

Child/Youth/Vulnerable Adult Protection Policy
Presbytery of Eastern Virginia (Presbytery)

POLICY STATEMENT

It is the policy of the Presbyterian Church (U.S.A.) and the Presbytery of Eastern Virginia (Presbytery) that all clergy, church officers, church members, nonmember employees, contractors, and volunteers of the Presbytery and its member congregations, are to maintain the strongest sense of integrity, safety, nurturing, and care involving all interactions with children, youth, and vulnerable adults. This policy applies to all Presbytery sponsored activities that involve children, youth, and vulnerable adults.

POLICY RATIONALE

The implementation and documentation of a Child/Youth/Vulnerable Adults Protection Policy strives to reduce the risk of abuse and neglect for the following reasons:

- The Church is called to be a place that reflects the open arms of Jesus. In Matthew 19:14, Jesus says, "*Let the little children come to me.*" The Church is to be, a place of safety and nurture reflective of the arms of Christ.
- Any type of abuse involving children, youth, or vulnerable adults has lasting and devastating effects on the life of the victim/survivor. It is the call of the Church to be a life-giving entity of Christ's healing and hope for community and individuals, not an entity that brings harm and hurt.
- The larger Church suffers with the victim/survivor and his or her family when abuse and neglect occur. The Church is crippled by the hurt, pain, and distrust that accompanies abuse. Not only does the Church lose its credibility at all levels, it also suffers considerable financial loss and loss of integrity. More importantly, in instances of child, youth, or vulnerable adult abuse within the Church, there is immeasurable spiritual, psychological, emotional, and physical harm perpetrated that woefully cripples God's call on the Church.
- The *Book of Order* states, "The congregation (Presbytery), on behalf of the Church universal, assumes responsibility for nurturing the baptized person in the Christian life," and Presbyterians believe this baptismal commitment to be a serious one, understanding it to apply to all in the church's care, including children, youth, and vulnerable adults (*Book of Order* W-2.3013).
- Children, youth and vulnerable adults are not only persons of care and service in the church,
- but they are also recipients of the graces and love of God. Jesus exemplified this in the Gospel of Mark 10:15–16 when He urged his followers to receive the kingdom of God as a little child. And He specifically takes up the children into his arms and blesses them. The Church, as the body of Christ, is to be the presence of Christ's love, in the same way taking up all children, and youth into its arms and blessing them; providing for them a safe, thriving, and nurturing environment in which to grow in every way.

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DEFINITIONS

The Commonwealth of Virginia has statutes regarding what is defined as child/youth/vulnerable adult abuse. This policy directs the Presbytery, its officers and members to consider and be familiar with the Commonwealth's statutes.

The following is a comprehensive list of definitions of terms and their intended use in this policy. For the purpose of this policy:

Clergy: Ministers of the Word and Sacrament

Church officers: Ministers, Commissioned Pastors, Ruling Elders, Deacons, and Trustees.

Child: A child will be defined as a person between the ages of 0–11.

Youth: A youth will be defined as a person between the ages of 12–18.

Minor: A minor is any child or youth 0–18 years-old.

Child/Youth Worker: Any person, volunteer, paid staff or contractor, who participates at any level at Presbytery sponsored events or activities involving children and/or youth, whether on the property of any church of the Presbytery or at some other location.

Vulnerable Adult: Any person eighteen-years-old or older without the developmental or cognitive capacity to consent.

Child/Youth Abuse: Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a child or youth.

Vulnerable Adult Abuse: Any act or failure to act that results in the physical, sexual, psychological, or emotional mistreatment, neglect, or exploitation of a vulnerable adult.

Sexual Abuse: In the *Book of Order*, sexual abuse is defined as, "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or **misuse of ordered ministry or position**" (*Book of Order*, D-10.0401c).

Misuse of technology: The use of technology that results in the harassing or abusing of a child/youth/vulnerable adult. This includes using technology to send suggestive messages and images to a child, youth or vulnerable adult.

Safe Child/Youth/Vulnerable Adult Response Team: The Safe Child Response Team is a team comprised of a minimum of three members of or appointed by the Presbytery Council who are to respond when needed to allegations and reports of child, youth, or vulnerable adult abuse at sponsored activities. The response team may be identified in advance and should have at least one member currently serving on the Presbytery Council.

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SCREENING, TRAINING, AND BACKGROUND CHECKS

A child/youth/vulnerable adult worker, whether on a paid staff, contractor, or volunteer basis, shall be subject to:

- 1.** The Presbytery's receipt of a completed, signed, and approved PRESBYTERIAN CHURCH VOLUNTEER APPLICATION (ATTACHMENT A), that has been provided by the Presbytery's staff, and background check authorization forms, including a signed form verifying the Presbytery's Child/Youth/Vulnerable Adult Protection Policy has been read. The application should include a minimum of two references. A previous application to a member congregation of the Presbytery may be substituted for an application specifically with the Presbytery. The Presbytery is responsible for background checks of all clergy.
- 2.** All child/youth workers must be at least eighteen-years-old and four years older than the oldest youth whom they are supervising.
- 3.** The applicants must consent to a criminal background check. The Presbytery will consult with the insurance company to determine what background checks are appropriate for their particular circumstances. The Presbytery will cover the costs of the background checks for all child/youth/vulnerable adult workers directly employed by the Presbytery and those who volunteer in this capacity at a Presbytery sponsored event or gathering. These checks shall be run before employment or volunteer service. (This is also at the discretion of the insurance company's requests. Child/youth workers who routinely participate in youth ministry are only required to have one background check per calendar year, depending on insurance company standards.)
- 4.** All child/youth/vulnerable adult workers, directly paid, contracted, or volunteering for the Presbytery, must be briefed by the minister or person in charge of the event concerning the policies of the Presbytery. The briefing is to be provided by the Presbytery and shall cover the child/youth/vulnerable adult protection policy thoroughly as well as methods of abuse prevention and a detailed plan for reporting. The briefing shall further cover:
 - What constitutes child/youth/vulnerable adult abuse and neglect.
 - How to recognize signs and symptoms of abuse and neglect.
 - Virginia laws concerning definitions of abuse and reporting.
 - Appropriate boundaries with children and youth, especially regarding adult/child/youth ratios, transportation, and use of technology.
 - If an overnight event is planned, discussions of boundaries involving appropriate sleeping arrangements and restroom/shower facilities use shall be discussed.
 - Other related topics specific to the event or venue.

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5. No person may serve as a child/youth/vulnerable adult worker who has a conviction on his/her record of certain felonies, misdemeanors or petty offenses, including, but not limited to, any of the following:

- Criminal homicide;
- Aggravated assault;
- Crimes related to the possession, use, or sale of drugs or controlled substances, unless an exception is specifically permitted upon request to the Presbytery Council.
- Sexual abuse;
- Sexual assault;
- Injury to a youth;
- Incest;
- Indecency with a youth;
- Inducing sexual conduct or sexual performance of a youth;
- Possession or promotion of child pornography;
- The sale, distribution, or display of harmful material to a minor;
- Employment harmful to youth;
- Abandonment or endangerment of a youth;
- Public lewdness or indecent exposure; and enticement of a youth;
- Any crime that involves sexual misconduct or sexual abuse, particularly if it involves misconduct or abuse with a minor;
- Any crime that involves misuse of technology for sexual purposes, such as collecting or distributing photographs of minors who are naked or in sexual or inappropriate poses (child pornography);
- Any crime that involves the use of force, such as assault or endangerment;
- Any crime that involves abduction, kidnapping and unlawful restraint;
- Any crime that involves drinking and driving, such as driving while intoxicated, within the last five years;
- Conviction of reckless driving, within the last five years.

In addition, if the Presbytery is aware that a child/youth worker has a prior conviction for one of the aforementioned crimes or a related crime, except motor vehicle violations, the child/youth worker shall automatically be ineligible to attend a child/youth event in any capacity.

6. Whenever the Presbytery organizes an event for minors to which the Presbytery will invite minors from member churches who will be supervised by child/youth workers, the churches that select the youth workers shall:

- a. Not send a person to act as a child/youth worker whom the church knows has violated the provisions of the *Book of Order* or the policy of a local congregation or the Presbytery pertaining to sexual misconduct or child/youth protection.
- b. Not send a person to act as a child/youth worker for minors when that person is also scheduled to work at the event in some other capacity an example being food preparation.

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- 7.** Whenever the Presbytery organizes an event for minors that invites minors from member churches who will be supervised by child/youth workers, the Presbytery shall:
- a. Provide guidance to the churches that are sending child/youth workers about best practices for securing child/youth workers and eligibility requirements.
 - b. Identify someone in the leadership of the participating churches to be the designated contact to implement the policy;
 - c. Review background checks received from the churches or organizations if necessary:
 - i. To identify criminal convictions on background checks that should disqualify a person from being a child/youth worker;
 - ii. To notify the individual identified in paragraph b. above if the other church or entity has erred in selecting a child/youth worker whose background check indicates that the person should not act as a child/youth worker;
 - iii. Report to the Presbytery Council and Presbytery staff potentially disqualifying background checks and related concerns so that a formal decision can be made to inform the church that the person whose background check is in question is not eligible to attend the event as a child/youth worker.

CONFIDENTIALITY OF RECORDS

The Presbytery shall maintain all child/youth worker applications, results of background checks, and related information in confidential, secured files.

REPORTING

The Presbytery will publicize to the member churches a procedure for reporting any prohibited actions and have copies available at all times in a public place. Anyone suspecting or having knowledge of a violation of child abuse shall report such violation to any leader of the Presbytery including but not limited to the Moderator, Vice Moderator, General Presbyter, Stated Clerk, Administrator, Administrative Assistant or any other member of the Presbytery Council, and Officers and Trustees of the Corporation. Any child or youth who suspects or has knowledge of any type of minor abuse is invited to share the knowledge with any adult leader of the Presbytery. Anyone who has knowledge or suspicion of child/youth abuse should be made aware that Virginia law requires the immediate reporting of such abuse to the civil authorities. Any person receiving information under this paragraph shall share that information immediately with the Presbytery's leadership as defined in this paragraph.

SAFE CHILD RESPONSE POLICY

The designated Presbytery leadership shall have the following responsibilities in response to allegations of child/youth or vulnerable adult abuse or neglect incurred against any child/youth worker or event participant:

- 1.** Immediately provide for the safety of the alleged victim(s) involved.
- 2.** If the report alleges abuse or harassment of a minor, the Presbytery leadership will:
 - a. immediately ensure the allegation is reported to the civil authorities under Virginia law;
 - b. immediately notify the parents or guardian of the minor;
 - c. notify the insurance company of the allegation and the status of any investigation.
- 3.** Presbytery leadership will make immediate decisions concerning the temporary removal of the individual accused from any contact with children or youth pending an investigation and removal of the accused from the churches' property until a resolution of the allegations has occurred.
- 4.** A written statement of the allegation, using the REPORT OF SUSPECTED SEXUAL MISCONDUCT form (ATTACHMENT B), shall be sent to the Stated Clerk of the Presbytery of Eastern Virginia.
- 5.** If the report is against a minister, the written statement of allegation shall trigger the formation of an investigating committee under the Rules of Discipline of the *Book of Order: The Constitution of the Presbyterian Church (U.S.A.) Part II*.
- 6.** If the report is against a ruling elder, the Stated Clerk will notify the session of membership that an allegation of offense has been received against an elder that triggers the formation of an investigating committee under the Rules of Discipline of the *Book of Order: The Constitution of the Presbyterian Church (U.S.A.), Part II*.
- 7.** If the report is against an employee of an entity other than Presbyterian Church (U.S.A.), the Stated Clerk will notify the person(s) or committee responsible for supervision of the employee. The Stated Clerk will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline imposed.
- 8.** If the report is against a volunteer or nonmember of the PC (USA), Presbytery leadership will:
 - a. gather any statements of abuse from those making the report, including any information from any party to the abuse;
 - b. gather any information from the person who was accused of abuse;
 - c. make written determinations and take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.
- 9.** As an option only, provide pastoral counseling for the principal parties involved (accuser(s), possible victim(s), accused, family members).

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- 10.** A written summary of the allegation will be maintained by the Stated Clerk for ten years.
- 11.** Any person bringing a report of abuse or assisting in investigating will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.

MANDATORY RULES FOR WORKING WITH CHILDREN AND YOUTH

The Presbytery will ensure that the following measures be in place and actions taken for each event or activity involving children and youth:

- 1.** Two-adult rule: Two adults must always be present in groups of children and youth. The only exception is if an emergency situation deems this not immediately possible. All child and youth workers and volunteers must be a minimum of four years older than the age group they lead or supervise.
- 2.** Ratios: The desirable adult to child ratio for all child-related events/activities is 2:10. The adult to youth ratio for all youth-related events/activities is 2:17. There shall also be one adult of each gender when there are one or more minors of each gender in a group. Only in emergency situations may the ratios and gender diversity be compromised.
- 3.** View Windows and Open Doors: When minors and adult workers or volunteers are in a room, if the door is closed, the door must have a view window installed. If no view window is installed in the door, the door must remain open at all times.
- 4.** Adult workers/caregivers should respect the privacy of the children to whom they provide care. Responsible use of digital devices and cell phones is required in all situations (ex. Taking age appropriate photographs and movies, not taking photographs of minors who are not fully clothed.) Adults and minors are required at all times to wear appropriate attire. All adults and minors are expected to wear dress appropriate to the occasion; extreme or ostentatious apparel or appearance is to be avoided. Any article of clothing or accessory which advertises an illegal substance, depicts lewd graphics, displays offensive or obscene language, is forbidden.
- 5.** Transportation: All adult drivers at child/youth events must have proper licensure and insurance on file with the organizing entity. All vehicles used must have seat belts for the driver and each passenger. No child may sit in the front seat of any vehicle. All drivers transporting minors and vulnerable adults must be over the age of twenty-five and must be informed that if their vehicle is used, their insurance would be primary if an accident occurs. If a charter bus is rented, or any outside carrier is contracted, the company hired must ensure criminal background checks have been conducted on their drivers. Each vehicle must follow the ratio rules noted in paragraph 2 in this section. Lastly, no minor may be a driver at any event or activity.
- 6.** Forms: The legal guardians of each minor must provide the appropriate information and medical forms for each activity. The information form should include all contacts for legal guardians and the medical form must

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include a copy of the minor's health insurance card. Consent must be obtained from legal guardians for any events off the property of the member churches.

- 7.** Each activity must ensure that rules are reviewed with participants at each activity. These rules shall include but are not limited to a code of conduct specific to the event, as well as a list of prohibited and expected behaviors for the specific activity. The code of conduct and prohibited and expected behaviors list should be given in written form to each participant and legal guardian, as well as discussed thoroughly at the beginning of the event.
- 8.** Children/youth and adults should whenever possible, maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing. These hours must be posted on site.
- 9.** If possible adults should not share sleeping quarters with children or youth. The exception to this rule is for the legal caregiver/child situation or parent/child situation or at a retreat or mission facility where there is no other option.
- 10.** All volunteers and employees must also abide by a code of conduct that emphasizes the following prohibited behaviors. Some of these prohibited behaviors include but are not restricted to:
 - a. Display of sexual affection toward a child.
 - b. Use of profanity.
 - c. Discussion of sexual encounters with or around children or in any way involving children in personal problems or issues.
 - d. Dating or becoming "romantically" involved with children who have not graduated from high school.
 - e. Using or being under the influence of alcohol or illegal drugs in the presence of children.
 - f. Possessing sexually oriented materials—including printed or online pornography—on church property or property being utilized for a Presbytery event.
 - g. Making gratuitous or salacious comments about the appearance of participants in the event.
 - h. Engaging in inappropriate or unapproved electronic communication with children.
 - i. Working one-on-one with children in a private setting.
 - j. Abusing youth/children in anyway, including (but not limited to) the following:
 - Physical abuse: hit, spank, shake, slap, unnecessarily restrain
 - Verbal abuse: degrade, threaten, or curse.
 - Sexual abuse: inappropriately touch, expose oneself, or engage in sexually oriented conversations.
 - Mental abuse: shame, humiliate, act cruelly.
 - Neglect: withhold food, water, shelter.
 - Permit children or youth to engage in the following: hazing, bullying, derogatory name calling, ridicule, humiliation, or sexual activity.

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Social Media Communications

When using social media to communicate with children or youth, the clergy, church officers, employees shall inform parents/guardians of each child or youth that the latter is communicating with the person via any social media, providing the parent/guardian the opportunity to disapprove or to participate in a group.

Social Networking Code of Conduct

Each person who leads using the resources of social media shall apply this Social Networking Code of Conduct:

- Prohibit comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- Prohibit sexually oriented conversations or discussions about sexual activities.
- Prohibit private messages between employees and volunteers and children or youth.
- Prohibit posting inappropriate pictures (for example, sexually suggestive, exploitive, or voyeuristic) or inappropriate comments on pictures.
- Encourage parents to play a role in monitoring their children's and youth interactions with clergy, employees and volunteers.
- Continuously remind children and youth how to interact appropriately through social networking sites. This includes a request that, when posting pictures to social media, they do not name the other children, without parental permission, or label the location where the picture was taken without permission.
- Deny participation by individuals who repeatedly violate the code of conduct.
- Provide children, youth, and their parents with this Social Networking Code of Conduct.

At the church or location of the use of social media, the authorized clergy, officers, employees and volunteers shall present this Social Networking Code of Conduct to children or youth and parents/guardians.

SIGNING OF POLICY AND APPLICATION TO SERVE

Each adult engaged in an activity to which these policies apply shall, as part of the application to serve process outlined in paragraph 1 under the heading SCREENING, TRAINING, AND BACKGROUND CHECKS, *supra* (above), shall acknowledge that he/she has received and read the PEVA Child/Youth/Vulnerable Adult Protection Policy and its procedures.

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ATTACHMENT A

PRESBYTERY OF EASTERN VIRGINIA

6901 Newport Ave
Norfolk VA 23505
757.397.7063

PRESBYTERIAN CHURCH VOLUNTEER APPLICATION

Complete Name: _____

Have you ever been known by any other name? ☐ Yes ☐ No

Other names used: _____

Social Security Account Number: _____ Gender: _____

Date of Birth: _____

Address (Include City, State and Zip Code):

In what **states** or **countries** have you lived in the last **ten** years?

Business Phone: _____

Home Phone: _____

Cell Phone: _____

Current Church Affiliation: _____

Employment Record (List current and previous employers for the last **five** years)

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CERTIFICATION

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct.

I also certify that I have read and understand the Presbytery of Eastern Virginia's Child/Youth/Vulnerable Adult Protection Policy.

Signature: _____ Date: _____

Note: If you are unable to make the above certification you may instead give, in the space provided below, a description of the complaint, termination, or the outcome of the situation and any explanatory comments you care to add.

RELEASE

The information contained in this application is accurate to the best of my knowledge and may be verified by the Presbyterian Church USA (PCUSA). I hereby authorize officers of the PCUSA to make any and all contacts necessary to verify my prior employment history, and to inquire concerning any criminal records or any judicial proceedings involving me as a defendant. By means of this release I also authorize any previous employer and any law enforcement agencies or judicial authorities to release any and all requested relevant information to the officers of the PCUSA.

I have read this release and understand fully that the information obtained may be used to deny me employment and/or an opportunity to volunteer and/or any other type of position from the PCUSA. I also agree that I will hold harmless the PCUSA or judicial authority from any and all claims, liabilities, and cause of action for the legitimate release or use of any information.

Signature: _____ Date: _____

Witness: _____ Date: _____

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**ATTACHMENT B
PRESBYTERY OF EASTERN VIRGINIA**

6901 Newport Ave
Norfolk VA 23505
757.397.7063

REPORT OF SUSPECTED SEXUAL MISCONDUCT

Reported by: ☐ Minister ☐ Elder ☐ Youth Worker ☐ Member ☐ Concerned Person

Name: _____

Title: _____ Church Affiliation: _____

Address: _____

City, State, and Zip Code: _____

Telephone: _____

Date of Report: _____ Date of Alleged Misconduct: _____

Person suspected of misconduct:

Name: _____

Title: _____

Gender: _____

Address: _____

(Include City, State, and Zip Code) Phone: _____

Victim:

Name Title: _____

Age & Gender: _____

Address: _____

City, State, and Zip Code: _____

Telephone number(s): _____

Witnesses (please include phone numbers):

Report of Suspected Sexual Misconduct