

**The Lutheran Church of the Holy Spirit**  
3461 Cedar Crest Blvd., Emmaus, PA 18049  
**Protection of Minors Policy and Procedures**

## **General Purpose Statement**

The Lutheran Church of the Holy Spirit seeks to provide a safe and trustworthy environment for minors (children and youth) who participate in our activities. By implementing the below practices and procedures, our goal is to protect the minors of The Lutheran Church of the Holy Spirit from incidents of misconduct or inappropriate behavior while also protecting our staff and adult volunteers from false accusations.

## **Definitions**

For purposes of this policy, the terms “minor” or “minors” include all children and youth under the age of eighteen (18) years.

A staff person is monetarily compensated for their position.

Representatives of the Congregation are Staff or adult members of the Congregation Council of The Lutheran Church of the Holy Spirit.

The Leader/Coordinator of an Activity with Minors or a Church Activity is an adult volunteer responsible for all participants in the activity. They need a background check and may be a mandated reporter. They must be apprised of the responsibility they are accepting for all participants.

A volunteer who is a minor, ages 10-17, is giving of their time and not compensated, as it directly relates to persons who work with minors.

An adult volunteer is age 18 or older and giving of their time and not compensated, as it directly relates to persons who work with minors.

Activity with Minors is an activity specifically for children and/or youth.

Overnight Activity with Minors is an overnight activity that includes children and/or youth.

Church Activity is an activity open to the whole congregation. Most or all parents of minor participants would attend the church activity. **Parents bear responsibility for their child.** If a parent is not attending the activity, the parents need to complete a Waiver of Liability.

A Mandated Reporter is a staff person of The Lutheran Church of the Holy Spirit or in absence of a staff person, the leader/coordinator of an activity who comes in contact with children. Mandated reporters are obligated by law to make a report any time they have reasonable suspicion that a child they are aware of has been abused. For procedures, see page 7, section A of this document.

## **Selection of Staff, Representative of Congregation, Adult Leader/Coordinator**

All staff and adult volunteers who desire to work with minors participating in our activities who meet the following criteria will be screened:

- Those who participate in activities with minors or overnight with minors four or more times from September 1 through August 31 of any given year;
  - VBS = one activity
- Those who represent the congregation and/or lead/coordinate some or all of the activity with minors.
- Those who will be involved in overnight activities with minors;

This screening includes the following:

a. Six Month Rule

No adult volunteer will be considered for any leadership position involving contact with minors until s/he has been active in the life of The Lutheran Church of the Holy Spirit for at least six months with regular attendance or, if not an official member, they, their family, or a significant adult friend have been actively involved and/or participating in worship for at least a year. The interpretation of “regular attendance” and “active involvement” may be made in a non-discriminatory manner by the staff or congregation council. This time of interaction between our leadership and the applicant allows for better evaluation and suitability of the applicant for working with minors. An adult volunteer who does not meet the six month rule may participate but not lead/coordinate or represent the congregation.

b. Written Application

Applicants must complete and sign a written Volunteer or Employment Application Form which will be supplied by The Lutheran Church of the Holy Spirit. The application will request basic information from the applicant and will inquire into previous experience with minors, previous congregational affiliation, reference and employment information, as well as disclosure of any previous criminal convictions. The application form will be maintained in confidence on file in a locked cabinet at The Lutheran Church of the Holy Spirit.

c. Personal Interview

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

d. Reference Checks

Before an applicant is permitted to work with minors, at least two of the applicants' references may be checked. These references should be of an institutional nature as opposed to personal or family references, preferably from organizations where the applicant has worked with minors in the past. Documentation of the reference checks will be maintained in confidence on file in a locked cabinet at The Lutheran Church of the Holy Spirit.

e. Criminal Background Check

A national criminal background check is required for all staff (regardless of position) and for previously identified categories (see beginning of this section) of adult volunteers.

Before a background check is processed, prospective volunteers and staff will be asked to sign the Background Investigation Consent Form giving permission to The Lutheran Church of the Holy Spirit to run the check. If an individual declines to submit a completed Consent Form, s/he will be unable to work with minors.

If an individual has the original of their criminal record check and child abuse checks which are one year old or more recent, they may submit it. A copy will be made of it and kept in confidence in a locked cabinet in the files at The Lutheran Church of the Holy Spirit.

Background checks are valid for five years.

When reviewing an applicant's background checks, the following offenses will be taken into consideration:

1. **Failure to disclose criminal history.** This includes convictions and deferred adjudication (sentencing). False statements are subject to immediate termination of work or volunteering at The Lutheran Church of the Holy Spirit and to the penalties of 18Pa.C.S.A. §4904, relating to unsworn falsification to authorities.
2. **Probation.** Consider if applicant is currently, or has been, on probation for a crime.

3. **Pending charges.** Even if the court has not heard the charge, applicant should disclose any pending charges. If there are pending charges of any of the below, employment or volunteer work with minors will be deferred until the charges are upheld or cleared.
4. **Adjudicated cases.** Consider if applicant has been convicted or sentenced for any of the following offenses (ex: disqualifying offenses from PA statute):
  - (a.) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
    - Chapter 25 (relating to criminal homicide, capital murder or murder).
      - Voluntary or involuntary manslaughter.
    - Section 2702 (relating to aggravated assault or assault with a deadly weapon).
    - Former section 2709(b) (relating to stalking).
    - Section 2709.1 (relating to stalking or harassment).
    - Section 2901 (relating to kidnapping).
    - Section 2901 (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 or public lewdness or indecency with a child).
    - Section 4302 (relating to incest).
    - Section 4303 (relating to concealing death of child).
    - Section 4304 (relating to endangering or injuring the welfare of children).
      - Injury to a child, elderly or disabled person
    - Section 4305 (relating to dealing in infant children).
    - A felony offense under section 5902(b) (relating to prostitution and related offenses).
    - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
    - Section 6301 (relating to corruption of minors, including child prostitution & child pornography.)
    - Section 6312 (relating to sexual abuse of children).
  - (b.) An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
  - (c.) An out-of-State or Federal offense similar in nature to those crimes listed in Clauses (a) and (b).

Once the background check is completed and reviewed on a prospective staff or volunteer, The Lutheran Church of the Holy Spirit has the right to decide if it will hire, call or confirm the volunteering of the applicant. While we confess that we are all sinners and, when repentant, are forgiven by God, a person may be denied any paid employment or volunteer work with minors if he or she has ever been convicted of or pled guilty to any of the offenses listed above. These include convictions which disqualify an individual from work with minors in the Commonwealth of Pennsylvania (Reference: Section 6344 of the Child Protective Service Law). Generally, any conduct contrary to our current mission may preclude someone from being permitted to work with minors. Our current mission statement is stated as an Addendum to this document. A disqualifying offense which would keep an individual from working with minors will be determined by the Senior Pastor and/or the President of the Congregation Council on a case-by-case basis and in light of all circumstances, timeframe, and patterns, if any. Failure to disclose a criminal conviction on the application form is a disqualifying offense.

Applicants will be notified in writing if any deferral or denial of employment or volunteer service is based entirely or in part on any of the background check information.

## **Maintain Confidentiality**

The hiring, calling or volunteering of an individual is done at the discretion of The Lutheran Church of the Holy Spirit but should not be completed until all of the facts are known about the applicant. The Background Investigation Consent Form, background checks, records, and results will be maintained in confidence on file in a locked cabinet at The Lutheran Church of the Holy Spirit.

## **Christian Conduct**

Just as Jesus did, minors and adults alike will treat other people with respect and love. They will love and respect themselves, too. They will not for any reason hit anyone or abuse anyone verbally or physically. They will not misuse drugs or use illegal drugs.

It is the policy of The Lutheran Church of the Holy Spirit not to administer corporal punishment, even if parents have suggested or given permission for it. There should be no spanking, grabbing, hitting, or other physical discipline of minors. Staff or adult volunteers should consult with the staff in charge of the activity if assistance is needed with disciplinary issues. Verbal harassment or threats are not to be tolerated.

## **Illegal Drugs, Alcohol, Tobacco, Weapons**

Any kind of illegal drugs or alcohol is strictly prohibited by all. All weapons, knives, firearms, laser pointers, or fireworks are strictly prohibited. The use of tobacco products is prohibited by minors and only permitted outside by adults. Adults, please be aware that even second hand smoke is harmful.

## **Two Adult Rule**

It is our goal that during our activities a minimum of two adults will be in attendance at all times when minors are present. It is suggested that four adults be present at every event so that in the event of any emergency, two adults would be able to handle the emergency and two adults would stay with the rest of the group. These adults will have an approved Background Check. Some minor's classes may have only one adult teacher in attendance during the class session; in these instances, doors to the classroom should remain open and there should be no fewer than three students with the adult.

## **Volunteers who are Minors**

We recognize that there may be times when it is necessary or desirable for babysitters (paid or volunteer) who are themselves under age 18 to assist in caring for minors during activities. The following guidelines apply to such volunteers:

- Volunteers who are minors must be at least age 10.
- Volunteers who are minors may be screened.
- Volunteers who are minors must be under the supervision of two adults.

## **Open Door Policy**

Doors should remain open unless there is a window in the door or beside the door. Doors should never be locked while persons are inside the room.

## **Restroom Guidelines**

Parents are strongly encouraged to have their minor visit the bathroom prior to class or an activity and/or accompany their child(ren) to the bathroom.

Staff or adult volunteers should escort minors five years of age and younger to the hallway bathroom. The staff or adult volunteer should check the bathroom first to make sure that it is empty, then allow the minor inside. The staff or adult volunteer should then remain outside the bathroom door and escort the minor back to the classroom. If a minor is taking longer than seems necessary, the staff or adult volunteers should open the exterior bathroom door and call the minor's name. If a minor requires assistance, the staff or adult volunteers should prop open the bathroom door and leave the stall door open as he/she assists the minor.

For minors age six through grade two, the staff or adult volunteer should check the bathroom first to make sure that the bathroom is empty, then allow the minors inside. The staff or adult volunteer should then remain outside the bathroom door and escort the minors back to the classroom or activity.

For the protection of all, staff or adult volunteer should *never* be alone with a minor in a bathroom with the door closed and never be in a closed bathroom stall with a minor.

## **Check-in/Check-out Procedure**

For minors age two through grade one, a security check-in/check-out procedure will be followed. All minors age two through grade one must be dropped off and picked up, checked-in and checked-out in the room where the church activity occurs by a parent, grandparent, designated guardian, or designated caregiver who has been authorized in writing by a parent or guardian. If a minor age two through grade one needs to be picked up at a different time or by someone not listed as a person authorized to pick-up the minor, a parent or guardian will authorize this in writing at least 24 hours in advance. If this is not feasible, a direct conversation with the leader of said event must occur. As a part of the registration process for minors age two through grade one, the parent/guardian will identify persons with whom the minor is to be dismissed.

As a part of the registration process for any activity for minors grade two through age 17, the parent/guardian will identify persons with whom the minor is to be dismissed or whether the minor may leave independently. If there is a restriction on who may pick up the minor, the parent/guardian is responsible to alert the activity leader(s).

Adults leading/coordinating or representing the congregation an activity are not to leave the classroom, church facility, or activity site until all minors (ages 2-17) have been picked up. If an unauthorized person arrives to pick up a minor, the teacher or adult leader will remain at the church activity until the parent arrives. The minor will not be released to an unauthorized person. Adults are to make sure that at least two adults will be present until all minors have been picked up. At no time is one adult to be left alone in a building or at an activity site with any minors.

## **Sick Policy**

It is our desire to provide a healthy and safe environment for all of the minors at The Lutheran Church of the Holy Spirit. Parents are encouraged to be considerate of other individuals when deciding if a sick child should participate in an activity. Minors who are observed by our staff or adult volunteers to be ill will be separated from other minors and the parent or guardian will be contacted to request that the minor be picked up from the activity.

## **Medical Policy**

It is the policy of The Lutheran Church of the Holy Spirit to only administer prescription or non-prescription medications to minors with a signed Medical and Allergy Information section of the Annual Permission Form for Minors. The Annual Permission Form for Minors is stated as an Addendum to this document. Parents are reminded of our sick policy.

When participating in a group event, if, for whatever reason, a minor or parent or guardian of minor are not able to be accountable for administering medications to the minor; the staff or designated leader/coordinator or representative of the congregation for an activity has the right to hold the minor accountable or limit their participation.

The Annual Permission Form for Minors must be completed and submitted one week in advance of activity to the staff or designated leader/coordinator or representative of the congregation, so that adequate time is available to review medical conditions and develop an emergency plan of action.

For overnight events, medications may be administered by a medically trained person, designated adult, parent or guardian of a minor. A minor may administer their own prescription medications or over the counter medications only with the consent of their parent and the staff for the event. All medications, prescription or over the counter, will be kept in a secure place by the adult in charge of medications so that minors will not have direct access to medications. Every effort will be made to keep medical information and medical forms confidential.

A well-equipped and fully stocked First Aid Kit will be available and maintained at all on site church activities, activities with youth, and overnight events.

## **Accidental Injuries to Minors**

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

1. For minor injuries, scrapes, and bruises, staff or adult volunteers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the minor's parent(s) or guardian of the injury.
2. For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be summoned. If warranted by circumstances, an ambulance will be called.
3. Once the minor has received appropriate medical attention, a report of the incident will be completed in the case of injuries requiring treatment by a medical professional.
4. A copy of the incident report will be given to the parent and/or guardian, representative of the congregation or leader/coordinator of the activity. Notification will given to the Senior Pastor and/or the Congregation Council President.

## **Training**

The Lutheran Church of the Holy Spirit will provide training on this Protection of Minors Policy to all new minor care staff and adult volunteers and will strive to provide opportunities for additional training classes or events on an annual basis. All staff and representatives of the congregation are required to attend these training events. Adult leaders/coordinators are strongly encouraged to attend the training. All staff and adult volunteers are required to sign the Adult Compliance Form, acknowledging that they have received this Policy, will abide by this Policy, and be held accountable to this Policy.

## **Responding to Allegations of the Abuse of a Minor**

For purposes of this policy, "minors abuse" is any action (or lack of action) which endangers or harms a minor's physical, psychological or emotional health and development. Minor's abuse occurs in different ways and may include any of the following:

- **Physical abuse** – any physical injury to a minor which is not accidental, such as hitting, beating, shaking, burning, and biting.
- **Emotional abuse** – emotional injury when the minor is not nurtured or provided with love and security, such as an environment of constant criticism, belittling, persistent teasing, bullying.

- **Sexual abuse** – any sexual activity between a minor and an adult or between a minor and another minor at least four years older than the victim, including activities such as fondling, exhibitionism, intercourse, incest, and pornography.
- **Neglect** – depriving a minor of their essential needs for health, safety, and welfare through negligence, such as adequate food, water, shelter, and medical care.

*All forms of sexual misbehavior by clergy and lay leaders with church members are unacceptable within the life of the church. The church should be a safe place where people can worship, learn, work, love, and receive care in a manner that is free from sexual misconduct.* ELCA

Staff or adult volunteers with minors may have the opportunity to become aware of abuse or neglect of a minor under their care. In the event that an individual involved in the care of minors at The Lutheran Church of the Holy Spirit becomes aware of suspected abuse or neglect of a minor under his/her care, this should be reported immediately to the staff person, representatives of the congregation or lay leader in charge of the activity for further action. Every staff person, representative of the congregation and leader/coordinator of a church event is a mandated reporter, according to PA state law.

A. In the event that an incident of abuse or neglect is alleged to have occurred at The Lutheran Church of the Holy Spirit or during our sponsored activities, the following procedure must be followed:

1. The mandated reporter reports the suspected child abuse immediately to the Senior Pastor preferably, or one of the other pastors of The Lutheran Church of the Holy Spirit.
2. The incident must be kept confidential for the sake of all parties.
3. The worker or volunteer alleged to be the perpetrator of the abuse or misconduct will not be notified because it would interfere with the investigation. Any person who is accused of an incident will be temporarily placed on administrative leave or removed from all position responsibilities until the allegations are dismissed. The PA authorities will contact the alleged perpetrator and carry out the investigation.
4. The mandated reporter will complete the PA State Form CY-47, Report of Suspected Child Abuse within 48 hours and send to Children & Youth Services. A copy of the form will be given to the Senior Pastor. Call ChildLine at 800.932.0131. A courtesy call is recommended to Children & Youth Services.
5. The parent(s) or guardian of the minor will be notified.
6. The Lutheran Church of the Holy Spirit's legal counsel and insurance company agent will be notified. If the alleged perpetrator is a rostered leader (pastor, associate in ministry, diaconal minister, deaconess) of the ELCA, the NEPA Synod bishop must be contacted. An incident report will be completed.
7. We will cooperate with any investigation of the incident by state or local authorities. In the event there is no investigation of the incident by state or local authorities, a team from The Lutheran Church of the Holy Spirit will be formed to review the incident. The team will consult with the Senior Pastor and/or Congregation Council President and/or our insurance company agent and/or legal counsel.
8. Any person who is found guilty of the alleged abuse or misconduct will be removed from their position with minors.
9. The Senior Pastor and/or the Congregation Council President will be our spokesperson(s) to the media concerning incidents of abuse or neglect, unless he or she is alleged to be involved. All other staff or adult volunteers or other persons involved should refrain from speaking to the media or discussing the incident. If asked, they will respond, "no comment".
10. A pastoral visit will be arranged for those who may desire it.
11. It is affirmed and expected that persons who report harassment or misconduct will not be retaliated against, that everyone with knowledge of alleged wrongs is expected to come forward, and that persons who give false information and/or reports will be disciplined.