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PREVENTION AND REPORTING POLICY FOR CHILD ABUSE

Introduction

“And whoever welcomes a little child like this in my name welcomes me. But if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea.” Matthew 18:5-6

“Have nothing to do with the fruitless deeds of darkness, but rather expose them. For it is shameful even to mention what the disobedient do in secret. But everything exposed by the light becomes visible.” Ephesians 5:11-13

Aspen Ridge Church (the “Church”) places emphasis on our ministry to children and youth. We stress the sanctity of human life and the importance of worth of each individual as a child of God. The Church stresses the importance of providing a safe and secure environment for those entrusted to our teaching and care. We recognize that formal and written policies and procedures will help prevent the opportunity for abuse or molestation to occur. These policies and procedures are adopted for the protection of our children and youth, employees, adult volunteers, and Church body as a whole.

For the purposes of this policy, any reference to a child, youth, or minor means a person under eighteen (18) years of age, and any reference to “child abuse” or “abuse” may include by such reference “neglect” of the child.

Colorado Statutory Definitions of Child Abuse

The elements of the Colorado statutory definition of child “abuse” or “child abuse or neglect” means an act or omission in one of the following categories which threatens the health and welfare of a child:

1. Neglect: Any case in which a child is in need of services because the child’s parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. C.R.S. 19-1-103. This also includes if a parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring; the child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian; the child's environment is injurious to his or her welfare. C.R.S. 19-3-102(1).

2. Physical: Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence. C.R.S. 19-1-103

3. Emotional: Any case in which a child is subjected to emotional abuse. Emotional abuse means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or substantial risk of impairment of the child's intellectual or psychological functioning or development. C.R.S. 19-1-103

4. Sexual: Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution. C.R.S. 19-1-103

5. Drugs¹: Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance is manufactured or attempted to be manufactured. This can also occur in any case in which a child tests positive at birth for either a schedule I controlled substance or a schedule II controlled substance, unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed. C.R.S. 19-1-103

Additional events that may give rise to child abuse or neglect include:

(i) "Any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma (a local swelling or tumor filled with effused blood), soft tissue swelling, or death," and "condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence." (ii) "Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution." (iii) "Any case in which a child is in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take..." (iv) "Any case involving acts or omissions by the parents or other caregivers that have caused, or could cause, serious behavioral, cognitive, emotional or mental disorders."

"In all cases, those investigating reports of child abuse shall take into account accepted child-rearing practices of the culture in which the child participates. Nothing in this subsection shall refer to acts which could be construed to be a reasonable exercise of parental discipline..." C.R.S. 19-1-103(b)

¹ This instance of Child Abuse will continue to gain more momentum as Colorado defines the harmful effects of using cannabis/marijuana in front of children.

(Note: For additional information on child maltreatment, you may contact the National Clearinghouse on Child Abuse and Neglect Information at nccanch@calib.com.)

Selection of Children and Youth Workers

Paid employee: Every applicant for any paid position shall complete an employment application and consent form authorizing a background check. In the absence of such a completed form, applicants will not be considered for employment by the Church. No person shall be employed before the Church has received and reviewed the applicant's completed employment application and completed background check of appropriate references. The employment application and reference checks will be placed in secured personnel files of the Church Office. No person shall interact with children or youth without supervision by the Children's Ministry Pastor, Youth Pastor, Executive Pastor, or Senior Pastor, or be alone with a child or young adult prior to completion of the individual's background check.

Adult volunteers: As a condition precedent to volunteer work with children and youth, the prospective volunteer shall have been a member of this Church for six (6) consecutive months immediately preceding commencement of the volunteer work, unless said requirement is for good cause waived by mutual agreement of the Children or Youth Ministries pastor, the Elders, and the Executive pastor or Senior pastor. All prospective volunteer children and youth workers shall complete a volunteer staff application. No person shall be accepted for volunteer service before the Church has received and reviewed the completed necessary reference checks. All current volunteer children and youth workers are expected to have a completed volunteer staff application on file. All information gathered from the volunteer staff application, including reference checks, will be held by the Church in a confidential file. Only staff members having a reasonable need for such information will be allowed access to such files. The Church reserves the right to request a background check of any adult volunteer.

A section of the employment application and volunteer application will ask if the applicant has been accused or convicted of prior sexual misconduct. No person who is determined to have had any prior involvement in an incident of sexual misconduct with a minor shall be permitted to serve in any capacity involving the care or supervision of children and youth.

Employee and Volunteer Staff Screening

In order to prevent the occurrence of abuse at church-sponsored activities and programs, all volunteers and employees working with minors will be carefully screened. The procedure used to screen volunteers and employees is:

1. All volunteers and employees will be required to fill out an application form which will be kept in complete confidence. Proof of social security number and date of birth is required.
2. All references will be checked and a written record of the results will be kept with the application.

3. The names and fingerprints of potential employees will be submitted to local police, sheriff's department and/or the Colorado Bureau of Investigation for a background check. The Church may from time to time request background checks of Volunteer Staff.
4. Personal interviews of ministry volunteers will be conducted and documented by pastoral staff.

Worker Supervision of Children and Youth

The goal of the Church is to strive, whenever possible, for the following ratios of adults to children and youth:

0 through 12 months	-	1 adult to 3 children
13 months to 2 years old	-	1 adult to 4 children
2 to 4 years old	-	1 adult to 5 children
4 to 6 years old	-	1 adult to 7 children
6 to 18 years old (classes/trips)	-	1 adult to 10 children/youth
6 to 18 years old (retreats)	-	1 adult to 6 children/youth

At least two adult workers, or an adult and teenage assistant 16 years of age or older, whether volunteers or employees, shall be present at all Church activities involving children and youth. At no time shall only one worker be allowed to be alone with one child or youth, including guidance sessions, unless a waiver is signed by the parent(s) or guardian authorizing only one child care giver to be present. Pastoral, program director, and associate/assistant program director staff are exempt from this "two adult rule". However, where continuing guidance sessions are contemplated, either (i) parental permission shall be obtained for such meetings, or (ii) the two adult rule shall apply. Further, whenever possible, there shall always be at least one male and one female adult at all children and youth events and meetings, unless the activity is dedicated to only one gender. When guidance sessions or one-on-one meetings occur, the Children's Ministry or Youth Ministry pastor shall inform at least two other paid church staff members of the time and location of the session/ meeting and the approximate end time. If a Volunteer Staff members has any guidance sessions or one-on-one meetings with a child or youth, the child or youth's parents shall be informed to the extent possible and the Children's Ministry or Youth Ministry Pastor.

Clergy Members/Religious Leaders as Mandatory Reporters of Child Abuse and Neglect

"Clergy Members" is a class of mandated reporters that was added to the list of mandatory reports in June 3, 2002. The statutory definition of Clergy Member is as follows: "Unless the context otherwise requires, 'clergy member' means a priest, rabbi, duly ordained, commissioned, or licensed minister of a church, member of a religious order, or *recognized leader of any religious body.*" C.R.S. 19-3-304(aa). The statute does not define "recognized leader of any religious body." However, recognized leader of any religious body could be interpreted to include Sunday School teachers, Bible Study leaders, and regular volunteers at youth events and meetings. The important thing to remember is that the *victim*, not the

mandatory reporter, controls whether he/she believed the mandatory report was a recognized leader.

Aspen Ridge Church Mandatory Reporters

The Church has identified the following positions, and currently serving persons in such positions, as mandatory reporters under this policy: Officers, Elders, Deacons, department heads, the church administrator and ministry heads of the church; ordained or licensed ministers serving the church in their capacities as ordained or licensed ministers (either paid or volunteers); non-ordained or non-licensed program directors involved with children and youth ministries; all pastoral staff of the Church; and may include regular ministry volunteers serving as Sunday School Teachers, Bible Study Leaders, or regular volunteers at children and youth events/meetings.

Determining Suspected Child Abuse

Colorado requires all mandatory reporters to report child abuse if the mandatory reporter has “reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect...”. C.R.S. 19-3-304(1). The statute does not require reporting **only** when a child is in immediate danger; rather, the statute requires reporting **regardless** of whether a child is in immediate danger. However, the agency the report must be made will be different if the child is in immediate danger.

In determining whether there is reasonable suspicion that child abuse has occurred, the primary responsibility of paid church staff and ministry volunteers is to the potential victim of child abuse and his/her safety. It is the policy of the Church that all situations will be handled forthrightly with due respect for the privacy and confidentiality of all persons involved. Confidentiality regarding the complaint and preliminary investigation will be maintained as much as possible. Each person interviewed will be instructed not to disclose any information to other persons, unless otherwise permitted. No complaint will be treated as frivolous. Each complaint will be considered to be legitimate until shown to be otherwise. In order to best minister to and serve the needs of the children and youth, the procedures as set forth in this section are to be taken to determine whether there is reasonable suspicion of child abuse.

It is not the responsibility of Church personnel to make judgments or heavily investigate/make investigations whether child abuse and/or neglect has in fact occurred. Rather, it is our responsibility to assess whether there is “reasonable suspicion” of abuse and/or neglect, and, if so, to report it accordingly.

Any suspected or alleged child abuse, or any questionable activity involving children or youth, is to be reported immediately to either, the Children's pastor, if the suspected abuse is within the jurisdiction of the Children's Department, or to the Youth pastor, if the suspected abuse is within the jurisdiction of Youth Department. It is the responsibility of these pastors to then immediately report the suspected abuse to the Senior pastor, Executive pastor, or Church Administrator. If the Children's pastor or Youth pastor is not immediately available, it is the

responsibility of the reporting staff person to provide the information directly to the Senior pastor, Executive pastor, or Church Administrator. If the accused person is any of the above-mentioned pastors or administrator the reporting staff person must report the suspected or alleged child abuse to another pastor or administrator. Paid Church Staff or Ministry Volunteers are still required to report under the Mandatory Reporter statute. Thus, both the Paid Church Staff/Ministry Volunteer shall make the report to the appropriate agency of local law enforcement with the Pastor that the Paid Church Staff/Ministry Volunteer reports to. This policy does not remove a mandatory reporter's obligation to report child abuse.

Such reporting staff is to put in writing on the day of the alleged incident a confidential and complete account of the observation and/or accusation (see attached reporting form). Upon receipt of the written report, the Senior pastor, Executive pastor, or Church Administrator will take appropriate steps to ensure the report is made to the appropriate local law enforcement agency or county department within 24 hours of receiving the complaint or allegation.

Due to the sensitive nature of these issues, it is the policy of the Church to adhere to procedural guidelines of the County Department of Human Services where the abuse allegedly occurred, in determining whether there is reasonable suspicion that child abuse may have occurred. Great care must be used during interviews to protect against an adverse affect upon subsequent investigations. To the maximum extent possible, and as appropriate given the circumstances of each complaint, allegation, or observation, the Church will attempt to do the following:

- Immediate assessment of child abuse to determine if there is reasonable cause for the case to be reported to the authorities.
- Interview alleged victim with or without the presence of his or her parent(s), depending upon the circumstances, with interests of the child paramount. Under no circumstances is the child to be interviewed with the alleged abuser present. The child should never be asked to show his or her private areas. The interviewer should be careful not to ask leading questions. The interview shall be conducted with at least two adults present.
- If deemed appropriate to continue the inquiry, interview the accused.
- Interview supervisor of the accused (if any).
- Interview witnesses (if any).
- Assess the danger of the situation. Never let a child return to the custody of the alleged abuser before finishing interviews and making the report to local law enforcement or the county department.

Again, this in no way removes a mandatory reporters' duty to report child abuse if the mandatory reporter has reasonable cause to know or suspect that child abuse has occurred.

Reporting Suspected Child Abuse and/or Neglect

Every mandated reporter who reasonably suspects that a child has been subjected to abuse and/or neglect, or who has witnessed circumstances which would reasonably result in abuse or neglect, must immediately report the same to the County Department of Human Services where the abuse occurred or the local Police Department. If the alleged abuse and/or neglect

occurred in a different city or county, the department of human services or law enforcement agency in such jurisdiction should be contacted. If there is evidence the child is in immediate danger, the appropriate law enforcement agency should be called. Otherwise, the Department of Human Services should be the primary contact. The report should be followed up with a written report to the appropriate agency. While the definition of “immediate” is not clear, the intent is that the report would be made as soon as possible after acquiring reasonable suspicion of child abuse or after observing abusive circumstances. When a report is made to a human services agency, confidentiality of the reporter is initially protected. Such confidentiality does not exist when reporting to a law enforcement agency.

Depending upon the circumstances of the case, follow-up action by the Church may include the following: (i) Suspension of duties performed by the accused involving children and/or youth; (ii) disciplinary action by the Board of Elders in accordance with Church Bylaws; (iii) keeping alleged victim and his/her family informed of Church actions; (iv) staying in contact with the family to provide spiritual support and to make services of the Church available to them, including biblically based guidance and counseling; and (v) reach out to the accused and his or her family, providing biblically based guidance and counseling.

Only the Church’s designated spokesperson shall speak to the media concerning any alleged or reported child abuse or neglect. The Church family will be kept informed, as appropriate, when complaint or allegation is publicly reported.

State law protects employees and volunteer staff from personal liability when they report actual or suspected child abuse, so long as they do so in good faith. Failure to report exposes paid church staff, ministry volunteers, and the Church to liability and criminal action. C.R.S. 19-3-304(4).

Preventing false accusations

It is important that the following policies and procedures be adhered to for the protection of both children from the threat of abuse and adults from false accusations:

- ❑ Avoid situations in which you are alone with a child. When it is necessary to speak privately with a child, find a place out of earshot, but within sight of others, for your conference. This includes not transporting minors alone in your car.
- ❑ The privacy of children in situations such as toileting and changing clothes should be respected. When it is necessary to supervise children in these situations, at least two adults, or an adult and an approved teenage assistant 16 years of age or older, should be present and intrude only to the extent that the health and safety of the children require.
- ❑ Avoid touching areas that are normally covered by swimming suits; breasts, buttocks, and groin. When hugging is appropriate, hug from the side over the shoulders, not from the front.
- ❑ When staff and volunteers supervise overnight activities, adults should not share sleeping quarters with children other than their own.
- ❑ Do not use corporal punishment in any form; i.e. spanking, slapping hitting, etc.

- It is the adult's responsibility to set and respect boundaries. When a child attempts to involve an adult in what may be considered inappropriate contact or behavior, the adult must reject the overture and, as appropriate, explain the rejection to the child. The adult should make an internal report of the incident to executive leadership and keep a written record of the incident in the Church's confidential file. Only staff members having a reasonable need for such information will be allowed access to such files.

Final Thought

As horrendous as false accusations can be, it is essential that the Church take seriously and act expeditiously on every allegation of abusive behavior whether involving Church employees and volunteers, members and attendees, or families of children and youth involved in Church ministries and Church sponsored events. Child abuse is not only illegal, carrying severe civil and criminal penalties, but against the core values of the Christian faith. The Church is committed to providing a safe and secure environment for those children and youth entrusted in our teaching and care. The Church may from time to time revise and update its Prevention and Reporting Policy of Child Abuse to further protect its children and youth.