



Atlantic Coast Conference

An area conference of Mennonite Church USA

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Child Safety in the Church

Resources on Pennsylvania child safety laws and best practices for congregations

The purpose of this booklet is to provide some guidance for congregations to understand and comply with the recent 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 2014, more than 20 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.

Background Clearance Checks

One portion of the *Child Protective Services Law* that significantly impacts the conference and individual churches is the need for clearances on all volunteers working with children and youth. All staff must also have clearances. All background checks for paid and unpaid persons working with children must be repeated every 36 months and should be completed as soon as possible if not current.

i. *Pennsylvania State Police Request for Criminal Record Check Form (SP4-164) (\$10)*

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) (\$10)*

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 (\$27.50)* (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 have not been convicted of any crime, in another state, similar to the convictions disqualifying a person in Pennsylvania).

Fingerprints must be made at designated locations. Get 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

Residents of Maryland, Massachusetts, and New York will be required to submit their respective states' child abuse and state police background checks, when available.

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.

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.

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- 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.

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.

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. *Adapted from <http://www.keepkidssafe.pa.gov/>*

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. Report suspected child abuse in this order:

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).
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>

Dove's Nest also offers resources and presentations for Sunday school classes, sermons, and other church presentations. <http://www.dovesnest.net/events>

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 as 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.

Taken from <http://www.pachsa.org/Documents/CPSL%20Resource%20Guide%20by%20PCYA%2020141209.pdf>

Signs of Child Abuse:

Physical

Unexplained bruises or welts, human bite marks, bald spots	Afraid to go home
Numerous bruises in various stages of healing	Dressed inappropriately for the weather
Marks on many surfaces of the body	Cringes when approached by an adult, (as if fearing to get hit)
Unexplained burns, especially cigarette or immersion burns	Overreacts to accidents such as spilling milk
Withdrawal or aggression – behavioral extremes	Does not want to talk about home life
Uncomfortable with physical contact	Extreme attachment to parents
	Extreme attentiveness to needs of parents

Neglect / Psychological

Unattended medical needs	Regularly displays fatigue or listlessness
Consistent lack of supervision	Steals food or begs
Persistent hunger, poor hygiene, or inappropriate dress	Habit disorders (sucking, rocking, etc.)
Distended stomach or emaciated body	Passive aggressive behavior extremes
Delayed physical development	Neurotic traits such as sleep disorder or inhibition of play
Substance abuse	

Sexual

Pain or itching in genital area	Preoccupation with their body
Bruises or bleeding in external genitalia	Acting out sexual behavior
Frequent urinary or yeast infections	Withdrawal, chronic depression
Torn, stained or bloody underclothing	Self-devaluation and lack of confidence
Sexually transmitted diseases	Problems with bedtime or afraid to go to bed
A child's report or self-disclosure	Bedwetting – especially if it begins in a child who was dry
Sexual knowledge beyond what is natural for a child	

Checklists (adapted from Lancaster Mennonite Conference Publication, 2020 Vision: We See New Life)

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>
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

This document was reviewed by attorney Ann Martin, March 17, 2015