

Goal of Safe Child Policy

To provide standards and best practices for the First Baptist Church of Rockport, MA for the protection of children primarily, staff and volunteers attending church related activities, including under state laws and regulations concerning abuse prevention and reporting. The goal is to protect children, but also to educate adults so as to minimize misunderstandings and to create standards for the protection of all under the state’s mandatory abuse reporting laws and address some of the CORI laws and practices on the eve of reforms.

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Addendum:

- A. Brochure: Child Abuse & Neglect Office of Essex County District Attorney
- B. G.L. Ch. 119, Sec. 51A Reporting of Suspected Abuse or Neglect
- C. Report of Child(ren) Alleged to be Suffering from Serious Physical or Emotional Injury by Abuse or Neglect (form)
- D. List of Items for First Aid Kit

Verification of Review of Policy: Lawrence B. Morse, Esq.

DEFINITIONS

Youth/Child

For the purpose of this policy "**youth**" and "**child/children**" are synonymous and refer to anyone 17 years of age and under.

Adult

An adult is defined as anyone over seventeen years of age.

First Aid Kit

It is recommended that a first aid kit shall be equipped at a minimum with the items listed in the Addendum under First Aid kit.

Caretaker means a child's:

- (a) parent
- (b) stepparent
- (c) guardian
- (d) any household member entrusted with the responsibility for a child's health or welfare
- (e) any other person entrusted with the responsibility for a child's health or welfare whether in the child's home, a relative's home, a school setting, a day care setting (including babysitting), a foster home, a group care facility, or any other comparable setting. As such "caretaker" includes (but is not limited to) school teachers, babysitters, school bus drivers, camp counselors, etc. The "caretaker" definition is meant to be construed broadly and inclusively to encompass any person who is, at the time in question, entrusted with a degree of responsibility for the child. This specifically includes a caretaker who is him/herself a child (i.e. a babysitter under 18 years of age). See 110 CMR: DEPARTMENT OF CHILDREN AND FAMILIES 110 CMR 2.00: GLOSSARY

Parents

Parent(s) are defined as biological or adoptive parents or a legal guardian(s), whatever is appropriate to the circumstances, of a child, or written designee by one of them.

Significant Access to Youth

"Significant access to youth" is defined as people who are scheduled to spend time with youth.

Off-Site Activity

An off-site activity is any trip or activity that is not held on church owned property, including any in homes of caretakers.

Accidents

Accidents are defined as anything that results in medical attention being required that should be reported, other than a minor scrape or bruise, to parents and/ or involves a safety issue that needs to be reported to the church office.

Children Assaulting Others

Children either hitting or causing to be hit or verbally hurting or bullying others needs be stopped (time out). If a child cannot be controlled verbally, then parents must be called and minimal measures leading him or her to a time out area).

Child Abuse*

Child abuse is a serious criminal offense and is defined as follows.**

***Abuse:** Abuse includes the non-accidental commission of any act which causes or creates substantial risk of physical or emotional injury, or the commission of a sex offense against a child as defined by the criminal laws of the Commonwealth, including: sexual contact with a child, child enticement, taking sexually explicit photographs of a child, disseminating harmful matter to a child, and engaging a child in prostitution.

Neglect can also lead to serious legal consequences, including criminal prosecution.**

***Neglect:** Neglect includes failure, either deliberately through negligence or inability, to take actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability or growth, or other essential care. This definition is not dependent upon location (i.e. neglect can occur when a child is in an out-of-home or an in-home setting).

Definition from: Pamphlet Child Abuse & Neglect Office of Essex County District Attorney.
See Addendum:

***Mandatory Reporter of Abuse - There are two slightly differing definitions under the General Laws and the Regulations that appear to have relevance to treatment of volunteers:**

“Priests, rabbis, clergy members, ordained or licensed ministers, leaders of any church or religious body, accredited Christian Science practitioners, or a person employed by a church or religious body to supervise, educate, teach, train or counsel a child on a regular basis.” **G.L. Ch. 119, Sec. 51A Reporting of Suspected Abuse or Neglect**

Clergy members, including ordained or licensed leaders of any church or religious body, ***persons performing official duties on behalf of a church or religious body**, or persons employed by a religious body to supervise, educate, coach, train or counsel a child on a regular basis See regulations at **110 C.M.R. DEPARTMENT OF CHILDREN AND FAMILIES 110 CMR 2.00: GLOSSARY**

* A volunteer it appears could be considered a mandatory reporter: under the regulations, a mandatory reporter includes “a person performing official duties on behalf of the Church and, in addition, if that person is “to supervise, educate, coach, train or counsel a child on a regular basis.” See also Caretaker above. A mandated reporter and others are free from civil or criminal liability for reports made in good faith except for failure to make mandated reports. See statute in the Addendum.

The Department of Social Services shall immediately report to the district attorney and local law enforcement authorities when early evidence indicates there is reasonable cause to believe that one of the conditions listed below resulted **from abuse or neglect:

- A child has died, suffered brain damage, loss or substantial impairment of a bodily function or organ, substantial disfigurement, or serious physical injury including, but not limited to, a fracture of any bone, severe burn, impairment of any organ, or an injury requiring the child to be placed on life-support systems.
- A child has been sexually assaulted or sexually exploited.
- There is a disclosure of physical abuse involving physical evidence that may be destroyed, any current disclosure by a child of sexual assault, or the presence of physical evidence of sexual assault.

Additional provisions from the said Glossary related to abuse and neglect include the following:

Neglect is also defined to include actions or failures to act by caregivers, which include volunteers. See definition of caregiver above which “definition is meant to be construed broadly and inclusively to encompass any person who is, at the time in question, entrusted with a degree of responsibility for the child. This specifically includes a caretaker who is him/herself a child (i.e. a babysitter under 18 years of age):

Neglect means failure by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition. This definition is not dependent upon location {i.e., neglect can occur while the child is in an out-of-home or in-home setting.)

Sexual Abuse/Exploitation

The term 'abuse' includes a sexual offense under the laws of the Commonwealth or any sexual contact between a caregiver and a child under the care of that individual. See 110 CMR: DEPARTMENT OF CHILDREN AND FAMILIES 110 CMR 2.00: GLOSSARY

Emotional Abuse

'Emotional injury' means an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior. See 110 CMR: DEPARTMENT OF CHILDREN AND FAMILIES 110 CMR 2.00: GLOSSARY

SAFE CHILD POLICY

1. **Room Requirements** - In any room where children are present, the door should be left open and the room should have a window so that the inside of where activities with children occur all activities are visible from the window and the doorway. No child except ones of the age to be or actually enrolled in a high school or the equivalent should be left alone in a room with one adult. The best practice here is to minimize any opportunity for a child or youth to be abused and also to prevent any opportunity for misunderstanding, accident, or neglect.

2. **First Aid** - Maintain a First Aid kit (minimum of one per building floor) in any location used by children and adolescents clearly visible and accessible. Portable kit(s) should be available for road trips. A best practice is to have an adult with currently certified Red Cross or equivalent first aid training available in the building or on trips.

3. **Open Door Policy** - The parents of the children served, the Deacons, or administrative and professional staff of the church, have the right to visit and observe any program at any time unannounced.

4. **Consent forms** - Parents will sign a consent form when children or young people are taken on trips or activities off the premises

5. **Driving Policies** - Persons designated to provide transportation to or from church or an offsite activity must be known to the designated leader of the event. The driver must:

- a. Be at least 21 years old.
- b. Have a valid state driver's license, qualified for the vehicle being operated.
- c. Have no known **(to the extent that the CORI requirements permit – See B under CORI below)** record of convictions (within the past 5 years) for drunken driving, driving under the influence, driving with a suspended or revoked license or reckless endangerment.
- d. Have proof of insurance.
- e. Avoid giving rides to individual youth.
- f. First Aid kits should be maintained and a portable kit(s) should be available for road trips.

6. **Required Forms** - All trips with the youth will require signed parent/guardian Permission slips and medical information forms for all people (including adults) prior to departure.

CORI - CRIMINAL OFFENDER RECORD INFORMATION

- CORI checks must be done for any adult who will be directly interacting with the youth at church or off site functions and this includes enhanced Cori that survives the iCORI reforms.

NOTE: Recent CORI amendments do not detract from the broad scope of the ABOVE as provided by the following section under which Churches are able to obtain broad criminal records: G.L.Ch. 6, Section 172H. Notwithstanding section 172 or any other general or special law to the contrary, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less, **shall obtain all available criminal offender record information** from the criminal history systems board prior to accepting any person as an employee, volunteer, vendor or contractor.

- Cori is a history from an individual's 17th birthday and after and contains any Youthful Offender information.
- Cori does not include any Juvenile records. CORI must be kept confidential. Dissemination to any unauthorized party may result in a fine of \$5,000 and/or up to one year in jail, in addition to other civil penalties. CORIs need to be secured in a locked file and kept separate from personnel files or secure electronic file.
- Individuals must give their written consent to have their CORI check done and they have the right to see and dispute any findings.
- A person cannot be CORI'd prior to consideration for being a volunteer or for employment. **The law as stated above requires that the CORI check be conducted prior to accepting any person as a volunteer.**
- See the summary of the following CORI reforms regarding "standard CORI," **applicable to employers in general. How they may impact procedures, if at all, under the "enhanced, "old" CORI" of G.L Ch. 6, Section 172H above which remains in effect is yet to be determined:**

Starting in Nov. 4, 2010, the "ban the box" provision became law, prohibiting **employers** from asking **on an initial written application** whether an applicant has been convicted of a criminal offense unless the employer is prohibited by law from hiring individuals with prior convictions. Mass Gen .L. c. 151B (4) (9½). It is important to remember that Mass. Gen. L. c. 151B (4)(9) remains in place. That provision prohibits an employer from inquiring about (in writing or orally) or discriminating **against an applicant or employee based on** (i) an arrest, detention or disposition **that did not result in a conviction**; (ii) a **first conviction for drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace** or (iii) any

misdemeanor convictions or resulting incarcerations older than five years. This prohibition has allowed Massachusetts employers to generally inquire about felony convictions and almost all recent and serious misdemeanors. Thus, while most employers will not be able to ask for criminal information in their initial applications, employers can continue to inquire about felony and recent serious misdemeanor information during the interview process.

- A.** In May, 2012 access to CORI will change considerably and may modify some of the above . Employers will register for and receive access to CORI via a web based "iCORI" system. They will have access to all murder, manslaughter and sex offense convictions; felony convictions within the last 10 years or for which an individual was incarcerated within the last 10 years; and any misdemeanors within the last five years or for which an individual was incarcerated within the last five years. **If a conviction qualifies to be included in a CORI report as described above, all prior convictions will also appear on the report. All pending charges will also appear.**
- B.** Individuals (e.g. applicants and employees) will be afforded certain due process rights regarding the use or misuse of CORI relating to them. **An employer will be required to provide CORI (received from any source) to the applicant prior to inquiring about it or basing an adverse employment action on it.** The newly formed Criminal Records Review Board will investigate and adjudicate complaints of improper use of CORI. **The board will have an enhanced ability to sanction employers for violations. Individuals will have access to an online database allowing them to view non-law enforcement agencies that have searched for CORI about them. They will also be able to dispute or seek to seal certain information. Additional regulations will be forthcoming providing more detail to how these procedures will play out.**

HEALTH AND SAFETY

- There should be **easy access to a telephone** on the premises. One or preferably more cell phones will be available on trips with car chargers.
- A **First Aid kit** should be available in any location used by children and adolescents and on trips. Important phone numbers needed in a medical emergency should be posted. A log book will be kept in the office to record all accidents or medical events. A first aid kit and at least one cell phone shall be taken in all of Church activities.
- All adults should be aware of **fire safety**. Fire extinguishers will be available and regularly checked. Smoke detectors will be installed and batteries regularly checked.
- Adults who are aware of any **special limitations of a child must do their best to accommodate those needs. However, parents have primary responsibility for the allergy and any other medical conditions and special health needs of their children and are responsible to exercise judgment as whether to be nearby at Church to accompany their child there or on trips in cases of the possible need to assist or respond to medical conditions.**
- **No smoking** will be allowed in the church.

GENERAL GUIDELINES FOR WORKING WITH YOUTH

1. In all informal counseling situations, one should observe the "**two-person rule**", which is that one adult should always be in the line of sight of an adult worker.

2. Have **another adult present when supervising visits** to the bathroom, showers, changing, or other circumstances in which the young person may be dressing or undressing. And unless the child is not toilet trained or needs help in undressing or dressing or requests assistance when asked, his or her independence and privacy should be respected.

3. **Respect the privacy and personal space of the individuals.**
A child/young person has the **right to be free of touching from unrelated adults. Except in cases when a child is very upset and clearly needs comforting and only then and with reluctance and in the presence of another adult should there be any touching. This policy protects the adults and the Church from any possible misunderstandings and liability.**

4. **Protect one's own privacy.**
In some instances of camp or youth group trips, youth supervisors will be rooming with groups of young people. Therefore, caution must be taken at those times and when discussing sensitive subjects with the boys or girls. Some areas of private life should remain private.

5. **Understand and comply with the Safe Child Policy.** Failures to do so should be reported to the Pastor/Deacons for appropriate measures.

6. One on one youth instruction or any other activities should not be given on church premises or in any other church sponsored or sanctioned activities without **another adult present.**

7. Do not invite a young person to **one's home alone.** Invite a group and make sure there is at least one other responsible adult present and that parents are aware of where the young people are. Permission slips are required.

8. **Illegal drugs and alcohol** will not be present or available and their use will not be tolerated while providing care or at activities for children and adolescents.

9. **The highest level of confidentiality should be maintained at all times in relationships with adults and children except in cases of abuse or neglect as defined above and even then, following the stated procedures.** It should be made clear that there are certain circumstances, for instance if a child is suffering or is likely to suffer harm, that other people will need to be told so that the child can be protected, e.g. families if a non-family member is committing abuse, but the Mandatory Reporter law is meant to expedite protection. If an allegation has been made, it is very important that confidentiality be maintained by the reporting person/mandated reporter(s).

Discipline Policy - The purpose of discipline is restoration and correction. No physical punishment or verbal abuse, such as ridicule, is to be used at any time.

If isolating the child within the classroom or removal of the child from the room becomes necessary, the situation must be discussed with the child's parents or guardian as soon as possible. Children should be firmly asked to go into another location where other adults are present for purposes of a timeout or until parents can be summoned.

**REPORTING INFRACTIONS OF SAFE CHILD POLICY/ MANDATORY
REPORTERS OF ABUSE**

The Pastor/Deacons and other Mandatory Reporters of child abuse or neglect are required by law to report suspected instances of child abuse or neglect. **If, in his or her professional capacity, as a Mandated Reporter, he or she has reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect.** In other words, when you become aware of a potentially abusive or neglectful situation while you are working, you must report.

While a **Church** volunteer **may be considered** a mandatory reporter, there is some ambiguity between the law and regulations. Thus a volunteer may or may not be a mandatory reporter. If not, there is no legal duty to report. If seen as mandatory reporter which seems the safest view, volunteers should either report directly or to the pastor and /or deacons as the leader(s)* and mandatory reporter(s) for the purposes of this policy. **The following provision may or may not apply to Churches: "If a mandated reporter is a member of the staff private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section."** See G.L Ch. 119, Sec. 51A (a) attached to the addendum. Compare it with the language of Sec. 51A (j) which does not include the language of "private institution, school or facility" when protecting pastoral confidential communication.

See the addendum for the following:

Brochure: Child Abuse & Neglect Office of Essex County District Attorney

Report of Child(ren) Alleged to be Suffering from Serious Physical or Emotional Injury by Abuse or Neglect (form)

Available on the web site of the DEPARTMENT OF CHILDREN AND FAMILIES
<http://www.mass.gov/eohhs/gov/departments/dcf/> is more information, including **Child Abuse and Neglect Reporting, A Guide for Mandated Reporters**

PARTICIPANT FORM

Activity Name: _____ Date: _____

Youth's Name: _____ Birth Date: _____

Address: _____ City: _____ Zip: _____

Home Phone: _____ Cell Phone/Pager: _____

E-mail: _____

Health Insurance: _____ Policy #: _____

I hereby grant permission for my son/daughter _____
to attend First Baptist Church, Rockport, MA activities.

I understand that the events will be chaperoned by an adult sponsor of First Baptist Church, Rockport, MA.

Permission Slip/Hold Harmless Agreement/Consent to Treatment Form:

The undersigned (name) _____ is parent and/or legal guardian of the minor child (name) _____. As my child's parent and/or legal guardian I authorize and give my permission for him/her to attend activities sponsored by the First Baptist Church, Rockport, MA. I fully realize that in return for the benefit of enjoying these activities, including travel, my child and I assume the responsibility for potential harm or injury. My child is participating voluntarily and I agree to hold harmless First Baptist Church, Rockport, MA, its officers, agents and staff in the event of bodily injury or death. If my child becomes ill or sustains injury while in the care or under the supervision of First Baptist Church, Rockport, MA or any of its officers, agents or staff, they are given permission to administer first aid for his/her relief. If it is not practical to return him/her to us or to receive our instructions for his/her care, consent is hereby given to admit to any hospital. Consent is also given to any licensed physician and/or surgeon called, or to whom our child is taken for them to administer such treatments, drugs and medicines and to perform such surgical procedures as he shall think the existing emergency requires for the relief of pain and to preserve my child's life and health. Authorization is also given for such other measures or procedures as may be required. I hereby agree to reimburse First Baptist Church, Rockport, MA and/or any leader for any expenses incurred in the care of my child should any type of medical treatment be necessary. This would include hospitals, doctors, ambulance, etc.

Date: _____

Signature _____

ACKNOWLEDGEMENT FORM

I, the undersigned, have read, understand and will comply with the Safe Child Policy of the First Baptist Church, Rockport, MA.

Printed Name: _____

Signature: _____

Date: _____

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February 17, 2012

Matthew C. Wigton, Pastor
First Baptist Church of Rockport
4 High Street
Rockport, MA 01966

RE: First Baptist Church of Rockport: Review of Draft child safety policy

Dear Reverend Wigton:

I verify that I have reviewed the above Safe Child Policy.

Very truly yours,

// S //

Lawrence B. Morse

The above stated Safe Child Policy has been reviewed by Attorney Lawrence B. Morse.