

Goal

It shall be the goal of Westbury Baptist Church to provide a safe environment for the physical and emotional well being of all children participating in church programs, including participants in any daily or temporary childcare programs. The church's goal is to inform workers and enforce policies to ensure that all children are safe and well protected while attending scheduled activities.

Definition of "children"

The term "child" or "children" shall include all persons under the age of eighteen years.

Definition of child abuse or neglect as defined by the Texas Family Code:

Child abuse is defined to include acts or omissions which cause or permit:

mental or emotional injury to a child.

physical injury or threat of physical injury to a child.

failure to make reasonable efforts to prevent action by another person that results in physical injury to a child.

sexual contact with a child.

failure to make reasonable efforts to prevent sexual contact with or in the presence of a child.

Neglect includes:

leaving a child in a situation where the child could be exposed to a substantial risk of harm.

requiring the child to use judgment or take actions beyond the child's level of maturity, physical condition, or mental abilities.

failure to obtain medical care for a child.

failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child.

Sexual misconduct

Sexual misconduct claims include all crimes involving sexual conduct under the Texas Penal Code. They include indecent exposure, indecency with a child, and sexual assault including rape. They also include conduct that may not violate a penal statute but is still sexually oriented such as sexual harassment and sexual suggestion. If this conduct is committed by agents of the church, either employed or volunteer, claims are often made against the individual and the church.

Duty to report...the Texas Reporting Statute

Any person who learns of or 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 by any person must report that belief to a local or state law enforcement agency or the Texas Department of Protective and Regulatory Services.

An oral report must be made immediately upon learning of the abuse or neglect or likelihood of abuse or neglect. A written report must be made within five days to the same agency or department.

The report shall be non-accusatory, meaning the identity of the victim of the abuse or neglect must be identified but the person making the report is not required to speculate as to the person who committed the abuse or neglect.

Liability for failure to report

A person failing to report child abuse or neglect commits a Class B Misdemeanor punishable by fines up to \$1,000 and/or confinement for up to 180 days. Additionally, a person who is the victim of child abuse and his or her family may bring a civil claim against the church and/or its agent (the person who failed to report the crime) as required by law.

Reporting policy

It is the policy of the church to report any incident of child abuse or neglect toward any child in the church. This would include participants in temporary childcare programs.

Do not treat any suspicion as frivolous.

Notify the Minister to Children immediately. Begin the investigation right away.

The staff member in charge should suspend the accused person from the performance duties involving children until the official investigation has been completed.

Cooperate fully with law enforcement officials.

The pastor or his agent will inform the victim and victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigation. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter. Fully cooperate to address their requests within the bounds of legal and prudent responses. (Church legal counsel should assist in this determination.)

In an instance where child abuse is confirmed, the church will immediately

dismiss the worker from his or her position. Termination will be considered appropriate in the circumstances.

In instances where evidence is inconclusive, the church should take action with the advice of law enforcement officials—depending on the strength of the evidence available and after consideration of the victim and the victim's family's request.

The pastor will determine the amount of information he believes is appropriate to relate to the congregation. Commenting on an ongoing investigation is not wise.

Reporting Obligation

Any person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the belief. Non-accusatory reports, that identify the victim, whether or not the person responsible for the abuse is known, must be made to the local or state law enforcement agency or to the Texas Department of Human Services as follows:

- a. An oral report must be made immediately on learning of the abuse or neglect.
- b. The pastor must be notified as quickly as possible.
- c. A written report must be made within five days to the same agency that received the oral report.
- d. All reports must contain the name and address of the child, the name and address of the person responsible for the care of the child, and any other pertinent information.

The oral and written reports are required by law. This entire reporting policy is required as a condition of employment for both paid and volunteer workers.

Confidentiality

All reports of child abuse or neglect shall be held in absolute confidence. No person shall communicate any information concerning the alleged event to any person except as necessary to cooperate with any official investigation. Any breach of this confidentiality by an employee of the church shall be cause for immediate dismissal.

The pastor, in consultation with the official conducting the investigation, may authorize limited additional disclosure if necessary to protect other children from harm in the near future—particularly where the person responsible for the abuse cannot be identified. In no case shall the identity of the victim or the accused person be disclosed except as required by law.

Investigation of alleged abuse or neglect

No person shall attempt to conduct a detailed investigation through examination or interrogation of the child, the accused person, or a witness. It is acceptable to obtain a reasonable amount of information to have cause to believe a child has been abused or neglected.

Interviews shall be conducted only by authorized officials of the agency to whom the suspected crime has been reported or, when appropriate, by legal counsel or persons representing the church in an official capacity. All employees and volunteers of the church shall cooperate with the official investigation as requested.

Immunity

A person making a report or assisting in the investigation of a report of child abuse or neglect is immune from liability, either civil or criminal, that might be incurred. This means that a person who reports child abuse and is later sued by any of the parties (including the parents of the child or the accused perpetrator of the crime) can defend his or her self on the basis that the actions were absolutely protected by this immunity statute and the reporter should not be liable for damages relating to the report.

Volunteers

All volunteers who work with children must first be members of Westbury Baptist Church or Westbury Baptist's Sunday School for at least six months.

The minimum number of workers on duty should be two workers per room. The two workers should not be related. Two workers who are related can be in the same room as long as there is a third workers with them at all times who is not related to them. One teacher should be at least eighteen years of age or older per room. No one adult should be left alone with any number of children.

Volunteer applications

Volunteer applications must complete and sign an application for volunteer workers who work with children.

Applications will be submitted to the Children's Ministry office.

If the church learns of false, misleading, or amended information on an application that could cause potential danger to children or liability to the church, that person will be dismissed from their position.

Criminal background checks

A criminal background check and child abuse registry check shall be required for all children's worker positions. No one convicted of a crime involving misconduct with children will be allowed to work with children.

Completing the application for volunteer workers who will work with children authorizes the church to conduct these checks. Background checks will be kept confidential in a locked file with access afforded only to appropriate church staff or a need-to-know basis.

Acknowledgement of church policies

All volunteers must acknowledge in writing that they understand the church's policies pertaining to the protection of children and that they agree to abide by them. This requirement will be met by having applicants sign an acknowledgement of receipt form.

Picking up Children

Children who are 1st grade or older are permitted to leave the area of the church activity at the conclusion of the scheduled activity without further supervision of the workers— unless otherwise instructed by the parent or guardian.

If a child younger than 1st grade is not picked up by his or her parents or guardian on time, the child will be kept by the teacher in the children's area where safe supervision can be continued until the parent or guardian is located.