

## **VII. Policy and Procedures for Preventing and for Reporting Suspected Child Abuse and Neglect**

### **Purpose**

It is the policy of the members and staff of the Unitarian Universalist Church of Ventura to provide a safe and secure environment for preschoolers, children, youth, and mentally handicapped persons entrusted to our care and to provide an atmosphere which promotes and affirms the inherent worth and dignity of every person.

A safe and secure environment includes a formal, written policy to help prevent the occurrence of child abuse. The following policy and procedures are for the protection of our preschoolers, children, youth, employees, volunteers and our entire church family. They apply to all employees whose jobs require them to work with children and all volunteers providing child care or participating in Religious Education programming.

### **Definitions**

For the purpose of this policy the following definitions shall apply:

1. “Preschooler,” “child,” “children,” “youth,” and “minor” shall be defined as any individual *under* the age of eighteen (18) (or whose mental capacity is that of a minor).
2. “Adult” shall be defined as any individual at least eighteen (18) years of age.
3. “Volunteer” shall be defined as anyone who works with children in an unpaid capacity or who is paid for providing childcare on an as-needed basis for church events in the absence of qualified non-paid volunteers. These may include members or friends of the congregation or children of members or friends.
4. “Employee” shall be defined as any person whose work brings them in contact with children and who is scheduled to work on a regular basis (daily or weekly) in the congregation in a paid capacity.
5. “Child abuse and child neglect” is specified in the California Child Abuse and Neglect Reporting Act, Penal Code Section 11166.
6. “Criminal Background Check” (CBC) is the procedure used by a qualified agency to check for criminal activity in the background of prospective adult employees and volunteers.

All church employees are mandated to report suspected child abuse and neglect.

Volunteers of public and private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse and neglect.

Any other person who reasonably suspects that a child is a victim of abuse or neglect may choose to report. For purposes of this definition, “any other person” includes a mandated reporter who acts in his or her private capacity and not in a professional capacity or within the scope of employment.

What is Child Abuse?

California Penal Code Section 11165.1 defines sexual abuse as

Sexual abuse of a child, including both sexual assault and sexual exploitation. “Sexual assault” includes sex acts with a child, lewd or lascivious acts with a child and intentional masturbating in the presence of a child. “Sexual exploitation” includes preparing, selling, or distributing pornography; and employing or coercing a child to engage in prostitution.

California Penal Code gives the following definitions of physical injury to a child:

P.C. 11165.6 – A physical injury inflicted by other than accidental means upon a child. Note that child abuse does not include a “mutual affray” between minors. It also does not include an injury caused by “reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment.”

P.C. 11165.3 – Willful harming or injuring of a child or the endangering of the person or health of a child, including inflicting or permitting unjustifiable physical pain or mental suffering.

P.C. 11165.05 – Note: Any mandated reporter **may** report any child who is suffering serious emotional damage or is at substantial risk of suffering serious emotional damage.

P.C. 11165.2 – Neglect of a child whether “severe” or “general,” by a person responsible for a child’s welfare. The term “neglect” includes both acts and omissions harming or threatening to harm the child’s health or welfare.

## **Procedures for Preventing Child Abuse and Neglect**

### Employee and Volunteer Requirements

All employees are required to fill out an application for employment listing at least three references. All adult employees are also required to submit to a criminal background check as a condition of employment. All volunteers are required to submit a volunteer application listing three references. All adult volunteers serving as one to one mentors or officially supervising overnight church activities must also submit to a criminal background check. This includes adults who are facilitating Our Whole Lives for children.

While this process understandably trespasses into the privacy of our lives, The security of our children outweighs the personal invasion inherent with such investigation and disclosures. All personal information voluntarily disclosed, the results of all reference checks, or the refusal of any person to participate in a program or activity in lieu of such disclosure requirements, will be maintained in the strictest of confidence by staff.

All employees and volunteers in activities involving minors are required to understand and abide by the California Child Abuse and Neglect Reporting Act and UUCV's policies and procedures related to safety and the prevention of child abuse.

No volunteer will be allowed to work with minors until they have been a member of UUCV for a minimum of six (6) months or a regular attendee for a minimum of one (1) year.

*[When]* If an employee or volunteer is engaged to work with minors, they will be photographed and the picture(s) will be kept in the person's Children's Religious Education file. Photographs will be updated as deemed necessary.

The following items will automatically disqualify a person from participating in the leadership, sponsorship, or supervising of any activities or programs for minors, although other offenses may also result in disqualification upon review:

Any conviction for a violation of the California Child Abuse and Neglect Reporting Act:

- Criminal homicide;
- Sexual abuse;
- Sexual assault (rape);
- Aggravated sexual assault;
- Injury to a child;
- Incest;
- Indecency with a child;
- Inducing sexual conduct or sexual performance of a child;
- Possession or promotion of child pornography;
- The sale, distribution, or display of harmful material to a minor;
- Employment harmful to children;
- Enticing a child.

Specific Acts and Omissions in Violation of the UUCV Policy

The following will not be tolerated or accepted during any activity or program and are to be reported as specified in the California Child Abuse and Neglect Reporting Act immediately after the safety of the child, children, youth, or minor involved has been assured.

- Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.\*
- Sexual advances or sexual activity of any kind between any person and a minor.
- Infliction of physically abusive behavior or bodily injury to a minor.
- Physical neglect of a minor, including failure to provide adequate supervision.
- Mental or emotional injury to a minor.
- The presence or possession of obscene or pornographic materials at any congregational function.

- The presence, possession, or being under the influence of any illegal or illicit drugs.
- The consumption of illegal or illicit drugs or alcohol while leading or supervising minors.

\* The UUA approved curriculum Our Whole Lives is an exception to some of the above bulleted specifics as it may contain displays of sexual activity. This program will only be taught by adults who have been trained. All children who participate must have the written informed consent of their parent(s) or legal guardian(s).

### Supervision

1. All reasonable measures will be taken to ensure that no adult is left alone with a child except in a counseling or mentoring situation. Prior written permission may be granted by parent(s) or legal guardian(s) to cover a particular time period (i.e., a school year) for their child to be alone with an adult. It is also understood that members may give permission to others to transport their children to and from church activities.
2. Church staff and volunteers will supervise on an ongoing basis and make unannounced visits into classes or other program sites from time to time.

### **Policy for Reporting Suspected Child Abuse and Neglect**

Any suspicion of child abuse and/or neglect shall be reported as specified in the California Child Abuse and Neglect Reporting Act, Penal Code 11166.

### **Procedures for Reporting Child Abuse and Neglect**

The Act's four-step procedure is shown later in this chapter. It is also described in the UUCV Religious Education Teachers Handbook; in addition, a facsimile of the required "Child Abuse Report," form SS 8572, may be found there.

In some circumstances, use of the UUCV "Reducing the Risk Application Checklist" may also be indicated.

*Volunteers or employees who suspect that a child has been abused should not disclose or discuss suspicions or details of an incident with anyone other than the senior minister except as specified in the California Child Abuse and Neglect Reporting Act.*

Volunteers and employees should take the following steps:

- Ensure the immediate safety of the child or children.
- California law recognizes that any person, regardless of training or position, can choose to voluntarily report child abuse or neglect. The first staff member suspecting child abuse or neglect shall report it as required by the California Child Abuse and Neglect Reporting Act, Penal Code Section 11166. Volunteers who work with children are strongly encouraged to do so, as well. Obtain Form SS 8572, Suspected Child Abuse Report, and fill it in as much as possible before beginning the following four-step procedure:

Step 1. Report by telephone to the Child Abuse Hotline: **(805) 654-3200 or (800) 754-7600**. Ask the person answering the phone for the address you should use in Step 3.

Step 2. Then keep a copy of SS 8572 (It need not be completely filled in) for yourself, and another copy for use in Step 4.

Step 3. Mail a copy of SS 8572 within 36 hours of your phone call, to the address you obtained in Step 1.

Step 4. After completing the above three steps, provide a copy of SS 8572 to the senior minister of UUCV. If the senior minister is a party to the report, provide the copy to another member of the professional ministry of UUCV, or if none, to the President of the Board of Trustees.

If all four of the above steps are used, the UUCV senior minister or alternate individual as described above will be responsible for implementing the UUCV “Reducing the Risk Application Checklist,” if appropriate.

Steps 1, 2, and 3 fulfill ALL of UUCV’s responsibilities under the law. The possible use of the UUCV Reducing the Risk Application Checklist is not specified in law but is an additional option under UUCV policy.

The senior minister or alternate responsible party as described above is expected to

- Maintain confidentiality regarding the incident. This protects the rights of the child, the suspect, the reporter, and the minister. Confidentiality regarding the identities of suspected victims and suspects is imperative.
- Cooperate fully with law enforcement officials and/or child protective service workers.
- Suspend, while investigation by law enforcement and/or child protective service workers is taking place, any suspect from the performance of duties involving children.
- In instances where child abuse is substantiated by law enforcement and/or child protective services, dismiss the employee or volunteer from his/her position. Membership termination may be considered as appropriate, in the circumstances.
- Be the one person to liaison with the media, if the media takes the initiative to contact UUCV. The minister or alternate responsible party as described above may choose to say as little as “No comment,” or “The UUCV follows all the provisions of the California Child Abuse and Neglect Reporting Act.