

Child Safety in the Church

*Resources on Pennsylvania child safety
laws and best practices for congregations*

April, 2017

The purpose of this booklet

is to provide guidance for congregations to understand and comply with the 2014-2016 overhaul to Pennsylvania’s Child Protective Services Law and current best practice standards. It is not intended as a legal document nor intended to give legal advice. It is the understanding of Atlantic Coast Conference that the primary responsibility for compliance with state laws and best practices rests with individual congregations.

By the end of 2016, more than 24 bills were passed which implemented changes to Pennsylvania’s *Child Protective Services Law*. These new laws affect churches in three main ways, 1) in the expanded definition of who is considered a mandated reporter, 2) imposing on all mandated reporters working or volunteering in a church a requirement to directly report suspected child abuse, and 3) in the requirement of various background checks for volunteers and paid staff responsible for the welfare of a child or having direct contact with children.

Child abuse is a real and common issue in the United States, with 1 in 4 females and 1 in 5 males experiencing sexual abuse. Unfortunately faith communities aren’t immune to this violence. The 2006 Church Membership Profile data for Mennonite Church USA revealed that 1 in 6 females and 1 in 20 males reported having experienced sexual abuse as a child. While we have an obligation to remain compliant with state and federal laws and the threat of legal punishment for noncompliance is real, we are under a greater obligation to create safe environments that nurture and protect the vulnerable among us. This booklet gives some specific suggestions to both remain compliant with state laws and to make your church a safe place for children.

Contents	pg.
Background Clearance Cert.	4
Mandated Reporting	6
Training in the Congregation	9
What constitutes child abuse?	10
Signs of child abuse	12
Legal Disqualifications	13
Checklists	14
Additional Resources	16

Background Clearance Certifications

One portion of the *Child Protective Services Law* that significantly impacts the conference and individual churches is the need for clearances on all volunteers responsible for a child's welfare or having direct volunteer contact with children or youth. All staff must also have certifications. All background certifications for paid and unpaid persons working with children must be repeated every 60 months and should be completed as soon as possible if not current.

- i. **Pennsylvania State Police Request for Criminal Record Check Form (SP4-164)** (*\$8 for employees, free for volunteers*)
Paper form SP4-164 available at http://www.witf.org/support/SP4_164_Request_For_Criminal_Record_Check.pdf
Online application at <https://epatch.state.pa.us/Home.jsp>

- ii. **Pennsylvania Child Abuse History Form (CY-113)** (*\$8 for employees, free for volunteers*)
Paper form CY-113 at http://www.witf.org/support/Child_Abuse_History_Clearance.pdf
Online application <https://www.compass.state.pa.us/CWIS>

- iii. **Federal Bureau of Investigation Fingerprint Record Checks** (*\$27.00*) (unless, in the case of a volunteer, the individual has lived in Pennsylvania for the past ten years and swears or affirms in writing that they are not disqualified from service due to a conviction, in another state, similar to the convictions disqualifying a person in Pennsylvania*).
Fingerprints must be made at designated locations. See addresses for all locations in Pennsylvania at https://www.pa.cogentid.com/index_dpw.htm
Picture ID is required. See above link for other valid forms of ID

Recordkeeping

The new legal obligations require careful recordkeeping. The PA criminal report, PA child abuse report and FBI criminal record report must be maintained for each paid staff person and volunteer for 50 years. A process of renewing these reports must be implemented within congregations to keep all staff and volunteer reports up to date.

Notes on use of certifications

Certifications obtained for employment may carry over for use in other employment or in volunteer roles. Certifications obtained for volunteer use are not valid for employment.

*Disqualifying offenses include certain criminal offenses and a statewide registry listing “founded” reports involving the abuse or exploitation of a child. **Staff and volunteers whose clearance results have any of the listed disqualifiers must be denied the opportunity to work with children or be dismissed.**

Mandated Reporting

Who is a Mandated Reporter and what is their duty?

In Pennsylvania, the following adults are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- A school employee.
- An employee of a child-care service who has direct contact with children in the course of employment.
- ***A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.**
- **An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.**
- An employee of a social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.
- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.
- An independent contractor who has direct contact with children.
- An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- A foster parent.

All others are considered permissive reporters, and are encouraged to report suspected abuse. In Maryland, all adults are mandated reporters.

* Recommendation: Although the pre-existing, very narrow clergy confidentiality privilege was preserved, we recommend you contact legal counsel if contemplating relying on this privilege as a basis to not report suspected abuse.

Under what circumstances must a report be made?

A mandated reporter must make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
- The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

NOTE: If a person makes a specific disclosure to a Mandated Reporter that a child is a victim of abuse, or an individual age 14 or older makes a specific disclosure that he or she has committed abuse, **the Mandated Reporter must report, regardless of whether the disclosure occurs within the context of the institution or program giving rise to the Mandated Reporter's status.**

After making the telephonic or online report to ChildLine (see below), mandated reporters are required to immediately thereafter notify the person in charge of their institution, school, facility or agency or the designated agent of the person in charge.

The mandated reporter's duty does not depend upon being able to identify the alleged perpetrator(s) of the suspected abuse, or upon having the alleged victim of the abuse having come before the mandated reporter.

Protections for mandated reporters

Both individuals and institutions are immune from civil and criminal liability related to the report of suspected abuse if reports are made in good faith.

Mandated and permissive reporters of suspected abuse are both protected from employment discrimination and discharge so long as they acted in good faith.

No church or other agency can reveal the identity of a Mandated Reporter to anyone except authorities investigating the alleged abuse.

Penalties of fines and jail time are the result of a willful failure to report a suspected instance of abuse

To whom must a report be made?

1. Immediately report the incident to ChildLine via telephone (1-800-932-0313) or on-line via the PA Portal for mandated reporters at [https:// www.compass.state.pa.us/cwis/Public/home](https://www.compass.state.pa.us/cwis/Public/home) (preferred).
2. If you made a telephone report to ChildLine, file an online report via CY-47 within 48 hours at <https://www.compass.state.pa.us/cwis/public/home>. If you made an on-line report via the PA Portal, you do not need to complete the CY-47.
3. Immediately after making an on-line or telephonic report of suspected abuse to ChildLine, notify the person designated by your church to receive reports of suspected abuse.

Training in the Congregation

The Child Protective Services Law does not require training for all mandated reporters. Atlantic Coast Conference, however, strongly recommends that all congregations have in place a child protection policy that provides for or requires some level of training for all adults who have direct contact with children (i.e. mandated reporters). Ideally, these trainings would take place for all paid staff and volunteers who have direct contact with children.

There are several options for churches wishing to provide training to their members:

1. Samaritan Counseling Center has an 11 month program to enable congregations to create and implement a child protection policy called SafeChurch and provide training.
2. Dove Nest has a variety of resources for congregations

Circle of Grace Curriculum teaches children and youth how to identify and maintain appropriate physical, emotional, spiritual and sexual boundaries; recognize when boundary violations are about to occur; and demonstrate how to take action when boundaries are threatened or violated. This program is designed as a Sunday school curriculum. <http://www.dovesnest.net/circleofgrace>.

3. National Children's Advocacy Center (multiple online programs)
FREE: <http://nationalcac.org/events/online-training-courses.html>
4. Child Welfare Information Gateway (multiple information packets and programs)
FREE: <https://www.childwelfare.gov/preventing/programs/types/sexualabuse.cfm>
5. **The Pennsylvania Department of Human Services has also collaborated with the University of Pittsburgh's Child Welfare Resource Center to develop a free, web-based training regarding recognizing and reporting suspected child abuse. This training can be found at www.reportabusepa.pitt.edu.**

What constitutes child abuse?

The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent* act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one year of age.
 - d. Forcefully slapping or otherwise striking a child under one year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine

laboratory) is occurring, provided that the violation is being investigated by law enforcement.

- g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - i. Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - ii. Has been determined to be a sexually violent predator under 42 Pa.C.S. §9799.24 (relating to assessments) or any of its predecessors.
 - iii. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
- 9. Causing the death of the child through any act or failure to act.
- 10. Engaging a child in a severe form of trafficking in persons or sex trafficking.

*“recent” = 2 years

Child-on-Child Abuse

Any sexual contact between children under the age of 14 is considered a crime against a child, though is not considered child abuse. This includes the following:

- (A) rape
- (B) involuntary deviate sexual intercourse
- (C) sexual assault
- (D) aggravated indecent assault
- (E) indecent assault
- (F) indecent exposure

Though not defined as child abuse, any of these acts performed on a child by another child are subject to mandatory reporting requirements. Only children over the age of 14 may be considered perpetrators and are subject to the penalties of the legal system.

Signs of Child Abuse:

Physical

Unexplained bruises or welts,
human bite marks, bald spots
Numerous bruises in various
stages of healing
Marks on many surfaces of the
body
Unexplained burns, especially
cigarette or immersion burns
Withdrawal or aggression –
behavioral extremes
Uncomfortable with physical
contact

Afraid to go home
Dressed inappropriately for the
weather
Cringes when approached by an
adult, (as if fearing to get hit)
Overreacts to accidents such as
spilling milk
Does not want to talk about home
life
Extreme attachment to parents
Extreme attentiveness to needs of
parents

Neglect / Psychological

Unattended medical needs
Consistent lack of supervision
Persistent hunger, poor hygiene,
or inappropriate dress
Distended stomach or emaciated
body
Delayed physical development
Substance abuse

Regularly displays fatigue or
listlessness
Steals food or begs
Habit disorders: sucking, rocking
Passive aggressive behavior
extremes
Neurotic traits such as sleep
disorder or inhibition of play

Sexual

Pain or itching in genital area
Bruises or bleeding in external
genitalia
Frequent urinary or yeast
infections
Torn, stained or bloody
underclothing
Sexually transmitted diseases
A child's report or self-disclosure
Sexual knowledge beyond what is
natural for a child

Preoccupation with their body
Acting out sexual behavior
Withdrawal, chronic depression
Self-devaluation and lack of
confidence
Problems with bedtime or afraid
to go to bed
Bedwetting – especially if it
begins in a child who was dry

Legal Disqualifications for Application

THE FOLLOWING WILL PERMANENTLY DISQUALIFY AN APPLICANT FROM SERVING AS A VOLUNTEER OR PAID STAFF MEMBER WORKING WITH CHILDREN OR YOUTH:

Convicted of an offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

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(a)(1)(ii) (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this section.

WITHIN THE PRECEDING FIVE (5) YEARS:

Identified in the statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

Checklists

First Time Through Checklist for Congregations:

- Form a Child Protection Team of 3-6 members that reports to the governing body of the church like the Church Board, Leadership Team, or Church Council.
- Consider setting up an account for the church on the Department of Human Services' Child Welfare Portal to allow individual staff and volunteers to apply on-line, using a payment code provided by the church. (See page 2 of the 1/29/15 handout from Samaritan Counseling Center).
- Obtain clearances for all current paid staff and adult volunteers who do not have clearances or whose clearances are more than 36 months old by the appropriate deadlines. Create a form for confirming which volunteers are exempt from the FBI Fingerprint Check because they meet both the ten-year PA residency requirement and the requirement that they affirm in writing they have not been convicted of any disqualifying offenses.
- Child Protection Team reviews clearances and creates a list of adults who are approved for working with children and youth.
- Assign a person who is responsible to file clearance forms and training attendance and to maintain these files in an orderly fashion.
- Hold an initial training class for all paid staff and adult volunteers to inform them of their responsibilities.
- Child Protection Team creates, executes, and implements a child protection policy or updates an existing policy.
- Review the list of adults who are approved for working with children and youth in light of the new policy.
- Post notices on bulletin boards and arrange for pulpit and bulletin announcements to the effect that your facility has a child protection policy.

Annual Activities Checklist for Congregations

- Child Protection team meets annually to review policies and practices.
- Child Protection Team reports annually to governing body of church
- Obtain clearance forms for any new staff or volunteers
- Review clearance dates for returning staff and volunteers and secure new clearances for anyone whose clearance dates are older than 36 months.
- Schedule and execute the training event for new staff and volunteers and a refresher class for returning staff and volunteers according to policy
- Update list of approved adults
- Do the annual building walk-through according to Child Protection Policy
- Replace, as needed, individuals on the Child Protection team and the person who maintains the records
- Schedule with church leadership any all-church training regimen as desired and/or called for by the policy
- Review notices on bulletin boards indicating that the congregation has a child protection policy and schedule pulpit and bulletin announcements about child protection practices as called for by the policy.
- Make report to church governing body to update the status of the child protection policy.

Additional Resources

1. Child Welfare Portal, www.compass.state.pa.us/cwis
2. Samaritan Counseling Center, SafeChurch Program, <http://www.scclanc.org/wp-content/uploads/2013/03/safechurchsummary.pdf>
3. PA Child and Youth Services directory <http://www.dhs.state.pa.us/findfacilsandlocs/countychildrenandyouthdirectory/index.htm>
4. Ann Martin, attorney, Gibbel, Kraybill, & Hess, LLP, 717-626-0291.
5. Keep Kids Safe PA <http://www.dhs.state.pa.us/forchildren/keepkidssafepa/index.htm>
6. Family Support Alliance, <http://www.pa-fsa.org/>
7. Heathy Sexuality Resources: A toolkit for Leaders and Congregations, Lancaster Mennonite Conference developed resource, http://www.lancasterconference.org/pdf/Human_Sexuality_Resources.pdf
8. Kidcheck is a child security program that lets parents check their kids into a ministry program (VBS, Sunday School, etc.) to keep children safe, streamline check-in process, easily track attendance, and provide peace of mind. <http://www.kidcheck.com/> [http://vimeo.com/72304006\](http://vimeo.com/72304006)
9. Child Protective Services Law resources online <http://www.pacwrc.pitt.edu/CPSLResources.htm>
10. Child welfare information on the Pa Department of Human Services website www.keepkidssafe.pa.gov
11. Congregational Child Protection Policies across MCUSA http://dovesnest.net/mcusa_policies
12. Dove's Nest Archives, with many helpful documents and articles dealing with different types of abuse <http://www.dovesnest.net/archives>

13. Dove's Nest: Protection and Inclusion: Guide for Faith Communities on safely including persons who have committed sexual offenses
http://www.dovesnest.net/sites/default/files/Protection_and_Inclusion.pdf

