





step-by-step

Practical strategies to protect your ministry

Safe Mentoring Relationships

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Safe Mentoring Relationships | The Risk of Ministry

OVERVIEW

The Risk of Ministry

Youth workers beware!

by Jeff Hanna

As a young, newly married couple, my husband and I worked with a small group of teens through our church. Barely older than the kids we worked with, I remember our struggle to maintain boundaries. I particularly remember one girl who came from an unchurched family. She made no secret of the crush she developed on my husband.

Looking back, I recognize the risk we naively assumed. The only instruction we had from church leadership was to befriend the teens, and provide spiritual instruction and some form of entertainment. No one thought about written policies and procedures to safeguard the ministry and those involved. We were on our own. That was more than thirty years ago.

Times have changed and today's youth worker needs to be more aware than ever of the risks involved in ministry. This download has been compiled to examine some of those risks and suggest ways to safeguard youth ministry.

It is my prayer that God will grant wisdom to recognize what actions may be necessary to ensure safe youth ministry in our faith communities. May we find the confidence to minister through the establishment of righteous practices.







Safe Mentoring Relationships | Planning to Protect

ASSESSMENT

Planning to Protect

Are these safeguards in place at your church?

by Karen Arneson

HAVE WE PUT THESE SAFEGUARDS IN PLACE?	YES	NO
Do we have a written policy on sexual misconduct?		
If yes, does it include a definition of sexual misconduct?		
Does it include standards of conduct for those involved with our youth?		
Is there a clearly defined procedure for dealing with misconduct?		
Has an attorney reviewed our policy?		
Do all youth ministry leaders and workers have an application and authorization to conduct a background check on file?		
Have background checks been completed on all youth ministry workers?		
Is there written record of reference checks for all youth ministry workers?		
Have written supervision guidelines been established?		
Have all youth ministry workers been trained in supervision of youth?		
Are annual training sessions required of all youth ministry workers?		
Has our church obtained sexual misconduct liability insurance or added specific youth activities as a rider to our liability insurance?		

COMPLETED BY:

DATE:





Safe Mentoring Relationships | Safe at Church

HOW TO

Safe at Church

Five steps to safety.

by Beth J. Lueders

Jeffrey Black, former rector of St. Andrew's Episcopal Church in Kansas City, Missouri, knows the pain that child sexual abuse can cause a church. In May 1993 a 15-year-old parishioner came forward and indicted the church's music minister for molestation. The minister confessed, and the church terminated him after 17 years of service.

Although the boy chose not to file legal charges, the incident tore deeply into the congregation's spirit. Nearly fifteen families left the church, and those who remained felt anger, confusion, and mistrust.

"It was damaging to everyone and extraordinarily sad," Black says. "It took a lot of ministry to deal with this. We developed a clear policy about sexual misconduct and put our staff through extensive training on these issues."

No one likes to think about sexual abuse of children. But the potential damage to the child and to the church—not to mention the possibility of wrenching lawsuits—has caused many churches to take steps to protect its children.

Based on interviews with pastors, abuse-prevention experts, attorneys, denominational officials, and insurance companies, here are important practical steps to minimize the risk of sexual misconduct and to keep your church's children safe. The good news, writes attorney Richard Hammar, is that "church leaders can take relatively simple yet effective steps to significantly reduce the likelihood of such an incident occurring."

1. Develop clear policies

A vital first step is to develop clear, specific policies. "Churches need a clear policy that says you can't work here if you are going to act this way," says Elizabeth Stellas-Tippins, program specialist for the Center for the Prevention of Sexual and Domestic Violence. "This itself is a strong prevention mechanism."

A church policy manual should include definitions of sexual abuse, standards of conduct, guidelines for screening and training workers, and procedures to follow if an incident is reported. Be sure a lawyer reviews policies before you implement them, since state laws vary on employment and reporting obligations.





Safe Mentoring Relationships | Safe at Church

2. Screen workers carefully

As youth organizations like Big Brothers/Big Sisters have toughened their screening of volunteers in recent years, pedophiles have scurried to other agencies, including churches, to find children.

For a church, it's painful to think about screening potential Sunday school teachers and youth leaders. It takes time; it takes money; it can cause hard feelings; and it can reduce the number of willing volunteers when most churches need every one. But the fact is, churches are legally responsible for volunteer workers. Careful selection and supervision guidelines must apply, especially with positions that regularly work with children. "Negligent hiring" and "negligent supervising" are the two main issues battled in church sexual misconduct cases.

Have applicants for a paid or volunteer position complete an application. (Screening procedures should also be completed retroactively for current staff.) For most paid positions, churches already ask for employment history, description of prior church service, and professional and personal references. But it's important to add specific questions about criminal record, particularly convictions for sexual abuse or molestation. Finish with a statement for the applicant to sign, certifying that information in the application is true and complete and any falsified information may lead to rejection from employment. It is also important to verify the applicant's identity with a driver's license, since offenders often use pseudonyms.

Contact all references, preferably in writing. Note information you tried to secure but could not verify or obtain. Be sure to maintain confidentiality of all applications and records. Restrict access to these files to only a few individuals who legitimately need the information.

When you interview the applicant, ask an associate to participate, to give you additional opinions on the candidate.

Many states now require a criminal records check on all childcare workers. Most local police departments and state bureaus of investigation will run a criminal records check for about \$10. Often these checks cover records only within a particular state, however. Private nationwide screening companies will run interstate checks for approximately \$50. Or contact a local day-care center to find out who handles its background checks. In most cases you need a person's consent before you can conduct a criminal records search, so include an authorization form in the application process.

If an applicant has a criminal record for sexual or physical abuse, you might still allow him or her to work in some church ministry, but don't permit work with youth or children. A person's conversion is not a defensible position in the courts.



Safe Mentoring Relationships | Safe at Church

One of the easiest screening methods—and one that doesn't cost money—is to require volunteers to be associated with the church at least six months before they can work with youth or children. This policy gives the church additional time to evaluate workers and can ward off persons who desire immediate access to children.

But does such screening unnecessarily offend potential staff members and volunteers? "Some people get offended," admits Dee Engel, director of children's ministries at Lake Avenue Congregational Church in Pasadena, California, "because I press a little harder than they think I should in the screening process. But I don't think you can be too careful. You have to protect your kids as well as your teachers."

Engel participates in a network of children's pastors from nearly a dozen area churches who warn each other of potentially troublesome volunteers and workers.

"One man became irate when we wanted to screen him," says Joan Whitlock, director of children's ministries at Wheaton (Illinois) Bible Church. "The next week I discovered his name on a list of convicted pedophiles I received from the police department. If [our church] didn't have its screening process in place, we might have let him work with children."

3. Set supervision guidelines

You can minimize the risk to your church's children, and the risk to your church of being sued for "negligent supervision," by implementing approaches like the following:

- Arrange for at least two adult supervisors with minors during church-sponsored
- activities.
- Install windows on the doors of classrooms and other rooms occupied by young people.
- Have church leaders randomly visit classrooms and areas of church buildings that are isolated from view.
- Provide an adequate number of adults to supervise youth events, especially overnight activities. "The highest risks," writes attorney Richard Hammar, "involve male workers in programs that involve overnight activities."
- Educate workers about appropriate behaviors between adults and students and encourage them to report potentially harmful situations. "Sometimes in church we assume another person would not dare cross a sexual boundary," says Stephanie Anna Hixon, executive director of the United Methodist Church's General Commission on the Status and Role of Women. "We don't need to create paranoia or unhealthy suspicions, but we need to be aware and show a high standard of care."



Safe Mentoring Relationships | Safe at Church

- Train all staff and volunteers at least once a year in recognizing signs of abuse; also review your policies and procedures.
- Post a copy of your state's Child Abuse Reporting Law in a conspicuous place in your child care and youth areas. To obtain a copy, call your state's Child Protective Services Agency.

4. Check your insurance

"We are experiencing an alarming frequency of claim reports," says Hugh White, Brotherhood Mutual Insurance's vice president for marketing. "People are not reluctant anymore to sue churches, and the courts are taking the issue very seriously."

Companies like Brotherhood Mutual and Church Mutual offer separate sexual misconduct liability coverage, with annual premiums ranging from \$100 to \$500, depending on the size of the church and programs offered (nursery, Christian school, etc). Or you can add the coverage to your policy. Brotherhood Mutual offers a discount for churches that screen their workers.

Some companies—like the Church Insurance Company, which exclusively insures the Episcopal Church—lay out strict conditions of insurability for parishes. These guidelines include possessing a manual outlining behavior standards, thorough personnel background checks, and awareness and prevention training within six months of employment.

Still other insurance companies are reducing their coverage for child abuse and molestation or even excluding such coverage. It's important to review your church's liability insurance policy to determine whether you have coverage for molestation, and whether that coverage is limited in some way. If possible, add specific children's activities as a rider to your church liability policy.

5. Talk about it

"The most important thing the religious community can do to prevent sexual misconduct is acknowledge and learn about the reality of abuse in the church," explains Stellas-Tippans, from the Center for the Prevention of Sexual and Domestic Violence.

Conversations are beginning in more and more churches. "Most clergy and church leaders I know really care about and are in tune with this issue," affirms Chilton Knudsen, who heads the required sexual abuse training for the 150 Episcopal churches and 450 Episcopal clergy in northern Illinois. "Some may feel overwhelmed or may not have much of a budget, but I say to them, 'It's a whole lot easier to prevent than to live through a painful experience."

To learn more about protecting your ministry from sexual abuse, visit our sister site, **ReducingtheRisk.com**.



Safe Mentoring Relationships | Safe at Church

This article first appeared in Leadership journal.

- What policies has your church developed to establish standards of conduct?
- What is the process for accepting the services of volunteers? Is there an application and interview process in place?
- What supervision guidelines exist for volunteers working with youth?
- Are you protected in the event of an allegation of misconduct? Is there a process for investigating such claims? If guilt is determined, what are the consequences?





Safe Mentoring Relationships | Recognizing the Threat of Youth-to-Youth Sexual Abuse

HOW TO

Recognizing the Threat of Youth-to-Youth Sexual Abuse

Sex abuse by children against other children is a very real risk in churches.

by Todd Hertz

It's every parent's worst nightmare. On Sunday, July 27, hundreds of miles from home, three Alaskan teens were reportedly raped while attending an Evangelical Lutheran Church in America (ELCA) youth conference in Issaquah, Washington.

The girls, two 14-year-old cousins and a 15-year-old, say that three boys attending the "Rainbow of Gifts" conference invited them late one night to their dorm room to talk. The next day, the girls reported to the police that the boys, all from the Issaquah area, raped them. The boys have pleaded not guilty and will be tried as juveniles.

The ELCA expressed shock and distress at the incident, but the news no doubt left many parents and church leaders wondering. How common are such incidents? Church law experts have both good news and bad news. While they say that violent sex crimes like this are extremely rare in youth ministry, sexual misconduct by minors is a serious danger.

"We have done hundreds of church misconduct investigations, and I have not heard of [a youth-on-youth rape] reported in any church we serve across the religious spectrum," says Martin Nussbaum, cochairman of the Religious Institutions Group of Colorado Springs law firm Rothberger, Johnson & Lyons. "However, kids misbehaving and acting out sexually is not uncommon. It is not more frequent in church activities than [at other youth events], but it does happen. Churches need to be prepared for that."

James Cobble, former director of Christian Ministry Resources, said studies conducted by his former group's CHURCH LAW & TAX REPORT show that about one of every four sexual misconduct cases reported in churches were committed by minors.

One percent of 891 churches polled said their church received allegations of child molestation in a 2002 program or activity. Of those, youth were the alleged perpetrators as well as the victims in 29 percent of the cases. This number has fluctuated in the past decade—but not by much: 25 percent in 1995, 21 percent in 1996, and 22 percent in 1999. Extrapolated to America's 400,000 churches, that would mean that last year alone, between 800 and 1,200 congregations faced a case of youth sexual misconduct. Nussbaum says typical cases in church activities include fondling, indecent exposure, and verbal harassment. Incidents between similarly aged youth are far less common than cases involving older perpetrators and much younger victims, he said.





Safe Mentoring Relationships | Recognizing the Threat of Youth-to-Youth Sexual Abuse

Protecting youth and the church

Youth-peer sexual harassment also presents a serious liability risk for churches. Institutions can be found guilty of negligence in such cases for not providing security against such abuse. Nussbaum told CHRISTIANITY TODAY magazine that sexual misconduct by youth accounts for as much as 20 percent of church liability claims.

"Churches are aware of the dangers of sexual abuse by volunteers and church staff, but we are not looking at adolescents as a source for this sort of behavior," says Richard Hammar, attorney and editor of CHURCH LAW & TAX REPORT. "It is a significant risk people are aware of. Churches don't know what to do."

Because churches cannot screen all the kids active in youth ministry and because potential 16-year-old offenders have no criminal record, normal sexual misconduct preventions do not apply. They are not being hired or selected. Nussbaum says he knows of no church that screens minors to be in youth ministry.

Nussbaum says the best risk management protocol is to have a risk management protocol. "In the sexual misconduct policy, the church must name it, describe it, and forbid it," he says. "The policy should have a clear but flexible disciplinary provision."

For child perpetrators, the consequences should always include notifying the parents. Nussbaum said other provisions may include expulsion from an event, restriction of youth ministry activity, completion of some sort of chore, or constant parental supervision in order to be active in the program. If rape were involved, Nussbaum says, the reaction would have to be expulsion and reporting to law enforcement.

Hammar said the most dangerous areas for sexual misconduct are where older youth are given full supervision of younger children, such as in vacation Bible school or nurseries. Hammar says this practice is very common in churches, but he estimates that only one in 500 churches require any kind of reference or screening.

"The churches' liability will be based on negligence or carelessness in selection of that worker," Hammar says. "My response is to require references from youth pastors, public school teachers, scout leaders, or coaches. You need to get approval from adults with firsthand experience of this kid to say he or she is suitable to work in a supervisory capacity with minors."

For prevention of sexual misconduct in youth ministry events like overnight trips, Hammar suggests contacting other youth-oriented organizations, like schools and scouting groups, to see how they manage such risks. "In a case of negligence, one thing a court will look at is the community standard of care," Hammar says. "How that is established is by looking at other local organizations. To contact them to see what their guidelines are goes far in proving the church exhibited reasonable care."





Safe Mentoring Relationships | Recognizing the Threat of Youth-to-Youth Sexual Abuse

Adequate supervision is also important when kids could be roaming church premises when they shouldn't be—like during worship services. Cobble suggests having someone function as a grounds monitor to walk the building during events and services to make sure that doors are locked and no one is off alone.

But even with these preventions, Hammar warns, the risk of youth-peer misconduct cannot be eliminated. "It can still happen no matter what we do," he says.

While churches have to show that they were vigilant in prevention, liability falls mostly on how churches react after allegations have been made. This is why, as Nussbaum says, clear disciplinary plans are so important.

"If Johnny gropes Susie, that ought not give rise to a liability suit," he says, "But if it happens twice, or the church knew of a previous incident, there would be real concerns there. Where a church has theoretical exposure is if they knew that a child was a problem and failed in supervision."

This article first appeared on our sister website, www.ChristianityToday.com.

- Does it shock you to realize that "one of every four sexual misconduct cases... were committed by minors?" How might youth volunteers safeguard their teens from such occurrences?
- Is it appropriate to address sex education in a youth ministry setting? Discuss the benefits, as well as the drawbacks, of sex education within the setting of youth ministry.
- Are overnight activities appropriate for youth groups? What precautions should be taken?
- How would you address inappropriate, sexual behavior between teens in your youth ministry?







Safe Mentoring Relationships | Staying Above Reproach

ORIENTATION GUIDES

Staying Above Reproach

7 rules to help volunteer leaders protect themselves and the kids they serve.

by Frank Sommerville, JD

Teens are among the most unpredictable individuals on the planet. One moment, they're independent with almost adult-like qualities, but at the next can be childlike and dependent upon adults. Providing the appropriate amount of guidance is a common concern for volunteer youth leader. But there are risks to working with students, too. These seven rules will help provide "defensive" guidance to help you avoid situations that may compromise your ministry and the well being of those you serve.

1. The "never alone" rule. Leaders should take care to always meet with students in the presence of a third party. When a youth worker is alone with a teen, he is placing his future in the teen's hands, since most authorities will give the benefit of the doubt to the teen, not the adult leader. Avoid this situation by always having a third party present when meeting with a teen. In a one-on-one mentoring relationship, consider meeting in an open, public place.

An easy place to overlook this rule is in the car, but workers should never be alone in with a teen in a car. Even if a student needs a ride, be cautious and responsible and make sure you are not alone. Remember: with only two witnesses present, the authorities tend to believe the teen, not the adult.

2. The "opposite sex" rule. This may seem obvious, but it is important to state: adult leaders should avoid developing close emotional relationships with teens of the opposite sex. What a leader may view as innocent conversation, a teen may see as flirting. Take precautions by asking other leaders for feedback on your interactions with students. If others question your motives or communication, change your style. This is especially necessary with teens that are vulnerable and need affirmation from the opposite sex.

Students' emotions are basically a rollercoaster, and students are apt to develop crushes on members of the opposite sex whom they respect. If a teen develops an emotional bond with a worker, she may become angry when that worker rejects her attentions. Sometimes this anger can turn into false accusations, including criminal accusations.

Adult leaders should also exercise extreme caution in dealing with teens of the same sex. If a teen is confused about his sexual identity, he may attempt to develop a close relationship with a worker of the same sex. Again, this relationship is fraught with hazards. While the adult leader may counsel the teen regarding sexuality, it is critical to avoid building unhealthy emotional bonds.



Safe Mentoring Relationships | Staying Above Reproach

3. The "more time" rule. Related to the first two rules, it is important to monitor "off duty" time spent with students. If the amount of time that you spend with a student becomes inordinate, take precautions to avoid awkward situations that could lead to false accusations. If a student frequently seeks out the company of a leader, it might be a sign that an unhealthy relationship is developing. The adult leader should keep track of her time together and discuss the situation with the supervisors and parents of the teen.

A corollary to this rule is this: if an adult leader is meeting consistently with a student to discuss life issues, those meetings should not go on for more than eight weeks. After eight weeks, the chances that a student will become unhealthily dependent on the leader increase dramatically. If the teen needs further assistance, the worker should refer the student to a professional counselor.

4. The "no confidentiality" rule. Youth leaders should never promise confidentiality to a student. Under most state child abuse laws, youth ministry workers are required to report any circumstance where a child has been or is in danger of being harmed emotionally, sexually, or physically. If an authority figure, such as a parent or law enforcement officer, requests information about a teen, the youth leader must fully disclose his or her knowledge. Failure to respond appropriately is not in the best interest of the student and may result in criminal charges against the worker.

For example, if a teen shares with a youth worker that she has been sexually abused, the worker must report this activity to the student's parents and other authorities, and possibly to the state's child protective services.

5. The "transparency" rule. Youth leaders need a system of accountability where they can be absolutely transparent about their behavior. Some churches require weekly or monthly statements from all workers stating that they haven't behaved inappropriately toward their teens. Examples of inappropriate behavior include sending or receiving text messages containing prohibited language or meetings that violate the church's policies. At the very least, workers should meet regularly with an accountability partner, another trusted believer who will ask direct questions.

6. The "no porn" rule. Youth leaders need to be aware of the reality of pornography in students' lives. Because pornography dehumanizes individuals, teenagers who seek it out tend to separate sexual activity from relationships, making them much more likely to sexually harass others. Apart from the damage done to the teens themselves, adult leaders are at risk to be sued for inadequate supervision if one teen accuses another of sexual harassment in a church setting.

If a leader finds out that a teen is looking at porn (a picture on a cell phone, for example) the leader should take steps to address the situation. In most cases, this will require informing the parents and referring the teen to counseling. Child pornography is a





Safe Mentoring Relationships | Staying Above Reproach

particularly serious matter, and if a worker becomes aware child pornography in the hands of a teen, the church's attorney should be contacted immediately.

7. The "no fear" rule. The center of judgment in the human brain doesn't fully develop until about age 25. This explains why teens sometimes lack healthy decision-making skills. In fact, often, they think they are invincible, 40-feet tall, and bulletproof.

Youth leaders must watch for risky activities and behavior, both to protect students and to keep themselves free from accusations of negligent supervision. As soon as a dangerous behavior comes up, leaders need to confront the student. When teens are in the care and custody of the church, there must be adequate adult supervision at all times. It is far better to cancel an activity than to risk harm, injury, or accusations.

Frank Sommerville is an attorney with 20 years' experience representing churches that face accusations of misconduct by volunteers and employees. He lives and works near Dallas, Texas. This article originally appeared on our sister site, **BuildingChurchLeaders.com**.

- How do you keep accountability in your youth ministry?
- Are your youth leaders reminded of the 7 rules Sommerville sums up on this article? How do these make your youth ministry a safer place for teens?





Safe Mentoring Relationships | Responding to Allegations of Sexual Misconduct Involving Minors

THE LEGAL SIDE

Responding to Allegations of Sexual Misconduct Involving Minors

What to do when accusations fly.

by Richard R. Hammar

What would you do in the following situations? Circle the correct answer for each of the following questions:

Many churches respond to allegations of child sexual abuse on church property or in the course of church activities by denying them.

True or False

Church leaders that ignore or dismiss allegations of child sexual abuse may be liable for failing to comply with their state's child abuse reporting law.

True or False

A 12-year-old girl informs her church's youth pastor that her father has been sexually molesting her. The youth pastor does nothing about this information, because the father is a leader in the church. The youth pastor faces possible civil liability for his actions.

True or False

A man goes to a pastor for counseling, and confesses that he has been sexually molesting his 14-year-old stepdaughter. The pastor is legally required in all states to report this information to the civil authorities immediately.

True or False

Persons who are not mandatory child abuse reporters are "permissive" child abuse reporters. Both kinds of reporters are legally required to report known or reasonably suspected incidents of child abuse.

True or False

Ignore or investigate?

How should church board members respond when they receive allegations of sexual misconduct involving a staff member or volunteer worker? In many cases, church leaders ignore such allegations. This can have serious legal consequences for the church and its leaders.



Safe Mentoring Relationships | Responding to Allegations of Sexual Misconduct Involving Minors

Why do church leaders sometimes respond to an allegation of sexual abuse by ignoring it? This can happen for a number of reasons. The person making the allegation does not have a reputation for truthfulness; or the alleged perpetrator is a reputable member of the church with an impeccable reputation; or, there is no evidence to corroborate the accusation. Taking no action usually is an inappropriate response. It often will devastate the victim and the victim's family and "re-victimize" the victim. It also may expose church leaders to potential criminal liability for failing to comply with the state child abuse reporting law, and may expose leaders to civil liability for their failure to report.

A better response

As soon as information is received indicating that an incident of child abuse has occurred or may have occurred, a decision must be made immediately whether to report the information to the civil authorities. Such a decision should take into account several factors.

First, check your state law. Every state has a child abuse reporting law. Make sure you understand how your state defines reportable child abuse. Most states define child abuse to include physical and emotional as well as sexual abuse. Some states limit the definition of child abuse to abuse inflicted by a parent or caretaker.

Second, determine if the person receiving the allegation is a mandatory reporter. Mandatory reporters have a legal duty to report known or reasonably suspected incidents of child abuse. Permissive reporters do not have a legal duty to report, but are encouraged to do so. Both mandatory and permissive reporters are legally protected for making reports as long as the reports are not known to be false or done maliciously.

If you are a mandatory reporter and fail to report a known or reasonably suspected case of abuse, you could face possible criminal liability. Also, failure to report could result in possible civil liability. It is possible that victims of child abuse may sue a pastor or church leader years later, after they reach the age of majority, if they learn that these individuals were aware of the abuse but did nothing to intervene or report it.

If you are not sure whether or not you should report the case, it may be helpful to call the agency that receives reports of child abuse to discuss the facts of the case and determine whether or not a report should be filed. Such a call can be made anonymously. Be sure to make a telephone memorandum of such a conversation.

It is also advisable to discuss such incidents immediately with a local attorney. An attorney can assist in deciding whether or not to report alleged abuse or molestation.

By reporting the abuse, you are turning the case over to the civil authorities for their independent investigation. The actions of the civil authorities can be helpful to the church



Safe Mentoring Relationships | Responding to Allegations of Sexual Misconduct Involving Minors

in formulating its own response in a case involving inconclusive evidence. In some states, the clergy-penitent privilege exempts clergy from reporting child abuse if the abuse is reported in the course of a privileged communication. The clergy-penitent privilege varies from state-to-state. A local attorney can assist the pastor to determine if a privileged communication took place.

Once a report is made, contact your insurance company and let them know the status of the report. If the alleged offender is an ordained minister, contact the appropriate person in your denomination who handles allegations of clergy misconduct.

Responding to the alleged offender

Many experts recommend that the alleged offender not be contacted until the police or state agency has been notified, and gives you instructions on what they want you to do. They may request that you not contact the alleged offender until they have had the opportunity to conduct their own interview. The investigation should be conducted by the state agency and not by the church.

One of the major decisions that must be made following an initial complaint is what restrictions, if any, should be placed upon the alleged perpetrator of the abuse if that individual is a paid employee, volunteer worker, or lay leader within the church. Doing nothing and allowing the individual to function as if no allegation had been made represents the greatest legal risk to the church if the allegation is determined to be true and the individual continues to engage in sexual misconduct. Punitive damages could potentially be assessed against both the church and its leaders. As a result, many churches elect to restrict the individual to low risk activities that pose little threat of sexual misconduct. While this does not eliminate risk, it does reduce it. Some churches go further and place the individual on a paid or unpaid leave of absence. If the allegations are substantiated, dismissal usually results. If the allegations are found to be false, the individual is reinstated. If the findings are inconclusive the individual may or may not be reinstated, based upon the strength of the evidence. In such a case, if reinstatement does occur, additional restrictions should be considered concerning contact with minors.

Quiz Answers: 1) T; 2) T; 3) T; 4) T; 5) F

For more information, check out the "Ask Our Experts" question, "Can volunteers who work with children be asked if they have ever been abused?": http://churchsafety.com/ discussion/askourexperts/richardrhammar/q7.html

This article originally appeared on ChurchLawToday.com.





Safe Mentoring Relationships | Responding to Allegations of Sexual Misconduct Involving Minors

- Why do you suppose church leaders may choose to ignore allegations of sexual misconduct?
- What are the possible ramifications, both spiritually and emotionally, for all involved when leaders turn a deaf ear to such allegations?
- If you become aware of this issue in your church, what action will you take?







Safe Mentoring Relationships | Resource Center

LEADER'S GUIDE

Resource Center

Quick tips and recommended resources.

Tips for Using Articles

Consider these options for the use of articles and information in this download:

- Pass the "Planning to Protect" assessment around at your next board meeting and have a 15-minute discussion.
- After reading through an article, choose questions to pose at a scheduled meeting and discuss them together.
- Copy one of these articles, pass it on to the staff, and tell them you want to discuss it at the next staff meeting.
- Determine what areas your church will need to pay extra attention to in the area of preventing sexual misconduct at church and discuss your plans to do this.
- Using the "Thought Provoker" questions, lead a discussion for church leaders.

Web Resources

- ReducingtheRisk.com
- YourChurchResources.com
- Church Law Today: http://www.churchlawtoday.com
- **www.brotherhoodmutual.com:** Brotherhood Mutual Insurance company is one of the leading insurers of churches and related ministries. Its website offers a wealth of free resources for keeping ministries safe.

Books, Kits, and Other Resources

- **Inspection and Safety Checklists**: 12 modules for assessing and improving facilities, and safeguarding activities.
- **Church Law Special Reports**: Quick and easy updates on the critical issues that continually concern the church.
- Risk Management Assessment Pack from Christianity Today International.
- Risk Management Handbook for Churches and Schools by James F. Cobble, Jr., and Richard R. Hammar



Safe Mentoring Relationships | Resource Center

- **Reducing the Risk 3 Resource Kit**: This completely revised Resource Kit includes the Reducing the Risk of Child Sexual Abuse in Your Church reference book, training manual, and DVD set with six video presentations.
- **Pastor, Church & Law 4th Edition 4-Volume Set**: This 4-volume set is known as the most comprehensive and practical legal reference for churches and clergy. The complete set covers all your legal questions concerning the church, including: employment, liability, property laws, government regulations, first amendment issues, and more.

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