

# **CREATING A SAFE ENVIRONMENT**

## **Policies & Procedures For Prevention of Child Abuse**

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**St. Luke Lutheran Church**  
1025 The Dalles Avenue  
Sunnyvale CA 94087

Child Protective Services (408) 299-2071

## **SAFE ENVIRONMENT TEAM STATEMENT**

All leaders, staff, and volunteers are expected to understand and follow the *St. Luke Creating a Safe Environment* policies and immediately report actual or suspected abuse and warning signs of abuse to Child Protective Services or contact any one of our Safe Environment Team members listed on the cover of this document.

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## PURPOSE

It is the purpose of the members and staff of St. Luke Lutheran Church to provide a safe and secure environment for preschoolers, children, youth and vulnerable persons entrusted to our care. We do this to encourage those preschoolers, children, youth and vulnerable persons and their families to grow in their relationship with God and one another.

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 at St. Luke Lutheran Church.

## SCOPE

This policy shall apply to all current and future workers, compensated and/or volunteer, who will have the responsibility of supervising the activities of preschoolers, children, youth, and vulnerable persons. Our policy provides a plan for 1) Worker selection, 2) Worker training, 3) Reporting suspected abuse, and 4) Record keeping.

## SAFE ENVIRONMENT TEAM

Members of the *Safe Environment Team* are responsible for monitoring policy implementation to provide a safe and secure environment for preschoolers, children, youth and vulnerable persons entrusted to our care. All leaders, staff, and volunteers are expected to understand and follow the St. Luke *Creating a Safe Environment* policies and immediately report actual or suspected abuse and warning signs of abuse to Child Protective Services. The St. Luke Safe Environment Team is available to assist volunteers/workers with concerns of abuse or procedures of abuse reporting. The *Safe Environment Team* members will be known to the members of the youth and children's groups, the parents, and the congregation at large. **The *Safe Environment Team* will provide a confidential place for concerns of abuse.**

## 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 vulnerable persons.
2. **Adult** shall be defined as any individual at least eighteen (18) years of age.
3. **Worker** shall be defined as any adult who serves as a volunteer and/or paid person given the responsibility of working with or caring for minors.
4. **Child Abuse** shall be defined as verbal, physical, emotional, or sexual abuse of a preschooler, child, youth, minor or vulnerable person.

5. **Criminal Background Check (CBC)** is the procedure used by the California Department of Justice, or other qualified agency, to check the background of adult volunteers for criminal activity.
6. **Workers** are paid employees and volunteers who, will be interacting with one or more children, or work in a supervisory capacity at St. Luke Lutheran Church.
7. **Teenage Workers** shall be defined as any worker at least fourteen (14) years old or older, but under the age of eighteen (18) enlisted to assist with the care of minors.

### **WHAT IS ABUSE?**

There are four types of child abuse:

**Physical abuse** is the deliberate physical injuring of a child.

**Emotional abuse** is maltreatment which causes low self-esteem in a child, undue fear or anxiety, or other damage to a child's well-being caused by such acts as angry fault finding, humiliating and belittling a child for mistakes or failures, and deliberate inattention to a child's emotional needs.

**Neglect** is not providing food, clothing, shelter, health care, psychological nurturing, education, supervision, or other basic necessities.

**Sexual abuse** is any sexual activity with a child or vulnerable person. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim. Child sexual abuse may be violent or non-violent. All child sexual abuse is an exploitation of a child's vulnerability and powerlessness in which the abuser is fully responsible for the action.

### **PROGRAM SUPERVISORS**

All who work on behalf of St. Luke Lutheran Church with any children, youth, or vulnerable persons will be properly selected, screened, trained, and supervised, not only to minimize the risk of child abuse at St. Luke by volunteer or paid workers, but also to honor St. Luke's commitment to helping people discover their God-given gifts and apply them in God's service.

The direct supervisor of program areas in each of the following categories will be as follows:

**Senior Pastor** – All paid staff

**Youth Board Chair** – Youth leaders, youth volunteers, chaperones, drivers

## **WORKER ENLISTMENT**

1. All paid employees of St. Luke Lutheran Church will be required to complete an **Employment Application**.
2. Whether a paid employee or a volunteer, each worker desiring to work with minors, will also be required to complete a **Worker with Minors Application** which is specifically designed for workers who will be working with minors.
3. Teenagers under eighteen (18) wanting to serve as teen workers in any capacity with activities, studies, or programs for preschoolers or children will need to complete a **Teen Worker with Minors Application** Form and go through the training. The only step in the process they are exempt from is the criminal background check.
4. After an application is received, prior employment, volunteer service, and personal references will be checked. Personal references will be telephoned and a written memorandum will be made of the contents of those telephone conversations, Prior employment and church service references will be contacted by telephone or in writing.
5. Any prospective worker who has prior incidents of sexual misconduct or child abuse **will not** be allowed to serve in any capacity where they would have contact with minors.
6. Criminal background checks will be performed on each applicant after the applicant has signed the authorization/waiver/indemnity for, and prior to being enlisted as a worker.

Annual criminal background checks will be performed on workers, randomly or as deemed necessary. (Only qualified representatives of St. Luke Lutheran Church will have access to the criminal background check report. Recommendations will be given by this individual(s) to the Supervisor of the program as to the qualification of applicants.) **See Record Keeping** for rules regarding record access and security

7. The direct supervisor of the program area in which the applicant has interest will conduct an interview with the potential worker.

Standard interview questions will be developed to be used in personal interviews with volunteer applicants after reviewing the application, checking all references, and receiving a criminal background check report. These interview sheets will be filled out with the results of the interview and kept in the employee personnel file, along with the reference checks and the application. (Criminal background check reports are not allowed to be kept more than thirty (30) days after receipt.) A separate file will be maintained permanently on each worker, whether paid or a volunteer. **See Record Keeping** for rules regarding record access and security

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

9. Any employee or volunteer working with minors, will be photographed and the picture will be kept in the worker's file. Photographs will be updated every 2 years or as deemed necessary.
10. At the applicant's request, St. Luke Lutheran Church shall allow the applicant to review his/her criminal history record transcript at the church, but in no event shall the church allow the applicant to retain and/or copy his/her transcript.
11. The church shall immediately notify the California Department of Justice, or other qualified agency, if an internal grievance (applicant disputes) is filed by an applicant because of incorrect information or other reasons related to criminal histories provided by the agency. The church shall submit in a reasonable time period the "Criminal History Record Resolution Request" or similar document to the agency.

### **SCREENING PROCEDURES**

Screening procedures are established for paid or volunteer workers who, in the normal course of their duties, are expected to interact with children, or work in a supervisory capacity at St. Luke Lutheran Church. This includes, but is not limited to, all paid staff and volunteers. (Background Check required)

1. Volunteers and staff complete the Worker Application Form for Working with Minors before they begin work with children or youth.
2. Potential child and youth workers provide three references who are acquainted with the applicant's work with children and youth.
3. The direct supervisor of the program area in which the applicant has interest will conduct an interview with the potential worker.
4. Volunteers and staff, age 18 and over, participating in St. Luke's child or youth ministries are required to have a background check through the California Department of Justice for convictions for sexual or physical abuse, felony drug convictions, and felony convictions for violent crimes. No one will be accepted who has had a criminal sexual or physical abuse violation.

### **WORKER APPLICATION FORM**

Employees, teachers of minors, and volunteers of activities or programs for minors of St. Luke Lutheran Church will be required to complete a Worker Application Form providing personal and confidential information necessary to perform security background checks and reference checks on each individual worker. 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 security background and 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.

Whether disclosed voluntarily or by result of the security background check, the following items will automatically disqualify a volunteer from participating in the leadership, sponsorship or supervising of any activities or programs with minors:

1. Criminal homicide;
2. Aggravated assault;
3. Crimes related to the possession, use or sale of drugs or controlled substances;
4. Sexual abuse;
5. Sexual assault (rape);
6. Aggravated sexual assault;
7. Injury to a child;
8. Incest;
9. Indecency with a child;
10. Inducing sexual conduct or sexual performance of a child;
11. Possession or promotion of child pornography;
12. The sale, distribution, or display of harmful material to a minor;
13. Employment harmful to children;
14. Abandonment or endangerment of a child;
15. Kidnapping or unlawful restraint;
16. Public lewdness or indecent exposure;
17. Enticing a child.

All charges for these crimes or charges or convictions for any other crimes not listed above will be reviewed by the Custodian of Records for interpretation of the criminal history record transcript. All information will be kept in strict confidence. (See Record Keeping)

### **SPECIFIC ACTS AND OMISSIONS IN VIOLATION OF THE POLICY**

The following acts of omissions are violations of this Policy and will not be tolerated or accepted during any activity or program and are to be immediately reported to Child Protective Services or a member of the Safe Environment Team after the safety of the child, children, youth, or minor involved has been assured.

1. Any direct observations or evidence of sexual activity in the presence of or in association with a minor.
2. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
3. Sexual advances or sexual activity of any kind between any person and a minor.
4. Infliction or physically abusive behavior or bodily injury to a minor.
5. Physical neglect of a minor, including failure to provide adequate supervision in relation to the activities of St. Luke Lutheran Church.
6. Mental or emotional injury to a minor.
7. The presence or possession of obscene or pornographic materials at any function of St. Luke Lutheran Church.
8. The presence, possession, or being under the influence of any illegal or illicit drugs.
9. The consumption of or being under the influence of illegal or illicit drugs or alcohol while leading or participating in a function for minors at St. Luke Lutheran Church.



## **WORKER TRAINING**

Volunteers and staff who have been accepted to work with youth will be required to complete training, which includes:

1. The legal definition of child abuse in writing
2. The policies of the State of California and St. Luke on reporting child abuse
3. Discussing written materials regarding child abuse
4. Signing a Code of Ethics and Rules
5. Completing the CA AB506 online training for Mandated Reporting
6. Completing online Employee Sexual Harassment training
7. Completing future State of California required trainings
8. Completing St. Luke insurance requirements

## **SAFE PRACTICES**

1. The two-adult rule is our goal when working with children, youth and vulnerable persons. The two-adult rule states that two non-related adults who are mandated reporters must be present. Situations in which an adult is completely alone with one or more children are to be avoided. A reasonable ratio of adult workers is to be maintained in each situation involving the supervision of children.
2. Church staff and volunteer directors will supervise on an ongoing basis and make unannounced visits into classes or other program sites from time to time.
3. An identification system shall be adopted so that the adults who drop off a child are the same adults who pick up the child. Permission slips will be available for adults to sign, authorizing the release of the child(ren) to other adults.
4. In counseling sessions with minors, parental permission shall be obtained prior to a minister meeting privately with a minor, or the two adult rule shall be used in that instance. Prior permission may be granted by parents to cover a particular time period (i.e., a school year) for their child to receive counseling from a particular minister.
5. Planned individual contact outside the church building should occur only in public places and with the prior consent of the minor and parent or guardian.
6. Parental permission shall be obtained in advance for involvement in church sponsored programs, activities or whenever an adult might be spending time alone with a child in an unsupervised situation.
7. A door without windows shall remain open at all times.
8. Use a “check-in/check-out” procedure for all kindergarten aged children and younger.
9. A list of possible violations and proper reporting procedures will be posted in each room where activities or programs for minors are conducted.

## **CHILD ABUSE PREVENTION REPORTING**

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 shall report the person's belief in accordance with this procedure. Non-accusatory reports (reports that identify the victim of abuse or neglect whether or not the person responsible for the abuse or neglect is known) shall be made to the local or state law enforcement agency by calling 911 or call Child Protective Services at 408-299-2071

Specific reporting guidelines are in this Policy Manual under two sections:

1. Training – page 9
2. Incident Reporting  
    Program Supervisors – page 5  
    Handouts – included in packet

## **MANDATED REPORTERS**

California Assembly Bill 506 went into effect on January 1, 2022.

**AB506 requires everyone working with youth to be mandated reporters.** Mandated Reporters must comply with California requirements in three areas: screening, training and policies. All employees and volunteers working with children must be fingerprinted, complete mandated training and follow the policies set out by the State of California, St. Luke Lutheran Church and the current property and liability insurance policy in effect covering St. Luke Lutheran Church.

## **RECORD KEEPING**

The following materials will be kept in an individual personnel file for all persons covered by the Creating a Safe Environment policy:

1. Worker Application Form
2. Interview Results Sheet
3. Documentation of training
4. Results of criminal records check
5. Picture
6. Training Certificates

## **SECURITY OF RECORDS**

Records on child/youth workers will be marked “Confidential” and kept in a locked file in the Senior Pastor’s office. They will be available only to the direct supervisors of the program on a need-to-know basis. Access is only with permission of the Senior Pastor and St. Luke “Custodian of Records.”

All employment documents pertaining to the applicant who is hired should be retained permanently by the church in a confidential file. Once the person is no longer in the employment of the church, all confidential forms and documents should be placed in a sealed envelope and retained in a locked file.

Any sort of media retainment or reproduction of records is not allowed.

## **RESPONSIBILITY FOR MAINTAINING RECORDS**

Each direct supervisor of program areas covered by the Creating a Safe Environment Policy, along with the Custodian of Records, will do the following:

1. For each child/youth worker under his/her supervision, collect and compile the materials to be kept on file (with the exception of results of the criminal records check) and give these to the Custodian of Records for filing.
2. When requested, provide the Executive Committee with a list of all child/youth workers.

## **POLICY COMPLIANCE**

The Custodian of Records and the Safe Environment Team will conduct an audit on or before September 15 and January 15 to ensure that all staff/volunteers who work with minors are compliant with this policy.

## **INSURANCE**

The church shall obtain a sufficient level of liability insurance coverage that would cover child abuse and sexual misconduct claims. If available, the church should have the levels of coverage which are required for limited immunity.

## CONCLUSION

Churches need to be prepared! This is the legal reason for creating safety policies, but there's a deeper, more significant reason – to protect the children. Policies are only printed expressions of the value placed on children. If the only reason for safety policies is to protect the organization, the church has missed God's love for children.

Some people may think that our church is too small or that our church “knows” everyone to worry about these safety problems. Remember it's much easier to make plans and develop safety policies as a means of prevention, rather than wait until they are needed as a reaction to an abuse case.

There is no automatic protection from evil for the faithful. We're to watch and be ready. Accidents will always happen. There will always be unforeseen circumstances that need to be handled. But the church should build into its organization sturdy safety-policy fire blocks into the walls of its ministry to protect children.

St. Luke Lutheran Church desires to be “a church that cares” through the implementation of this “Creating a Safe Environment Policy.” Adoption of these provisions will enable St. Luke Lutheran Church to provide a more safe and secure environment for each individual of our church family and its guests.

The Creating a Safe Environment Policy was developed for the child/youth ministry programs of St. Luke Lutheran Church, not including St. Luke's preschool. The staff of Amazing Creations Preschool operates under its own specially developed procedural and behavioral standards which are in accordance with its status as a state-licensed child care facility.

## STATEMENT

Fortunately, this work was not initiated in response to problems within our congregation, but was prompted by an awareness of situations arising in other churches where there has been abuse of children by paid and volunteer child and youth workers. Information from Guide One Insurance, Church Law and Tax Reports, and Hope Lutheran Church, San Mateo, California, has helped shape our policy and procedures and assured us that measures designed to protect our children and youth may also help protect our congregation from unfounded charges and legal liability.

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