



# *Care of Minors and Vulnerable Adults*

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Approved January 18, 2005

**Bethlehem Lutheran Church**  
**CARE OF MINORS AND VULNERABLE ADULTS**

*January 18, 2005*  
*Approved by Council*

**1. Policy.**

- a. It is the policy of Bethlehem Lutheran Church to make our church a safe place for all persons and to provide safeguards against all forms of abuse. Church leaders, employees, and volunteers are to be made aware of vital issues and concerns related to such abuse. Everyday operating procedures will be followed to minimize the risk of any form of abuse from occurring in any area where the church as a corporate organization and/or its staff might be considered legally, morally or ethically responsible.
- b. It is also the policy of Bethlehem Lutheran Church to comply with the letter and spirit of Minnesota law relating to minors and vulnerable adults, specifically the following:
  - 1) Minnesota Statute § 626.556 – Reporting of maltreatment of minors
  - 2) Minnesota Statute § 626.557 – Reporting of maltreatment of vulnerable adults
- c. This policy shall apply retroactively to current employees and volunteers.

**2. Definitions**

- a. “Abuse” means:
  - 1) Physical abuse, such as beating, burning, human bites, strangulation, and other violent actions that cause bodily harm.
  - 2) Sexual abuse, such as the use of a person for the sexual gratification of another person. It may range from exhibitionism and fondling to intercourse and the use of another person in pornographic materials.
  - 3) Emotional abuse, such as repeated and irrational criticism, insults, humiliation, and rejection.
  - 4) Neglect, such as the failure to provide the basic physical and emotional needs of a person, including food, shelter, clothing, medical care, comfort and support.
- b. “Church worker” means an employee or volunteer who works with minors or vulnerable adults.
- c. “Employee” means a full- or part-time compensated employee, including clergy, of Bethlehem Lutheran.
- d. “Minor” means a person who is under 18 years of age.
- e. “Volunteer” means a member of, or an active participant at, Bethlehem Lutheran who assists with the church’s programs and who is not compensated for the service, except for the reimbursement of actual program-related expenses.
- f. “Vulnerable adult” means a person 18 years or older who, because of physical or mental disability, is unable or unlikely to report abuse or neglect without assistance.
- g. “Adult supervisor” means a person 18 or older or trained in Peer Ministry or otherwise appropriately trained for a specified role.

### **3. PROCEDURES.**

To implement this policy, church workers will follow specific procedures in four critical areas:

- Volunteer/Staff selection
- Volunteer/Staff supervision
- Reporting obligations
- Response to allegations

### **4. Volunteer/Staff Selection.**

a. Church workers who regularly work with, or desire to regularly work with, minors or vulnerable adults must complete an application. Occasional workers (i.e., persons not regularly scheduled) should, at a minimum, read and sign a policy acknowledgment form.

b. The application procedure follows:

- 1) The applicant who works with, or desires to work with, minors or vulnerable adults shall submit an application to a designated staff person.
- 2) The senior pastor shall designate a staff member, who has appropriate training to screen applicants who work with minors and vulnerable adults to:
  - (a) personally interview the applicant;
  - (b) contact, following written procedures, each reference listed and file a written record of each contact with the applicant's application;
  - (c) contact, following written procedures, each church and other organizations in which the applicant has indicated prior experience in working with minors or vulnerable adults; and
  - (d) request, through the Minnesota Department of Human Services or other appropriate organization, a background check on all adult applicants.
- 3) The senior pastor will be responsible for ensuring that all applications, interviews, follow-up, evaluations, screening forms, references, and related materials will be handled as confidential information.
- 4) Any refusal by other churches, organizations, or personal references to respond to reference checks must be carefully documented. The interviewer shall request the other church, organization, or personal reference to send a letter confirming its refusal to provide any information concerning the suitability of the applicant to work with minors or vulnerable adults.

c. Adults who have been convicted of, or plead guilty to, abuse of minors or vulnerable adults will not be allowed to work with minors or vulnerable adults.

d. Survivors of abuse will not be automatically disqualified from further consideration, but will be encouraged to meet with a pastor or specially appointed interviewer before working with minors or vulnerable adults.

e. A *Policy Acknowledgment Form* will be used only with new members and occasional volunteer workers according to the following guidelines:

- 1) All new member applicants and occasional volunteers who will be working with minors or vulnerable adults will be required to read and sign the *Policy Acknowledgment Form* in which they agree to follow church policies with respect to working with minors or vulnerable adults.
- 2) A discussion of abuse prevention policies will be included in all new member orientation classes.
- 3) Volunteers who will be working with minors or vulnerable adults should have been active participants at Bethlehem for at least six months.

f. Bethlehem Lutheran will contract for a criminal records check for all employees and for volunteers in instances where questions have been raised through the screening process about a particular volunteer applicant or worker. Criminal convictions which disqualify an individual for work with children, youth or vulnerable adults at Bethlehem include, but are not limited to criminal conviction for a sexual offense, pedophilic behavior (molestation of a pre-adolescent child no matter how long ago it occurred), incest, kidnapping, pornography, abuse of a minor or vulnerable adult, and theft.

## **5. Volunteer/Staff Supervision.**

a. Total and continuous supervision of every aspect of minor and vulnerable adult activities may not be achievable, but every reasonable effort will be made to provide adequate training of church workers and supervision of church activities.

b. The following policies apply to the supervision of minor and vulnerable adult activities, as resources allow:

- 1) Two adult supervisors should be present during any church activity involving minors or vulnerable adults (the “two adult rule”).
- 2) When there is a legitimate reason for a supervising adult to be alone with a minor or vulnerable adult, the staff or volunteer worker will obtain the consent of the person’s parent, guardian or custodian before spending time with the minor or vulnerable adult in an unsupervised situation (if the circumstances permit, the consent should be in writing). The worker should also notify the appropriate church leader of such meetings in advance.
- 3) A church worker who observes any possible inappropriate conduct or relationships between a staff or volunteer worker and a minor or vulnerable adult will immediately report the observation to the worker’s supervisor. The supervisor will promptly:
  - (a) investigate the basic facts;
  - (b) counsel or warn the worker, if appropriate or necessary, about possible inappropriate conduct or relationships;
  - (c) closely monitor the worker until the supervisor is satisfied the matter has been resolved; and
  - (d) document the incident in the worker’s file.

- 4) A church worker who observes actual inappropriate conduct or relationships between a staff or volunteer worker and a minor or vulnerable adult will immediately contact, as required by state law, the appropriate governmental authorities, and the worker's supervisor. However, if immediate action is necessary, the person who observed the inappropriate conduct shall intervene until the supervisor can be contacted. The supervisor, in turn, shall immediately contact the senior pastor.
- 5) Church workers should be alert to notice when a minor or vulnerable adult appears aloof or withdrawn, exhibits a marked personality or behavior change, or wants to talk privately. These actions may indicate a problem that deserves attention.
- 6) All areas of the church that are used by minors and vulnerable adults will be checked to minimize and, as soon as possible, eliminate areas that are isolated from view. Window blinds should remain open and doors should remain unlocked in classrooms with activities for minors and vulnerable adults.
- 7) Employees should carefully monitor programs to ensure that volunteers are not put in what could be considered a compromising position.
- 8) Physical contact between church workers and minors or vulnerable adults should be avoided unless in the presence of other adults or with the permission of a parent, guardian, or custodian. Any physical contact should be given with extreme care. Any sexually motivated hugging, touching, or other activity is forbidden.
- 9) When a minor or vulnerable adult requires assistance in the restroom, the individual should have as much privacy as possible. Workers should only enter a restroom stall when absolutely necessary to assist an individual.
- 10) Programs that involve minors or vulnerable adults will include adequate supervisory personnel. Supervision will be maintained after an event until all persons are in the custody of their parents, legal guardian or custodian.
- 11) When minors or vulnerable adults are involved in overnight activities, all adult chaperons, volunteers, and supervisors will be approved in advance by the senior pastor or designee.

## **6. Reporting Obligations.**

- a. All Bethlehem church workers must understand their obligation to report suspected abuse and the channels they should follow.
- b. Any church worker who suspects that a minor or vulnerable adult has been abused shall immediately report the suspected abuse to the appropriate governmental authorities as required by law and to the senior pastor through the employee or volunteer's supervisor/s.
  - 1) If a supervisor is unavailable, the church worker shall personally contact the senior pastor.
  - 2) If the senior pastor is unavailable, the church worker shall personally contact the executive pastor.
- c. The pastor, the supervisor(s), and the church worker who suspects that a minor or vulnerable adult has been abused shall review the applicable statutes to determine if additional reports to governmental authorities are required or appropriate.

d. Discreet, prompt, and confidential reporting of suspected abuse is critical to abuse prevention. Church workers should understand that reporting reflects caring and is not an act of disloyalty.

## **7. Response to Allegations.**

a. In the unfortunate event that an abuse allegation should be made against the church or a church worker, the following underlying principles shall guide the response to those allegations:

- 1) All allegations must be taken seriously.
- 2) Situations must be handled forthrightly with due respect for an individual's privacy and confidentiality.
- 3) Immediately contact Bethlehem Lutheran Church insurance carrier.
- 4) Full cooperation must be given to law enforcement authorities under the guidance of Bethlehem's attorney.
- 5) Adequate care must be shown for the well-being of the abused.
- 6) The abused should not be held responsible in any way.

b. These factors should be followed in the case of an abuse allegation:

- 1) The custodian of the records of a church worker who has been suspected of abuse shall preserve the unaltered records until requested by law enforcement authorities, the senior pastor, or the church's attorney.
- 2) The Senior Pastor or the pastor's designee will be the primary spokesperson for Bethlehem regarding abuse allegations.
- 3) Bethlehem's attorney should accompany any church worker when interviewed by police or social service agencies.
- 4) The safety of the abused is the first priority. Do not prejudge the situation, but take the allegations seriously and reach out to the abused and the abused person's family. Show care and support to help prevent further hurt. Extend whatever pastoral resources are necessary. Notify the parents, guardians or custodians of the abused.
- 5) Document all efforts at handling the incident.
- 6) Report the incident immediately to Bethlehem's insurance company, attorney, and denominational officials. Do not try to handle this without professional outside assistance.
- 7) Do not attempt an in-depth investigation. This should be left to professionals who are familiar with these cases.
- 8) Do not confront the accused person until the safety of the abused individual is secured.
- 9) Treat the accused church worker with dignity and offer support.
- 10) An accused church worker should be temporarily relieved of any duties with minors or vulnerable adults until an investigation is completed.
- 11) Use written statements to answer the press and convey news to the congregation.
- 12) Carefully safeguard the privacy and confidentiality of all involved.

## **8. Liability issues.**

- a. Under the federal “Volunteer Protection Act of 1997,” 42 U.S.C. §§ 14501 – 14505, a volunteer shall not be liable for harm caused by an act or omission of the volunteer on behalf of a nonprofit organization if the volunteer:
- 1) is acting within the scope of the volunteer’s responsibilities;
  - 2) is properly licensed, certified, or authorized by the appropriate authorities for the activities within the volunteer’s responsibilities;
  - 3) the harm is not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed; or
  - 4) the harm was not caused by the volunteer operating a motor vehicle.
- b. The Volunteer Protection Act of 1997 does not protect a volunteer who:
- 1) is convicted of a sexual offense punishable under state law;
  - 2) violates a federal or state civil rights law; or
  - 3) is under the influence of intoxicating alcohol or any drug at the time of the misconduct.
- c. Abuse of minors or vulnerable adults is against the law, and a convicted abuser may be punished by fines and/or imprisonment.
- d. The church liability insurance policy may not provide a legal defense to a person responsible for abuse and may not pay any amount of a judgment resulting from abusive conduct.

## **9. Exceptions**

The senior pastor may grant exceptions on a case-by-case basis, after a careful review of the circumstances. Any exceptions shall be documented and retained by the senior pastor.

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## **Reporting Obligations:**

### **Where to report:**

- **Immediate danger: 911**
  
- **No immediate danger:**
  - **Child Protection Services -Hennepin County 612-348-3552**
  
  - **Adult Protection Services - Hennepin County 612-348-8526**