

# ***Church of Christ-Fond du Lac***

## **Child Protection Policy**

### **Section 1-Introduction:**

The disturbing and traumatic rise of child abuse across our nation has touched all areas of society. As a result, the Church of Christ-Fond du Lac has enacted the following policy that is applicable to all members who work with children or youth, no matter what the environment or activity. This policy reflects Church of Christ-Fond du Lac's commitment to providing a safe, positive environment for all children, youth, teachers, and volunteers who participate in any church-sponsored class, activity, or event.

### **Section 2-Purpose:**

The goal of this policy is to prevent abuse, molestation, and exploitation of both children and youth, as well as to protect those workers and volunteers. Young victims have little or no power to stop or prevent abuse, so voices other than theirs must speak for them. Adoption of these provisions will enable Church of Christ-Fond du Lac to provide as safe and secure environment as possible for both members of our church family and our guests.

### **Section 3-Terminology Used In This Document:**

- **Adult:** anyone 18 years of age or older.
- **Child or Children:** a) Baby 0-12 mos.; Toddler 1-3 yrs.; Preschool 3-5 yrs.; Grade-schooler 5-12 yrs.; Teen 12-18yrs. (For the purpose of this document, members of these age groups will all be referred to as Child or Children)
- **Church Sponsored/Planned Event On or Off Campus:** any classes, devotionals, activities, trips, etc. that involve children or youth and that are planned and/or sponsored by members of the Church of Christ-Fond du Lac.
- **Child Protection Policy (CPP):** Each member of Church of Christ-Fond du Lac with children or youth in any capacity shall receive a copy of this document and shall be asked/urged to attend a security training class. They will also be asked/urged to sign a document affirming that they have read and understand the training and document.
- **FRT:** The "First Responder Team" is responsible for the security of the members of Church of Christ-Fond du Lac during regularly scheduled worship services and Children's classes. This team will be the first to determine and react to any emergency or crisis situation.
- **Member:** a person who has been in an ongoing recognized relationship with CHURCH OF CHRIST-FOND DU LAC as shown by their frequent attendance and participation in church activities

- **Parent/Guardian:** the legal parent and/or guardian of a child or youth, or the adult who brings the child or youth to a church sponsored/planned event, on or off campus.
- **Policy Team:** The elders/men’s leadership team(in absence of elders) will pre-designate a group that will implement, monitor, and enforce the Child Protection Policy. This team includes a combination of ministers and elders/men’s leadership team members (in absence of elders).
- **Shepherd:** defined in the Church of Christ-Fond du Lac Church By-Laws.
- **Worker:** any person, sixteen years of age or older, who serves as a volunteer and/or paid worker.
- **Youth:** anyone in grades 6th–12th grade.
- **Youth Worker:** any youth who has been appropriately trained and volunteers in the Children’s Ministry

**Section 4-Screening Procedures:**

To establish a safe and equitable care-giving environment, the Church of Christ-Fond du Lac will conduct a screening process for any member interested in working with children or youth in any capacity. Any member seeking to work with children or youth, in any capacity, at Church of Christ-Fond du Lac must comply with the following screening procedures.

**Application Process: To be approved to volunteer with children and youth, a person must:**

- 1) Submit an application via the CHURCH OF CHRIST-FOND DU LAC website, including all necessary information for reference checks and background checks.
- 2) Criminal history checks must be approved by elders/men’s leadership team(in absence of elders)
- 3) Reference checks will be conducted by email and/or phone call.
- 4) Must have a six month relationship with CHURCH OF CHRIST-FOND DU LAC or have a positive reference check from a minister or elder from their previous congregation that shows clear involvement in a church for the previous six months. For example, if a person moves and transfers their membership, and are given a good recommendation by a leader from the previous congregation, the 6 month rule at CHURCH OF CHRIST-FOND DU LAC may be waived.
- 5) Meet with the minister or leader overseeing their area of service for an interview.
- 6) Complete the child abuse prevention training. Training will be completed on-line.
- 7) Attend training to prepare for their ministry service. Training may be offered in the form of a class, personal conversation, or on the job training.
- 8) Review the Child Protection Policy and sign the policy agreement form.

**Section 4.1-Application:**

Each member seeking to work with children or youth in any capacity during church planned/sponsored events on and off campus will be required to complete an application containing basic information. The application is available on the churches website and gathers the necessary information to conduct

criminal background checks and reference checks. The information gleaned from the application form will be deemed confidential.

#### **Section 4.2-Criminal History Check:**

Each member working with children or youth in any capacity during church planned/sponsored events on and off campus will undergo a criminal history check through an agency or a web-site service authorized to do so by Wisconsin law. The criminal history check will be conducted at the church's expense, and results will be treated as confidential. Members are reminded that previous convictions, misdemeanors and felonies, as well as ongoing court cases, are public information and Church of Christ-Fond du Lac cannot promise complete privacy relating to a criminal history. The designated elder/men's leadership team member (in absence of elders) responsible for background checks will address any questionable matters deriving from the criminal history check. Any criminal history, discovered on a worker/volunteer by the Church of Christ-Fond du Lac or its authorized representatives, which was not listed on the church application and/or criminal history check form by the worker/volunteer, shall be grounds for immediate disqualification from serving as either a volunteer worker or a paid staff member.

#### **Section 4.3-Notes:**

- Any applicant who has engaged in conduct defined as abuse or neglect as defined by Wisconsin laws cannot engage in any function that might bring him/her into contact with children or youth.
- The Fond du Lac eldership/men's leadership team (in absence of elders) will retain final discretion, are obligated and have the authority to approve or disapprove any applicant that has applied to work with children or youth.
- Any applicant who refuses to consent to the criminal history check will be disqualified from serving as either a volunteer worker or a paid staff member.
- Policy Agreement Form: The on-line application includes a policy agreement form and a link to download the CPP.
- Documentation: Once a member has completed the required training and background checks, documentation will be provided and they will be put on the official list of approved workers.
- Waiting Period: Applicants may be subject to a six-month waiting period before being placed in volunteer positions involving contact with children or youth. The waiting period may be waived at leadership's discretion. A letter of reference from the minister or director of children or youth programs at the last congregation attended may be considered as cause to waive the six-month rule.
- Special events: If a worker wishes to volunteer at a special event or program that includes a large number of approved workers, the application and waiting period will not be enforced.

However, EVERY person who will be in direct contact with children MUST have a completed criminal background check. These workers will not be left alone with children, asked to take the child to the restroom, or lead an activity.

- Workers File: A file will be maintained on each member that completes the above screening and procedures. It shall be the church's policy to hold all materials in a worker's file in confidence and in a locked container.

#### **Section 4.4-Youth Worker Requirements**

- Must complete an application with parental permission.
- Must complete required volunteer training for the area in which the youth worker is applying to serve.
- 5th Grade and below may serve as youth workers as determined appropriate by parents and coordinators/lead teachers.

#### **Section 5-Supervision of children:**

To achieve the goal of maximizing the safety and well-being of children and youth at the Church of Christ-Fond du Lac, the following supervision guidelines define the responsibilities for workers.

#### **Section 5.1-Classes:**

- A) All workers must complete the above process before having access to children/youth events.
- B) All youth workers must complete appropriate training and will be included on the approved youth workers list at completion of training.
- C) Each ministry program may determine the appropriate age for youth workers (for example: minimum worker age may be higher for infants than for preschoolers).
- D) Two adults will be assigned to all classrooms. Youth workers may be helpers but do not count toward the two adult rule.
- E) Every teacher should arrive at their assignment 10 minutes early, in order to accept children under these guidelines and greet visitors.
- F) If two adults are not available for a classroom, the door will remain open or the class will be held in a classroom with windows in the doors.
- G) Classes may decide to meet in locations other than their assigned classrooms. Parents should be notified one week in advance of a change of location and a sign should be posted during class giving late arrivals and visitors the alternative class information. If the location is off campus, church transportation should be secured and used for the trip.

H) Every attempt should be made to follow appropriate worker/student guidelines. However, as these are only goals, flexibility is allowed. Children should not be turned away from an event/class but an attempt should be made to secure additional workers should the ratio be exceeded by more than 2 children.

I) Appropriate worker/student guidelines are as follows:

| Program                        | Volunteers/Workers | Children/Student |
|--------------------------------|--------------------|------------------|
| Infants – 0 to 9 months        | 1                  | 4                |
| Toddlers – 10 – 23 months      | 1                  | 6                |
| Two Year Olds                  | 1                  | 8                |
| Three Year Olds - Kindergarten | 1                  | 9                |
| First - 12th Grade             | 1                  | 10               |

**Section 5.2-Events and Special Activities**

- A) Events involving children will need volunteers to help manage, serve, teach and supervise. The number of volunteers that are needed will differ depending on the nature of the event.
- B) An adult volunteer should never place themselves in a situation where they are alone with a child. Situations will arise where a child may need to meet with an adult volunteer in a one on one situation. If such a situation arises, the volunteer should inform another adult of the location and with whom they are meeting. Such meetings should take place in a location in plain view of others.
- C) Adult volunteers will not engage in inappropriate physical conduct with a child. (See: “Proper Displays of Affection” Section 8)

**Section 6-Supervision of Youth (6th-12th grade):**

To achieve the goal of maximizing the safety and well-being of the youth of the Church of Christ-Fond du Lac, the following supervision guidelines define the responsibilities for workers. All volunteers working

with the youth must complete the above process and appropriate training before having access to youth events or classes.

**Section 6.1-Classes:**

- A) Two adult teachers will be assigned to every class.
- B) Every teacher should arrive at their assignment 10 minutes early, in order to greet visitors and those arriving early and on time in order to have a prepared and orderly teaching environment.
- C) If two adults are not available for a classroom, the door should remain open or the class should be held in a classroom with windows in the doors.
- D) Every attempt should be made to follow appropriate volunteer guidelines. However, as these are only goals, flexibility is allowed. Youth should not be turned away from an event/class but an attempt should be made to secure additional workers.
- E) Classes may decide to meet in locations other than their assigned classrooms. Parents should be notified one week in advance of a change of location and a sign should be posted during class giving late arrivals and visitors the alternative class information. If the location is off campus, church transportation should be secured and used for the trip.

**Section 6.2-Events and Special Activities:**

- A) Each youth event will need volunteers to help manage, serve, teach and supervise. The number of volunteers that are needed will differ depending on the nature of the event.
- B) An adult volunteer should never place themselves in a situation where they are alone with a youth. Situations will arise where a youth may need to meet with an adult volunteer in a one on one situation. If such a situation arises, the volunteer should inform another adult of the location and with whom they are meeting. Such meetings should take place in a location in plain view of others.
- C) Adult volunteers will not engage in inappropriate physical conduct with a youth (See: “Proper Displays of Affection” Section 8)
- D) No adult volunteer is to date or be romantically involved with a youth.

**Section 7-Classroom Guidelines for Parents:**

**Section 7.1-Description of Check-in/Check-out procedures used for children:**

We make every effort to check-in/check-out children from all church sponsored events and classes. Each age and class area will have individual instructions regarding check-in/check-out. This procedure should be documented in the teacher training materials, published in any available parent's information and posted for visitors. Ministry needs and scheduling change often and as such, methods of check-in/check-out change in order to accommodate our structure. Currently, we use sign-in sheets to track our children's attendance and to accomplish check-in/check-out:

- 1) Sign-in sheets: Children are signed in at drop-off and the teacher checks to be sure all children are picked up by the appropriate parent.

### **Section 7.2-Check-in/Check-Out Guidelines:**

- 1) All children in the nursery should be checked-in/checked-out with a dual nametag or other such similar system. They should only be released to an adult that has the matching nametag.
- 2) All preschool children should be checked-in/checked-out with a dual nametag system. Adults and older siblings may pick up the child, so it is essential that the parent secure their nametag and report it missing immediately should it be misplaced.
- 3) Elementary children in Kinder – 2nd grade should be picked-up by a parent or sibling from class. Elementary children in 3rd – 5th grade will be released from class unless parents have directed otherwise. Please communicate with all visitors the necessity to pick-up their child or to approve their dismissal from class into their own care by their teacher.

Once a child is released from a classroom under these guidelines, they are considered to be in the care of their parents or caregiver and the teacher, ministers, or volunteers will no longer be responsible for them.

### **Section 7.3-Well Child Policy: All Children and Youth**

Parents are asked to follow the following health guidelines to help insure the well-being of the other babies/children and to keep the nurseries and classrooms as germ-free as possible:

- No child who has fever, diarrhea or who has vomited within the previous twenty-four hours should be brought to the nursery or class.
- No child with excessive coughing, sneezing, or runny nose should be brought to the nursery or class.
- No child with any contagious virus or infection should be brought to the nursery or class.
- No child who has pink eye (even under treatment) should be brought into the nursery or class.

If a child needs medication while they are in the nursery or class, the parent is required to come and administer the medication.

### **Section 8-Proper Display of Affection:**

Physical touch is an important element in the communication of love and care. It is an essential part of the nurturing process that should be characteristic of ministry with students. Volunteers need to be aware of, and sensitive to, the special and differing needs and preferences of each individual. Physical contact should be age and developmentally appropriate and is most appropriate when done publicly.

### **Section 8.1-Appropriate Touch**

The following guidelines are recommended as pure, genuine and positive displays of God's love:

- Meet children at their eye level by bending down or sitting.
- Listen to individuals with your ears, eyes, and heart.
- Hold the child's hand while listening or speaking to him or when walking to an activity.
- Putting an arm around the shoulder of an individual when comforting, quieting, or greeting is an appropriate way to hug. This side-to-side type of hug should only be done in public.
- A light touch to a hand, shoulder or back when encouraging is acceptable.
- Gently hold the shoulders or chin of a child when redirecting the child's behavior. This helps the child focus on what you are saying and is helpful to children who have Attention Deficit Hyperactive Disorder.
- Hold a preschool child who is crying.

### **Section 8.2-Inappropriate Touch**

The following types of touch **must be avoided**:

- **Kissing a child or coaxing a child to kiss you.**
- **Extended hugging or tickling, or prolonged physical contact of any kind.**
- **Touching a child in any area that would be covered by a bathing suit (exception: properly assisting a child in the rest room).**
- **Carrying an older child or sitting him or her on your lap.**
- **Being alone with a child.**
- **Giving a full contact, body-to-body hug.**

### **Section 9-Bathroom Policy:**

It is often necessary for workers to assist young children to the restroom. Children's privacy should be maintained while helping the child to and from the restroom facility.

- 1) Workers should observe the nursery guidelines when changing diapers. Workers should wear gloves and should make use of diaper changing stations. A child's diaper should be changed by and in the presence of approved workers.



- 2) If a child is in preschool, then that child should be escorted to the bathroom. The worker should remain outside the bathroom door and should not enter a stall with a child or enter restrooms of the opposite sex.
- 3) The worker's primary responsibility is ensuring that the child has a safe trip to and from the restroom facility in a timely manner.
- 4) When possible, two adults should be present if a worker must enter the restroom. If not possible, more than one child should be present.

### **Section 9.1-Potty Training**

Many preschoolers are potty training. Often, parents ask workers to help children as they develop their restroom skills. Workers should assist children in a caring manner. Workers should:

- 1) Escort the child to the restroom.
- 2) When possible have more than one adult present and leave the stall open so that the child is never alone with a worker. If a child wants the door closed, the worker should stand outside of the stall.
- 3) When another adult is not present, take at least two children to the restroom.
- 4) Encourage the child to accomplish as much of the bathroom tasks as possible on their own.
- 5) For young children, just beginning to potty train, be available to help the child wipe and dress.
- 6) Potty-trained children should not need help with these tasks. At pick-up, inform parents that their child has visited the restroom and may need to be checked for cleanliness.

### **Section 10-Transportation:**

Anyone transporting children or youth should refer to the guidelines or policies set by Church of Christ-Fond du Lac eldership/men's leadership team.

### **Section 11-Church Sponsored Babysitting**

Trained youth workers or paid babysitters may supervise at church sponsored events or meetings. They should be under the supervision of a worker, director, or parent and that adult must be available on campus for the entire event. Appropriate child to worker ratios must be met.

### **Section 12-Compliance:**

Each member assigned to serve in the areas of children and/or youth ministry is responsible for implementing the provisions set forth in this policy during all church sponsored/planned events, either on or off campus. This policy further applies to all paid church personnel, regardless of whether or not they are specifically assigned to children or youth ministries. In order to be in compliance with this policy, everyone involved with children or youth must be familiar with, and agree to abide by this policy's provisions.

### **Section 13-Responding to Allegations of Child Abuse:**

Any allegation of child abuse arising from actions improperly taken or improperly not taken will be investigated immediately. Any such situations will be handled forthrightly, with due respect for people's privacy and confidentiality, and with due process considerations.

#### **Section 13.1-Suspected or Observed Child Abuse:**

According to the definitions found in the Wisconsin Family Code, if a worker suspects or observes child abuse or neglect, the worker is legally compelled to report his/her observations or findings to the proper authorities according to Wisconsin Family Code.

#### **Section 13.2-Allegations of Child Abuse:**

If a child, parent, or worker makes allegations of inappropriate conduct on the part of a volunteer worker or a paid church employee the following steps will be taken.

1. If the allegation is made against anyone including paid church staff, a member of the eldership/men's leadership team (in absence of elders) will be notified as well as the congregation's legal counsel.
2. On notification, the elders/men's leadership team will determine a plan of action for the church to investigate the matter. (If a child made the allegation, parents will be informed of the allegation and the steps that will be taken to investigate.) The investigation will include interviewing the parents and, as appropriate, the victim, to obtain a simple statement of what happened.
3. If abuse is suspected, the elders/men's leadership team will then contact the accused, tell him or her of the allegation, and attempt to obtain a statement concerning the allegation. He or she will be informed of our obligation to report the situation to Child Protective Services and will be suspended from work with children and youth until an investigation has been completed. Both

statements will be recorded in written form and kept on file, using the “Church Accident/Sexual Abuse Incident Statement Form”. The accused worker may well refuse to provide a written or verbal statement, and that is his/her legal prerogative [to avoid the possibility of criminal self-incrimination]. However, the church does retain the right to permanently dismiss either voluntary or paid staff members who opt not to participate in the non-criminal, i.e., non-governmental investigation.

4. If the investigation reveals that the allegation involves inappropriate conduct (but is not considered child abuse as prescribed by Wisconsin law), the elders/men’s leadership team will agree on a course of action. This action can range from counseling the accused and re-education about proper conduct for a first offense, to removal from the ministry for repeated offenses. The parents will be informed of the action before it is implemented. If the decision rendered is to not remove the accused, he/she will receive special monitoring and training if needed to ensure that the original situation will be not be repeated.
5. If the allegation appears to be child abuse as prescribed by Wisconsin law, the elders/men’s leadership team will report the information to authorities under the child abuse reporting statute.
6. If a child, parent, or worker makes allegations of inappropriate conduct on the part of any adult who is neither a volunteer worker nor a paid church employee (a church member or visitor for example) the following steps will be taken:
  - a. An elder/any member of the men’s leadership team should be notified.
  - b. The elders/men’s leadership team will determine the plan of action for investigation on the part of the church. (If the child made the allegation, the elders/men’s leadership team will inform the parent of the allegation and the steps that will be taken to investigate.)
  - c. The investigation will include an interview with the parents (and the child if appropriate) to get a simple statement of what happened.
  - d. If abuse is suspected, the elders/men’s leadership team will then contact the accused, tell him or her of the allegation, and get a statement concerning the allegation. He or she will be informed of our obligation to report the situation to Child Protective Services. Both statements will be recorded in written form and kept on file.
  - e. If the allegation appears to be one involving inappropriate conduct (but is not considered child abuse as prescribed by Wisconsin law) the elders/men’s leadership team will inform the parents that the allegation does not appear to be child abuse, and that we will inform the person being accused of the allegation and tell them of the unacceptable nature of their behavior. We will then monitor the situation, and we will

also tell the parents that they retain the right to make a report to Child Protective Services.

- f. If the allegation appears to be child abuse as prescribed by Wisconsin law, the elders/men's leadership team will report the information to appropriate agencies.
- g. If a child alleges abuse to a volunteer worker about an incident that occurred in a non-church context, i.e., by a neighbor, parent, relative, or school employee, the worker will seek the counsel of the eldership/men's leadership team on appropriate reporting and a copy of the final report will be kept on file.
- h. If a child alleges abuse to a paid staff member about an incident that occurred in a non-church context, i.e., by a neighbor, parent, relative, or school employee, or if the employee observes or suspects abuse, the employee must notify the eldership/men's leadership team. Once the allegation has been resolved, a final report will be prepared by the eldership/men's leadership team and kept on file.

### **Section 13.3-Follow-up to Allegations, Accusations or Suspected Child Abuse:**

This policy emphasizes prevention as the primary safeguard for our children and youth. However, in the unlikely event that an allegation, accusation, or suspicion of abuse occurs, the church is committed to adopting a proactive stance in ministering to the victim, the victim's family, the accused, the family of the accused, and the congregation, as appropriate. Follow-up will involve the elders/men's leadership team developing a course of action that provides follow through to the various individuals involved. The general approach will contain the following elements:

- The eldership/ paid evangelist/men's leadership team will provide pastoral counsel and ministry to the emotional and spiritual needs of the victim and their family. This may include arrangements for professional therapy as required.
- The eldership/paid evangelist/men's leadership team will provide pastoral counsel and ministry to the spiritual needs of the accused and their family. This may include arrangements for professional treatment and therapy as required.
- Should investigation by authorities be required, the elders/paid evangelist/men's leadership team will cooperate fully with any investigation and legal actions that may result.

### **Definitions from the Wisconsin Code 48.02, 48.981**

In this chapter:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children, indecency with a child, sexual assault, or aggravated sexual assault;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct including conduct that constitutes an offense of trafficking of persons, prostitution, or compelling prostitution;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic;

(I) the current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child or;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense;

(2) "Department" means the Department of Family and Protective Services.

(3) "Designated agency" means the agency designated by the court as responsible for the protection of children.

(4) "Neglect" includes:

(A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(B) the following acts or omissions by a person:

(i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse committed against another child; or

(C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

(A) a parent, guardian, managing or possessory conservator, or foster parent of the child;

(B) a member of the child's family or household;

(C) a person with whom the child's parent cohabits;

(D) school personnel or a volunteer at the child's school; or

(E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

(6) "Report" means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

(7) "Board" means the Board of Protective and Regulatory Services.

(8) "Born addicted to alcohol or a controlled substance" means a child:

(A) who is born to a mother who during the pregnancy used a controlled substance, or, other than a controlled substance legally obtained by prescription, or alcohol; and

(B) who, after birth as a result of the mother's use of the controlled substance or alcohol:

(i) experiences observable withdrawal from the alcohol or controlled substance;

(ii) exhibits observable or harmful effects in the child's physical appearance or functioning;

or

(iii) exhibits the demonstrable presence of alcohol or a controlled substance in the child's bodily fluids.

(9) "Severe emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities.

### **Persons Required to Report; Time to Report**

(a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report.

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense, and the professional has cause to believe that the child has been abused, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense. A professional may not delegate to or rely on another person to make the report. "Professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or

duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

In addition to the duty to make a report, a person or professional shall make a report in the manner required by law, as applicable, if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

- (1) another child; or
- (2) an elderly or disabled person as defined by Section 48.002, Human Resources Code.

(c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report is confidential and may be disclosed only:

- (1) as provided by law; or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

### **Immunities**

(a) A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that might otherwise be incurred or imposed.

(b) Immunity from civil and criminal liability extends to an authorized volunteer of the department or a law enforcement officer who participates at the request of the department in an investigation of alleged or suspected abuse or neglect or in an action arising from an investigation if the person was acting in good faith and in the scope of the person's responsibilities.

(c) A person who reports the person's own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability.

### **Failure to Report; Penalty**

(a) A person commits an offense if the person is required to make a report, has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to make a report.

A person who is a professional commits an offense if the person is required to make a report knowingly fails to make a report as required by law.

(b) This offense is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the child was a person with an intellectual disability mental retardation who resided in a state supported living

center, and the actor knew that the child had suffered serious bodily injury as a result of the abuse or neglect.

(c) An offense is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the actor intended to conceal the abuse or neglect.

#### **Section 14-Forms Commonly Used by the Fond du Lac Church:**

***Nursery/Pre-School/Children/Youth Worker Application:*** (Online) Used to receive the information required to approve individuals seeking to work in any capacity during church sponsored/planned events on or off campus with the children or youth ministries. Application includes statement by the potential worker that he/she has downloaded and reviewed the child protection policy.

***Criminal History Check Form:*** (Online) Used to receive the information and authorization required to complete a criminal background check on individuals 17 years of age and older, who applied to work in the children and/or youth ministries.

***Church Accident/Sexual Abuse Incident Report:*** Used to document and gather information relating to an accident occurring during any church sponsored/planned event on or off campus involving children or youth.

***Church Accident/Sexual Abuse Incident Report:*** Used to document statements and gather information relating to any claimed sexual abuse incident occurring during any church sponsored/planned event on or off campus involving children or youth.