All persons who desire to work with the children participating in our programs and activities will be screened. This screening includes the following:

Written application

All persons seeking to work with children must complete and sign a written application in a form to be supplied by the Presbytery. The application shall include but not be limited to:

Basic Contact Information;

Previous experience with children;

Reference and employment information;

Voluntary disclosure of any prior accusations, investigations or convictions relating to child abuse;

References, which should be of an institutional nature as opposed to personal or family references (preferably from organizations where the applicant has worked with children in the past); and

Necessary background checks (as outlined later in this document).

The completed application will be maintained in confidence on file in the Presbytery office.

Personal Interview

Upon completion of the application, an interview may be scheduled with the applicant to discuss his/her suitability for the position.

Reference Checks

Before an applicant is permitted to work with children, at least one of the applicant's references may be checked.

Background Clearances

Background clearances are required for all employees (regardless of position) and for volunteers providing direct care, supervision, guidance or control of children. This includes but is not limited to:

- Those who will be involved in child care at Presbytery activities;
- Those who will be involved in overnight activities with children; and
- Those who will be vehicle drivers or chaperones for children's events.

Employees must submit the following:

1. Pennsylvania State Police Criminal Record Check,
2. Child Abuse History Clearance from the Pennsylvania Department of Human Services, and
3. Federal Bureau of Investigation ("FBI") Criminal Background Check.

Volunteers who will provide direct care, supervision, guidance or control of children must submit the following:

1. Pennsylvania State Police Criminal Record Check,
2. Child Abuse History Clearance from the Pennsylvania Department of Human Services, and
3. FBI Criminal Background Check. However, the FBI Criminal Background Check is not required if the volunteer meets both of the following conditions:
 - a. Has been a resident of Pennsylvania for the previous consecutive 10-year period, and
 - b. Swears or affirms in writing (using the form attached to this policy) that s/he has not, within the past five years:
 - i. Been named as a perpetrator in the statewide child abuse database;
 - ii. Been convicted of one or more of certain offenses (see 23 Pa. C.S. § 6344(c)) (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state; or
 - iii. Been convicted of a felony offense under the Controlled Substance, Drug, Device and Cosmetic Act.

No worker will be permitted to work with children until acceptable clearances are submitted. Additionally, every worker shall submit an updated background clearance within 60 months from the date of the previous clearance. Any worker whose clearances lapse will not be permitted to work with children until acceptable clearances are submitted. Any employee whose clearances lapse may also be subject to discipline, up to and including termination.

All documents relating to background clearances will be maintained in confidence at the Presbytery.

The Presbytery will reimburse the cost of obtaining new background clearances for all of its current employees and those volunteers who work with children on a routine basis, provided the clearances are not required for their employment elsewhere. New full-time employment applicants must pay for and produce said clearances prior to official start date, unless otherwise determined by the Presbytery.

Disqualifying Events

What constitutes a disqualifying event that will keep an employee from working with children will be determined by the Personnel Committee and the Executive Presbyter. The Executive Presbyter and the Education Committee Chairperson will determine the same for volunteers seeking to work with children. If the disqualifying event is associated with the Executive Presbyter, the Personnel Committee will make the determination on the Executive Presbyter's ability to work with children. Each decision will be made on a case-by-case basis in light of all the surrounding circumstances and will be in compliance with relevant state laws and regulations.

Subsequent Arrests or Convictions

Any worker other than the Executive Presbyter subject to this Policy shall provide written notice to the Executive Presbyter within 72 hours of any of the following events:

- Being arrested for, or convicted of, an offense listed in 23 Pa. C.S. § 6344(c) (or an equivalent crime under Federal law or the law of another state);
- Being arrested for or convicted of, a felony offense under the Controlled Substances, Drugs, Device and Cosmetic Act; or
- Being named as a perpetrator in the state child abuse database.

The Executive Presbyter shall provide written notice to the Stated Clerk within 72 hours of any of the following events:

- Being arrested for, or convicted of, an offense listed in 23 Pa. C.S. § 6344(c) (or an equivalent crime under Federal law or the law of another state);
- Being arrested for or convicted of, a felony offense under the Controlled Substances, Drugs, Device and Cosmetic Act; or
- Being named as a perpetrator in the state child abuse database.

Teenage Workers

We recognize that there may be times when it is necessary or desirable for children to assist in caring for children during Presbytery programs or activities. The following guidelines apply to teenage workers:

- Must be at least age 16;
- Must be screened and obtain background clearances as specified above; and
- Must be under the supervision of an adult and must never be left alone with children.

Training

The Personnel Committee, in conjunction with the Education Committee and the Executive Presbyter, will periodically review the Policy with workers. Workers will be asked to sign an acknowledgement (attached) indicating that they have read the policy and are committed to abiding by it. Opportunities for additional training classes or events will be offered on an annual basis. All workers are strongly encouraged to attend these training events.

No Discrimination Against Reporters of Child Abuse

The Presbytery will not discriminate against a worker making a report of suspected child abuse with respect to the worker's terms and conditions of employment.

CARE OF CHILDREN

Discipline Policy

It is the policy of the Presbytery not to administer corporal punishment to children under our care. There should be no spanking, grabbing, hitting, or other physical discipline of children. Workers should consult with the Education Committee if assistance is needed with disciplinary issues.

Transportation Policy

In cases where children's events occur at locations other than the Presbytery's offices, the Presbytery will require transportation in private vehicles. All drivers must be at least 22 years of age, licensed and insured. Pick-up/drop-off will occur at either the Presbyter's offices or other designated location. No child will be left unattended at the time of drop off/pick up.

Off-site/Overnight Activities Policy

In instances when the Presbytery conducts programs or activities for children off-site or overnight, a consent form may be requested to be completed by a parent or guardian. The consent form will include emergency contact information, insurance information, and relevant medical information (e.g., allergies or other medical conditions) as well as a statement giving consent to workers to administer or arrange for medical treatment.

Medications Policy

The Presbytery will not administer either prescription or non-prescription medications to children. Medications should be administered by a parent at home. Exceptions to the medications policy may be granted to parents of children with potentially life-threatening conditions (such as asthma or severe allergic reactions). Parents of such children should address their situation with the Education Committee to develop a plan of action.

Accidental Injuries to Children

In the event that a child is injured while under our care, the following steps should be followed:

1. For minor injuries, scrapes, and bruises, workers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the child's parent or guardian of the injury at the time the child is picked up from our care.
2. For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be notified in addition to the Executive Presbyter. If warranted by circumstances, an ambulance will be called.
3. Once the child has received appropriate medical attention, an incident report will be completed in the case of injuries requiring treatment by a medical professional.

Two Adult Goal

It is our goal that a minimum of two unrelated adult workers will be in attendance at all times when children are being supervised during our programs and activities.

CHILD ABUSE

Mandated Reporters

All workers having direct contact with children are mandated reporters of suspected child abuse.

In the event that a worker involved in the care of children at the Presbytery has reasonable cause to suspect abuse of a child, **the individual must make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.** A mandated reporter making an oral report of suspected child abuse shall also make a written report to ChildLine, which may be submitted electronically, within 48 hours. Additionally, the worker must immediately report the suspected abuse to the Executive Presbyter, but if the Executive Presbyter is not available or is allegedly involved, the report must be made to the Stated Clerk.

Presbytery's Response to an Alleged Incident of Child Abuse

In the event that an alleged incident of child abuse is reported to the Executive Presbyter and/or the Stated Clerk, the following procedure shall be followed:

1. The parent or guardian of the child will be notified.
2. The worker (if any) alleged to be the perpetrator of the abuse or misconduct will immediately be placed on leave from working with children pending an investigation by the Education Committee in consultation with the Executive Presbyter and/or the Stated Clerk. Upon the conclusion of the investigation, the Education Committee in consultation with the Executive Presbyter and/or the Stated Clerk Presbytery will determine whether the event disqualifies the worker from working with children, using the procedure described above under Disqualifying Events.
3. Civil authorities will be notified, and the Presbytery will comply with the state's requirements regarding mandatory reporting of abuse as the law then exists. The Executive Presbyter in conjunction with the Education Committee will fully cooperate with the investigation of the incident by civil authorities.
4. The Presbytery's insurance company will be notified, and the Presbytery will complete an incident report. Pertinent documents received relating to the incident and/or allegations will be forwarded to the insurance company.
5. The Executive Presbyter and/or Stated Clerk may seek legal advice.
6. Per the Crisis Communication Plan of Carlisle Presbytery, The Executive Presbyter is the designated spokesperson to the media concerning incidents of abuse or neglect, unless he or she is alleged to be involved. All other representatives of the Presbytery should refrain from speaking to the media. If the situation is such that the Executive Presbyter cannot act as the designated spokesperson, then the Stated Clerk and/or Legal Counsel will serve as the designated spokesperson.

7. A pastoral visit will be arranged for those who desire it.

MISCELLANEOUS

Convicted Sex Offenders

If it becomes known that a convicted sex offender is attending Presbytery events or participating in Presbytery programs and activities, the Executive Presbyter should immediately be informed. The Executive Presbyter may obtain legal advice and may consult with any necessary community service agencies. Information will be disclosed in accordance with applicable state and federal laws and regulations. Every effort will be taken to ensure the safety of our children.

Resources

Pennsylvania Child Protective Services Law

23 Pa. C.S. §§ 6301-6386

Websites offering Clearances and Certifications

1. <http://KeepKidsSafe.pa.gov> (information on laws, clearances, training, etc.)
2. <http://www.pa-fsa.org> (PA Family Support Alliance - information on laws and training)
3. <https://compass.state.pa.us/> (Online Child Abuse History Clearance)
4. <https://epatch.state.pa.us/> (Pennsylvania Access To Criminal History website)
5. http://www.pa.cogentid.com/index_dpw.htm (FBI Clearance)
6. <https://www.reportabusepa.pitt.edu> (Mandated Reporter Certification)

For Questions Regarding Clearances:

1. Child Abuse History and FBI: (877) 371-5422
2. Pennsylvania State Police: (888) 783-7972

Affidavit – Exemption from FBI Clearance

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a certification through the Federal Bureau of Investigation (FBI), as:

- the position I am applying for is unpaid; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I understand that if I have not been a resident of Pennsylvania during the entirety of the previous ten-year period, but have received certification from the FBI since establishing residency, I must provide a copy of the certification to my employer and am not required to obtain any additional FBI certifications.

I swear/affirm that, if providing certifications that have been obtained within the preceding 60 months, I have not been disqualified from service as outlined below or have not been convicted of an offense similar in nature to a crime listed below under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania Consolidated Statutes or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709.1	(relating to stalking)
Section 2901	(relating to kidnapping)
Section 2902	(relating to unlawful restraint)
Section 3121	(relating to rape)
Section 3122.1	(relating to statutory sexual assault)
Section 3123	(relating to involuntary deviate sexual intercourse)
Section 3124.1	(relating to sexual assault)
Section 3125	(relating to aggravated indecent assault)
Section 3126	(relating to indecent assault)
Section 3127	(relating to indecent exposure)
Section 4302	(relating to incest)
Section 4303	(relating to concealing death of child)
Section 4304	(relating to endangering welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I swear/affirm that I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current certifications obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of certifications shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that certifications obtained for the volunteering purposes can only be used for that purpose and cannot be used for employment purposes.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my certifications.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

Date: _____

Acknowledgement

I hereby acknowledge that I have received a copy of the Carlisle Presbytery Child Protection Policy on _____(date). I have read the policy, understand its meaning, and agree to conduct myself in accordance with this policy.

I have enclosed the following required documents (please check)

_____ Pennsylvania State Police Criminal Record Check

_____ Child Abuse History Clearance from the Pennsylvania Department of Human Services

_____ Federal Bureau of Investigation (FBI) Criminal Background Check - OR

_____ Affidavit – Exemption from FBI Clearance

Name: _____Signature: _____

Witness: _____Signature: _____

Date: _____