**[church name]**

Policies for the Protection

of Children and Youth

from Abuse

Final

Approved by **[governing body]**

**[date]**

**INTRODUCTION**

The **[church name]** Policies for the Protection of Children and Youth from Abuse define behaviors and practices that allow members and participants in the life of the Church to fully demonstrate love and compassion for children and youth in sincere and genuine relationships.

We recognize that relationships are the foundation of Christian ministry and that community is central to the life of the Church. Relationships in ministry should always be experienced as caring and without intention to do harm or allow harm to occur. With this in mind, **[church name]** is committed to providing safe places for children and youth to grow in their life in Christ. The following policies and codes of conduct have been adopted by **[church name]** to create and maintain healthy environments for children and youth and for those who minister to them. All Church Personnel as well as volunteers must agree to adhere to the Codes of Conduct and the following Policies for the Protection of Children and Youth from Abuse.

Much of the material and statements herein are gleaned from existing policy statements found at various locations on the internet. The Episcopal Diocese of Atlanta Policies for the Protection of Children and Youth from Abuse were of particular influence. No copyright infringement is intended.

These policies are provided as a guide and do not cover every issue. They are intended to adhere to the laws of the State of Georgia; however, if there is any discrepancy between the policies and any state or federal law, the applicable law will prevail.

**DEFINITIONS**

 The following definitions apply to this policy unless otherwise provided:

Child abuse" means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

“Child” means anyone under the age of 18.

“Church” means **[church name]**, Inc.

“Church Personnel” means Clergy, paid staff, including part time or contract workers, and other paid employees of the church. Independent contractors are not considered “Church Personnel”.

"Sexual abuse" means a person's employing, using, persuading, inducing, enticing, or coercing any child who is not that person's spouse, to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

"Sexual abuse" shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

“Sexual exploitation" means conduct by any person who allows, permits, encourages, or requires a child to engage in:

(A) Prostitution, as defined in OCGA 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in OCGA 16-12-100.

“Volunteer” means anyone other than Church Personnel who, at or for the church, provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, transportation or shelter to a child or children.

“Youth” means anyone age 12, but not yet 18.

**GUIDELINES**

Church Personnel and Volunteers agree to do all in their power to prevent child abuse as define herein, including neglect. All Church Personnel and Volunteers must agree to comply with the Guidelines for Appropriate Affection. (Appendix A). Church Personnel and Volunteers will respond to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, culture or socioeconomic status. Church Personnel and Volunteers will maintain an attitude of respect, patience and maturity. Church Personnel and Volunteers agree to report any observed inappropriate behaviors to the appropriate church authorities as set out in this Policy, , and to report any suspected abuse to civil and church authorities as required by law (Appendix D).

**SCREENING AND SELECTION**

All persons seeking to be employed by the church and who will work with or around children or youth are to be screened prior to employment, or reassignment to a position working with children) and selected with a standard application process completed by the applicant that includes at least, the following:

1. A Criminal Background Check. The person must submit an authorization for the release of information to conduct a criminal background check as deemed by the [name of governing board]. All such background checks must be made in each state where the applicant has resided during the past seven (7) years.

2. A Sexual offender Registry check in any state where the applicant has resided during the past twenty (20) years.

3. An individual interview by the Rector with the applicant.

4. Reference checks of persons outside the congregation who know the applicant, preferably who know how the applicant works with children.

5. Driving or Motor Vehicle Records check if the person may be transporting children or youth.

6. A search of social media sites to gather any information relevant to the applicant.

All Volunteers who work with or around children or youth are to be screened and selected utilizing the same procedure set out above for Church Personnel. All information gathered about an applicant is to be carefully reviewed and evaluated by the Rector, or such persons so designated by the [name of governing board], to make a determination, in consultation with others as necessary, as to whether the person is appropriate to work with children or youth.

Church Personnel employed by the church who work with or around children or youth have a personnel file that shall be securely kept where other church records are kept so that access to such records by unauthorized persons is prevented.

All information gathered about an applicant is to be carefully reviewed and evaluated to make a determination, in consultation with others as necessary, as to whether the person is appropriate to work with children or youth.

To the extent possible, it is recommended that persons not be permitted to supervise an immediate family member when working with or around children or youth (for instance a nursery director supervising her 16-year-old daughter assisting in the nursery). For the purpose of this policy, immediate family member is defined as spouse, child, parent, sister, brother, in-law relationship, stepchild, stepparent, step sibling, or grandparent.

**EDUCATION AND TRAINING REQUIREMENTS**

Completion of an approved training program of child abuse prevention education and training as approved by the [name of governing board] is required for all Church Personnel and Volunteers who regularly work with or around children and youth before they start their work with children or youth. The required training shall be completed annually.

All members of the [name of governing board] and members of any supervisory group over the children and/or youth in the Church will either provide evidence of current training certification in an approved program completed within three months of beginning their service, or they must complete the required training.

All Church Personnel shall complete the child abuse prevention training every three years and the Certificate of Completion shall be maintained in such person’s personnel file.

The Rector or [name of governing board] shall appoint a person in the parish to audit the training certification files annually so that current certification is maintained.

**STRUCTURAL GUIDELINES & STANDARDS**

Church Personnel or Volunteers over the age of 21 are to directly supervise Church Personnel and Volunteers under the age of 18 and are to be physically present during all activities.

Any activities developed by Church Personnel for children or youth which take place at a location other than the church or when parents are not present, must be approved by the Rector or by his designated representative. Requests to develop new activities should be submitted in writing to the Rector, Youth Leaders and appropriate Ministry teams. The Rector and his designated representatives are to consider whether the plan for a new activity is appropriate and includes adequate adult supervision.

Each program is to develop age-appropriate procedures to ensure the safety of children and youth using rest rooms and showers or baths.

When supervising or assisting private activities such as dressing, showering or diapering infants or children, Church Personnel or Volunteers are not to be alone with a child or youth or multiple children or youth where other adults cannot easily observe them.

When at all possible, it is recommended that at least two unrelated Church Personnel supervise activities. On overnight trips, male and female adult supervision is mandatory when boys and girls are in attendance.

Church computers should have adequate password protection and there should be clear guidelines and adequate supervision (by staff or authorized persons) of anyone using a church computer in a Church activity to access the Internet. All persons should be aware that any activity on a church computer is not considered private and may be accessed by authorized persons.

**GENERAL CONDUCT FOR THE PROTECTION OF CHILDREN AND YOUTH**

These guidelines are intended to assist Church Personnel and Volunteers in monitoring and supervising behaviors and interactions with children and youth to identify and stop those that may be inherently harmful to children or youth, that are the type used by child molesters to groom children, youth and their parents, or that may create the conditions where abuse can occur more easily. These policies are not designed or intended to address interactions within families.

All Church Personnel and volunteers who work with children or youth must agree to comply with the Guidelines for Appropriate Affection (Appendix A) and have completed and signed the Compliance Agreement Form (Appendix C).

No person is allowed to volunteer to work with children or youth until the person has been known to the clergy and congregation for at least six months. The Rector or his designated representative has the right to refuse any person from working with children and youth.

Programs for infants and children under six (6) years old are to have procedures in place to ensure that children are released only to their parents or legal guardians or those designated by them.

Church Personnel or volunteers are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs while participating in or assisting with programs or activities specifically for children or youth.

Parents or guardians must complete written permission forms before Church Personnel transport children and youth for a church sponsored activity or for any purpose on more than an occasional basis.

Church Personnel or volunteers are to respond to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, culture or socioeconomic status.

Church Personnel and volunteers are to portray a positive role model for children and youth by maintaining an attitude of respect, patience, and maturity.

One to one counseling with children or youth is done in an open or public or other place where private conversations are possible but occur in full view of others.

Church Personnel or Volunteers are prohibited from dating or becoming romantically involved with a child or youth.

Church Personnel or Volunteers are prohibited from having sexual contact with a child or youth.

Church Personnel or Volunteers are prohibited from possessing any sexually oriented materials (magazines, cards, videos, films, emails, text message, photographs, clothing, or other media) on church property or in the presence of children or youth except, as expressly permitted as part of a preauthorized educational program.

Church Personnel or Volunteers are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of children or youth.

Church Personnel or Volunteers are prohibited from discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with children or youth.

Church Personnel or Volunteers are prohibited from sleeping in the same beds or sleeping bags with children or youths. Church Personnel or volunteers are prohibited from sleeping in the same tents, hotel rooms or other places with children or youth, except as designated chaperones approved by the appropriate Church Personnel. It is acceptable to have multiple adults sleep with all the children or youth participating in one open space such as a church building or camp lodge.

Church Personnel or Volunteers are prohibited from dressing, undressing, bathing, or showering in the presence of children or youth.

Church Personnel or Volunteers are prohibited from using physical punishment in any way for behavior management of children and youth. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force. Physical force may only be used to stop a behavior that may cause immediate harm to the individual or to a child, youth or others.

Church Personnel or Volunteers are prohibited from using harsh language, degrading punishment, or mechanical restraint such as rope or tape for behavior management.

**REPORTING**

When Church Personnel or Volunteers observe any inappropriate behaviors, behaviors that are inconsistent with the Guidelines for Appropriate Affection, or which may violate any provision of these Policies for the Protection of Children and Youth from Abuse, they must immediately report their observations as provided herein. In addition to the reporting requirements of OCGA 19-7-5, the report will include submission of a Notice of Concern along with a verbal report made to the appropriate person as soon as reasonably practicable, but in no event less than 24 hours of the event reported. All reports of inappropriate behavior or policy violations with children or youth will be taken seriously.

As of July 1, 2012, all Church Personnel and Volunteers are considered "Mandated Reporters" and are required by this policy and by Georgia Law, to report known or suspected abuse of children or youth to the appropriate State authorities. By Georgia law, an oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused. The report must be made by telephone or otherwise and shall be followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If the abuse is observed in Sunday School or other Church function, then the report must be made to the Rector, or other Clergy person in charge.

Specifically, the reporting law provides as follows with respect to child abuse observed in the school settings:

“If a person is required to report child abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.”

A report to the Rector or other Clergy person in charge of the Church is required to meet the requirements of the mandatory reporting law if the child abuse is observed in connection with activities of the Church, and the Rector or other Clergy person in charge, are then required to make the report to the designated agency.

In addition to reporting to the state authorities, Church Personnel or Volunteers, including Bishops, Priests and Deacons, (the Church being a “Child Service Organization as defined below) are required to report any reasonably suspected or known abuse of children or youth that may have been perpetrated by Church Personnel or Volunteers on church property directly or activities to the Rector, or in his absence, to the Clergy in charge, or Senior Warden of the Church, Chancellor, so that immediate and proper steps may be taken to ensure the safety of alleged victims. Reports of suspected or known abuse that involve Church Personnel may be reported to the Church by telephone call or meeting with the Rector if the Rector is not the person suspected of abuse, or other persons designated above. The person making such report should also submit a Notice of Concern (Appendix B), signed or unsigned, to the person to whom the report is made.

A “Child service organization personnel” means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

All reports of child abuse or neglect shall be held in absolute confidence, except as to the reporting requirements set out herein or otherwise required by law. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. The Rector, in consultation with any State official conducting an investigation may authorize limited additional disclosure if necessary to protect other children from harm in the near future, particularly where the person responsible for the abuse cannot be identified, but in no case shall the identity of the victim or the accused person be disclosed except as required by law.

No person shall attempt to conduct an investigation either through examination or interrogation of the child, the accused person or a witness. It is acceptable to obtain a reasonable amount of information to have cause to believe a child has been abused or neglected. Interviews shall be conducted only by authorized officials of the agency to whom the suspected crime has been reported or, when appropriate, by legal counsel or persons representing the church in an official capacity. All Church Personnel, employees and Volunteers of the church shall cooperate with the official investigation as requested.

**Reporting Guidelines**

**What Do You Report?**

Name, age, address and current location of the child

Name and contact information of child's parents, guardian or caretakers, if known

Name and contact information of suspected perpetrator

Location where maltreatment took place, if known

The nature and extent of the child's injuries

The name and contact information for anyone who witnessed the events

A brief description of the facts or circumstances leading to the report

Any other information the reporter believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

**Where and When Do You Report**

When there is reasonable cause to believe a child has been “abused" a report must be made to the local Department of Family and Children Services. Reasonable cause may be a reasonable concern or suspicion. This may arise even if you did not witness the abuse. Make the report even if you do not have all the information.

An oral report shall be made immediately, but **in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused**, by telephone or otherwise and followed by a report in writing, if requested, to local Department of Family and Children Services or, in the absence of such agency, to an appropriate police authority or district attorney.

**[insert contact information]**

After hours centralized Child Protective Center: 1-855- GA CHILD (1 855-422-4453), 5pm- 8am weekdays / 24 hours on weekends - holidays / furlough days.IN AN IMMEDIATE EMERGENCY CALL 911, OR THE LOCAL POLICE DEPATMENT!

**IF YOU ARE UNABLE TO REACH DFCS, OR IF THE CHILD IS IN IMMEDIATE DANGER, REPORT TO LOCAL LAW ENFORCEMENT (911) OR THE DISTRICT ATTORNEY IN THE COUNTY WHERE THE CHILD LIVES.**

**Rights and Penalties of Mandated Reporters**

Any person making a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority pursuant to this law shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this law is made in good faith.

Except in the limited circumstances outlined above, the report must be made to the proper authorities by the person “witnessing” the occurrence. The obligation is **not** met merely by reporting it to the church leadership. Should you have any question about the manner of reporting please communicate with the Rector or Clergy person in charge.

Any person or official required to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

**APPENDIX A**

**GUIDELINES FOR APPROPRIATE AFFECTION**

**[church name]** is committed to creating and promoting a positive, nurturing environment for our children's and youth ministries that protect our children and youth from abuse and our Church Personnel and Volunteers from misunderstandings. When creating safe boundaries for children and youth, it is important to establish what types of affection are appropriate and those that are inappropriate. Stating which behaviors are appropriate and inappropriate allows Church Personnel and Volunteers to comfortably show positive affection in ministry, and yet identify safe boundaries with children or youth.

Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with children and youth. The following are guidelines and may not address every situation. When there is doubt seek counsel from church leadership.

**Examples of positive and appropriate forms of affection:**

Brief hugs.

Pats on the shoulder or back.

Handshakes.

"High-fives" and hand slapping.

Verbal praise.

Touching hands, faces, shoulders and arms of children or youth.

Arms around shoulders.

Holding hands while walking with small children.

Sitting beside small children.

Kneeling or bending down for hugs with small children.

Holding hands during prayer.

Pats on the head when culturally appropriate.

**Examples of inappropriate forms of affection:**

Inappropriate or lengthy embraces.

Kisses on the mouth.

Holding children over three years old on the lap.

Touching bottoms, chests or genital areas other than for appropriate diapering or toileting of infants and toddlers.

Showing affection in isolated areas such as bedrooms, closets, staff only areas or other private rooms.

Occupying a bed with a child or youth

Touching knees or legs of children or youth.

Wrestling with children or youth.

Tickling children or youth.

Piggyback rides.

Any type of massage given by a child or youth to an adult.

Any type of massage given by an adult to a child or youth.

Any form of unwanted affection.

Comments or compliments (spoken, written, or electronic) that relate to physique or body development. Examples would be, "You sure are developing," or "You look really hot in those jeans."

Snapping bras or giving “wedgies” or similar touch of underwear whether or not it is covered by other clothing.

Giving gifts or money to individual children or youth.

Private meals with individual children or youth.

**APPENDIX B**

**CONFIDENTIAL NOTICE OF CONCERN**

Individual(s) of Concern: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of occurrence: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time of occurrence: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Identify all witnesses to the event: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of Concern:

[ ] Inappropriate behavior with a child or youth

[ ] Policy violation with a child or youth

[ ] Possible risk of abuse:

[ ] Other concern:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Describe the situation:

What happened? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Where it happened? When it happened? Who was involved? Who was present? Who was notified?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Has this situation ever occurred previously? \_\_\_\_\_\_\_\_

(Attach additional sheets if needed.)

What action was taken by you? How was the situation handled, who was involved, who was questioned, were police called? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Attach additional sheets if needed.)

What is the follow-up plan? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Does anyone else need to be notified? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Will the situation need monitoring? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Would you like someone to call you to discuss this situation? \_\_\_\_\_ (Attach additional sheets if needed.)

Submitted by: (Please print) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reviewed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Report made to DFCS or Police Yes No. If yes, give date, time and details of notification.

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date \_\_\_\_\_\_\_\_\_ Time \_\_\_\_\_\_\_

**APPENDIX C**

**Compliance Agreement Form**

Name (print): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Compliance Statement**

I certify that I have received and read the Policies on the Prevention of Abuse for Children and Youth.

I understand its contents and I fully understand my responsibility to comply with the Policies and Code of Conduct. I understand my responsibility to report any violations or potential violations of the Code of Conduct to church authorities.

I recognize that any violation of the Code of Conduct may be grounds for dismissal from employment or may terminate my right to volunteer to work with children or youth.

I further agree to complete any Child Abuse training course required by **[church name]** as part of my employment or volunteer activities.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX D**

**MANDATORY RPORTING LAW**

**Effective: January 1, 2014**

West's Code of Georgia Annotated Currentness

Title 19. Domestic Relations (Refs & Annos)

 [name of governing board] 7. Parent and Child Relationship Generally (Refs & Annos)

 Article 1. General Provisions

 **§ 19-7-5. Reports by physicians, treating personnel, institutions and others as to child abuse; failure to report suspected child abuse**

(a) The purpose of this Code section is to provide for the protection of children whose health and welfare are adversely affected and further threatened by the conduct of those responsible for their care and protection. It is intended that the mandatory reporting of such cases will cause the protective services of the state to be brought to bear on the situation in an effort to prevent further abuses, to protect and enhance the welfare of these children, and to preserve family life wherever possible. This Code section shall be liberally construed so as to carry out the purposes thereof.

(b) As used in this Code section, the term:

(1) ‘Abortion’ shall have the same meaning as set forth in Code Section 15-11-681.

(2) “Abused” means subjected to child abuse.

(3) “Child” means any person under 18 years of age.

(4) “Child abuse” means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an “abused” child.

(5) “Child service organization personnel” means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

(6) “Clergy” means ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.

(7) “Pregnancy resource center” means an organization or facility that:

(A) Provides pregnancy counseling or information as its primary purpose, either for a fee or as a free service;

(B) Does not provide or refer for abortions;

(C) Does not provide or refer for FDA approved contraceptive drugs or devices; and

(D) Is not licensed or certified by the state or federal government to provide medical or health care services and is not otherwise bound to follow federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, or other state or federal laws relating to patient confidentiality.

(8) “Reproductive health care facility” means any office, clinic, or any other physical location that provides abortions, abortion counseling, abortion referrals, or gynecological care and services.

(9) “School” means any public or private pre-kindergarten, elementary school, secondary school, technical school, vocational school, college, university, or institution of postsecondary education.

(10) “Sexual abuse” means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

“Sexual abuse” shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

(11) “Sexual exploitation” means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.

**(c)(1) The following persons having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made as provided in this Code section:**

(A) Physicians licensed to practice medicine, physician assistants, interns, or residents;

(B) Hospital or medical personnel;

(C) Dentists;

(D) Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

(E) Podiatrists;

(F) Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 26 of Title 43 or nurse's aides;

(G) Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;

(H) **School teachers**;

(I) School administrators;

(J) School guidance counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;

(K) Child welfare agency personnel, as that agency is defined pursuant to Code Section 49-5-12;

(L) Child-counseling personnel;

(M) **Child service organization personnel**;

(N) Law enforcement personnel; or

(O) Reproductive health care facility or pregnancy resource center personnel and volunteers.

(2) If a person is required to report child abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(d) Any other person, other than one specified in subsection (c) of this Code section, who has reasonable cause to believe that a child is abused may report or cause reports to be made as provided in this Code section.

(e) An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital employees or volunteers, physicians, law enforcement personnel, school officials, or employees or volunteers of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photographs shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority.

(f) Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in the making of a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority pursuant to this Code section or any other law or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith. Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection.

(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.

(h) Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

(i) A report of child abuse or information relating thereto and contained in such report, when provided to a law enforcement agency or district attorney pursuant to subsection (e) of this Code section or pursuant to Code Section 49-5-41, shall not be subject to public inspection under Article 4 of Chapter 18 of Title 50 even though such report or information is contained in or part of closed records compiled for law enforcement or prosecution purposes unless:

(1) There is a criminal or civil court proceeding which has been initiated based in whole or in part upon the facts regarding abuse which are alleged in the child abuse reports and the person or entity seeking to inspect such records provides clear and convincing evidence of such proceeding; or

(2) The superior court in the county in which is located the office of the law enforcement agency or district attorney which compiled the records containing such reports, after application for inspection and a hearing on the issue, shall permit inspection of such records by or release of information from such records to individuals or entities who are engaged in legitimate research for educational, scientific, or public purposes and who comply with the provisions of this paragraph. When those records are located in more than one county, the application may be made to the superior court of any one of such counties. A copy of any application authorized by this paragraph shall be served on the office of the law enforcement agency or district attorney which compiled the records containing such reports. In cases where the location of the records is unknown to the applicant, the application may be made to the Superior Court of Fulton County. The superior court to which an application is made shall not grant the application unless:

(A) The application includes a description of the proposed research project, including a specific statement of the information required, the purpose for which the project requires that information, and a methodology to assure the information is not arbitrarily sought;

(B) The applicant carries the burden of showing the legitimacy of the research project; and

(C) Names and addresses of individuals, other than officials, employees, or agents of agencies receiving or investigating a report of abuse which is the subject of a report, shall be deleted from any information released pursuant to this subsection unless the court determines that having the names and addresses open for review is essential to the research and the child, through his or her representative, gives permission to release the information.

Current through Acts 343 to 669 of the 2014 Regular Session.

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