

Reducing the Risk of Child Sexual Abuse

**Guidelines for Parishes and Institutions
as approved by the Holy Synod of Bishops
of the
Orthodox Church in America**



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The Holy Synod of Bishops of the Orthodox Church in America

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REDUCING THE RISK OF CHILD SEXUAL ABUSE GUIDELINES FOR PARISHES AND INSTITUTIONS

Prepared for parishes & institutions within the Orthodox Church in America

SECTION I. INTRODUCTION

Hundreds of parishes in other denominations have been sued as a result of the sexual molestation of minors by church workers, and such lawsuits are on the rise. Sadly, such lawsuits are now affecting some of our own parishes. Doing nothing to respond to this significant risk may subject a parish or the diocese to civil liability, which may include "punitive damages" (which ordinarily are not covered by a church's liability insurance policy) and can even expose board members to personal legal liability. This lack of a prevention program leaves the children, the parish, the diocese, and church leaders vulnerable.

Fortunately, parishes can take relatively simple, yet effective, steps that will significantly reduce the likelihood of child sexual abuse. These guidelines provide a set of policies and procedures that can reduce the risk of such incidents ever occurring. As you implement this preventative program, remember that the main objective is to provide a safe and secure environment for the children who are entrusted to your parish. In seeking to accomplish this objective, you will be accomplishing another very important objective -- reducing the legal risk and liability exposure of your parish.

SECTION II. RECRUITING AND SELECTING PARISH WORKERS

To ensure adequate legal safeguards, every parish must implement an effective screening program for all church workers. Please remember that parishes face the same legal vulnerabilities using volunteer workers as they do using paid employees.

The following screening procedures must be used with all applicants and current church workers, full time or part time, compensated or volunteer, who will have any contact with minors. In implementing this screening procedure, please keep the following considerations in mind. First, if the applicant is new to the parish or unknown to parish leadership, you should confirm his identity by requiring photographic identification, such as a driver's license. Second, the screening procedures should apply to new applicants as well as to current volunteers and staff members. Obviously, the parish needs to use some discretion here. For instance, if your Sunday school teacher is a 70 year old woman with 25 years of experience in the church, reference checks are probably unnecessary. The highest

risks involve male workers in youth programs that involve unsupervised or overnight activities. Persons in this category should always be carefully screened. Third, the services of a local attorney should be solicited in drafting the appropriate screening form to ensure compliance with state law, and to make sure you are aware of any additional legal requirements that apply in your state. Finally, the parish must treat as strictly confidential all applications and records of contacts with churches or references.

- 1.1 All applicants and church workers must fill out a screening form, and a criminal records check authorization form, based upon the forms set out in Appendix I of these guidelines. Please note that the final forms to be used by the parish should be reviewed by an attorney familiar with your state law.
- 1.2 All individuals applying for higher risk positions (meaning any largely unsupervised activity involving either male or female children or adolescents) should be interviewed by the priest or by a responsible staff member who has been trained to screen children and youth workers. Local law enforcement personnel and local offices of state agencies responsible for investigating reports of child abuse often have materials that can be used to train the staff members who will conduct screening interviews. Each parish should designate one staff member (either clergy or a lay member of the parish) to receive such training.
- 1.3 Contact each reference listed by the applicant or church worker on the screening form, and make a written record of each contact showing the date and method of contact, the person making the contact as well as the person contacted, and a summary of the references remarks. A sample form for your use is reproduced in Appendix I of these guidelines. Contact each church in which the applicant has indicated prior experience in working with children or youth. Place in the application file a written record of all of the information contained in this paragraph. This procedure must be done with all church volunteers and workers having contact with children and youth. Should the church or reference in question refuse to share any information with you, you may wish to read the individual in question the release language in the screening form signed by the applicant. If the church or reference in question still refuses to share any information with you, document the refusal by the other church or reference to respond to your inquiry, ideally by asking the other church or reference to send you a letter confirming its refusal to provide you with any information concerning the suitability of the applicant to work with minors.
- 1.4 Volunteers should only be permitted to work with youth or children after they have been members of the parish for a minimum of six months. Such a policy gives the parish an additional opportunity to evaluate applicants and volunteers, and will help repel persons seeking immediate access to children.
- 1.5 Adults who have been convicted or plead guilty to any criminal charge involving either child sexual or physical abuse should not be allowed to work with children or youth in any capacity.

- 1.6 Adult survivors of child abuse must meet with the priest before working with children or youth, and a criminal records check must be run on such individuals. Litigation suggests that, since the statistical correlation between persons who abuse children and who were themselves abused as minors is so high, the church has a higher duty of care in such circumstances. If the criminal records check comes back with no record of any child abuse or molestation, and if there is no other indication that the applicant poses a risk, then there is no reason why the person cannot be used.
- 1.7 The criminal records check form found in Appendix I should be completed by every applicant (paid or volunteer) for any position involving the custody or supervision of minors, as well as any current employees or volunteer workers having custody or supervision over minors. However, while every church worker should sign this authorization, this does not mean that the church should do a criminal records check on every worker. Rather, this should be viewed as a procedure that may be desirable if questions are raised about a particular applicant or worker. Additionally, information regarding criminal convictions should be treated as highly confidential information, and should not be disseminated beyond the individuals involved in the decision of whether or not to use the individual as a youth worker in the parish.
- 1.8 Remember to keep all screening and criminal records check authorization forms, all reference check forms, and all other documentation and correspondence relating to each church worker in an individual application file for quick reference.

SECTION III. SUPERVISION OF CHURCH WORKERS AND CHILDREN

Parishes can use reasonable care in selecting workers, but still be liable for injuries sustained during church activities on the basis of negligent supervision. Negligent supervision refers to a failure to exercise reasonable care in the supervision of church workers and church activities. Your parish can reduce the risk of negligent supervision by following the procedures described below.

- 1.1 Adopt and follow the "two adult" rule. This rule says that two adult supervisors should be present during any church activity involving children. Preferably one of these adults would be a parent of one of the participating children or youth, or at minimum, someone over 21 years of age. The parish should never allow a child to be alone with an adult who is not that child's parent or legal guardian, or who has not been screened as provided in Section II above. This rule reduces the risk of sexual molestation, and also reduces the risk of false accusations of molestation by individuals seeking a quick legal settlement.
- 1.2 Parish staff or volunteers should obtain the consent of the child's parent or guardian before going out alone with that child, or spending time with the child in an unsupervised situation. Parish staff or volunteers should notify the appropriate parish leader of such meetings in advance. Children should also have parental permission for

involvement in church sponsored programs or activities.

- 1.3 If feasible, consider installing windows on the doors to all classrooms or other areas used by minors. Alternatively, the doors of such classrooms should be left open during use so that persons can observe inside. Parish leaders should make it a habit to perform random visits to all areas used by minors, and to frequently visit or inspect areas of church buildings and grounds that are isolated from public view.
- 1.4 Any parish sponsored activity or program involving children or youth must include adequate supervisory personnel. Furthermore, adequate supervision must be maintained before and after the event until all children are in the custody of their parents or legal guardians. At no time should children be allowed to run freely around the church property without supervision.
- 1.5 Pay special attention to overnight activities that involve youth. All adult chaperons and supervisors must be screened in advance with the proper parish leaders.
- 1.6 Any inappropriate conduct or relationships between an adult volunteer worker and a child or member of a youth group should be confronted immediately and investigated. Prompt warnings should be issued when appropriate, and the situation monitored very closely. The adult worker's services should be terminated immediately for continued violations of such warnings, or for a single violation of sufficient gravity.
- 1.7 Make sure that each and every church worker is given a copy of these policies, reads them and is told to follow them at all times. Sunday school teachers, nursery workers and youth group leaders need to be informed of the parish policies and of their own responsibilities for the safety of the children or youth in their care.

SECTION IV. REPORTING PROCEDURES

Developing and following a reporting procedure is a critical component in a sexual abuse prevention program. All church workers need to know what constitutes an occasion for reporting, the reporting channels they should use, and their obligations to make a report.

- 1.1 Each parish should contact the appropriate state and local law enforcement and social service agencies and obtain available materials regarding state requirements for the reporting of child abuse. Each state has a mandatory reporting law which specifies the following: what constitutes child abuse, those persons legally responsible for reporting known and reasonably suspected cases of abuse, the length of time required to make a report, the nature and content of the report, and the social agencies or department to be contacted. All clergy, church workers and volunteers should be made aware of these reporting requirements.

- 1.2 All suspected incidents of child abuse should be reported immediately to the parish priest or other designated parish official. If possible, such reports should be put in written form as soon as possible. Please note that in many states both compensated and volunteer church workers are mandatory reporters, and will have an independent duty to report suspected abuse to the appropriate governmental officials. Your state law must be consulted on this issue.
- 1.3 The priest or other designated parish official should take each allegation of child abuse seriously. Each allegation should be immediately reported to the Dean and the Bishop. The priest or designated parish official should immediately consult state law to determine whether there is a legal duty to report the incident to the state, and do so as soon as possible. Should there be some question regarding reporting requirements, the priest or other designated parish official may wish to discuss the matter with the parish attorney, or discuss the case anonymously with a representative of the state agency that receives reports of abuse to evaluate whether or not a report should be filed.
- 1.4 In the event the incident of child abuse reported implicates a church worker or volunteer, that person shall be removed immediately from such position for the duration of the investigation.
- 1.5 In the event the incident of child abuse reported occurred on church grounds, and/or implicates a church worker or volunteer, immediately notify the parish attorney and insurance carrier. Do not try to handle this without professional assistance.

SECTION V. RESPONDING TO ALLEGATIONS OF ABUSE

Should an allegation occur, the Holy Synod of Bishops of the Orthodox Church in America has promulgated Guidelines for Initial Response to Allegations or Charges of Sexual Misconduct. These procedures are attached to these guidelines as Appendix II. Under these guidelines, the Metropolitan will appoint a trained investigator to the case who will conduct a thorough investigation and serve as an advisor to the Metropolitan and the Bishop in regard to issues surrounding the matter. Your parish's response to allegations of sexual misconduct should be coordinated with this investigator.

In responding to allegations of abuse, please keep in mind the following guidelines:

Maintain adequate records of workers' applications, references, and screening forms. Document all your efforts at handling the incident.

Report the incident immediately to your parish attorney, insurance company, and Bishop. Do not try to handle this without professional outside assistance.

Contact the proper civil authorities following the guidance of your insurance com-

pany and attorney. Do not attempt an in-depth investigation yourself. This should be left to the Metropolitan's trained investigator and to professionals who are familiar with these cases.

Notify the parents.

Do not prejudge the situation, but take the allegations seriously and reach out to the victim and the victim's family. Remember that victims do not generally sue for the misconduct itself -- they sue for the parish's mismanagement and coverup.

Responding in a negative or nonsupportive manner can increase the anger and pain of the victim and the victim's family, making future reconciliation difficult and increasing the possibility of damaging litigation.

Treat the accused with dignity and support. If the accused is a church worker, that person should be relieved temporarily from his or her duties until the investigation is finished.

In cooperation with the Bishop and the Metropolitan's investigator, select a specific spokesperson for the parish. This may be either a member of the parish, or an individual designated by the Bishop. This person should be able to speak to the media and the congregation in a discrete, informed, and diplomatic way. Remember that in such cases, conflicting and contradictory statements can abound, leading to a negative impression for the church. This is avoided if only one person is designated to speak for the church on such cases. Always have your attorney present while answering any investigative questions from the police or social service agencies.

Be careful to safeguard the privacy and confidentiality of all involved.

SECTION VI. CONCLUSION

The foregoing policies and procedures are based on legal theory and practical experience. Many of them are being successfully used in churches to reduce the risk and liability of child sexual abuse. Remember, every parish must take direct responsibility to reduce the risk of child sexual abuse within its ministry and programs. Child sexual abuse is a problem that will not go away if ignored, nor get better over time. Rather, legal risk and liability can only be minimized if your parish challenges it head-on through an effectively managed risk reduction program. The policies and procedures outlined above may work well in your parish organizational context. Others may need to be adapted to meet your needs. In every case, each parish must develop and implement effective risk reduction measures, and understand the need for these measures, in order to effectively protect your parish, your diocese, and most important, your children from the nightmare of child sexual abuse.

APPENDIX I - FORMS

APPLICATION FOR PARISH WORK WITH CHILDREN AND YOUTH

CONFIDENTIAL

This application is to be completed by all applicants for any position (volunteer or compensated) involving supervision, custody or contact with minors. This is not an employment application form. Persons seeking a position in the parish as paid employees will be required to complete a separate employment application in addition to this screening form. This form is being used to help the parish provide a safe and secure environment for those children and youth who participate in our programs and who use our facilities.

PERSONAL

Date _____

Name _____
Last First Middle

Present Address: _____

City _____

State _____ Zip _____ Telephone (____) _____

Please indicate type of youth or children's work you are applying for: _____

Please indicate the date you could begin: _____

Please indicate the time commitment you can make: _____

Have you ever been convicted of or pleaded guilty to a crime, other than minor traffic offenses?

_____ No

_____ Yes (If yes, please explain -- attach separate page, if necessary)

PARISH HISTORY AND PRIOR EXPERIENCE WITH CHILDREN AND YOUTH

Name of parish of which you are a member: _____

Please list (name and address) all other parishes/churches you have attended regularly during the past five years: _____

Please list all previous church work involving children or youth (list each church's name and address, type of work performed, and dates): _____

Please list all previous non-church related work involving children or youth (list each organization's name and address, type of work performed, and dates): _____

List any gifts, callings, training, education, or other factors that have prepared you for children or youth work: _____

Please provide us with a list of three personal references (not former employers or relatives), and for each, please list their name, address and telephone number: _____

APPLICANT'S STATEMENT

The information' contained in this application is correct to the best of my knowledge. I authorize any references or churches listed in this application to give you any information (including opinions) that they may have regarding my character and fitness for children or youth work. In consideration of your receipt and evaluation of this application, I hereby release any individual, church, youth organization, charity, employer, reference, or any other person or organization, including record custodians, both collectively and individually, from any and all liability for damages of whatever kind or nature which may at any time result to me, my heirs, or family, on account of compliance, or any attempts to comply with this authorization. I waive any right that I may have to inspect any information provided about me by any person or organization identified by me in this application.

Should I be accepted for parish work with children or youth, I agree to be bound by the bylaws and policies of the parish, to be zealous for the Orthodox Faith, to be a regular communicant at the Eucharist, and to direct my life in accordance with the moral standards of the Orthodox Church.

Applicant's Signature _____

Date _____

REQUEST FOR CRIMINAL RECORDS CHECK AND AUTHORIZATION

I hereby request the _____ Police Department or Law Enforcement Agency to release any information which pertains to any record of criminal convictions or criminal investigations involving me contained in its files or in any criminal file maintained on me whether local, state or national. I hereby release said Police Department or Law Enforcement Agency from any and all liability resulting from such disclosure.

Signature

Print Name

Maiden Name (if applicable)

Print all aliases

Date of Birth

Place of Birth

Social Security Number

Today's Date

Record sent to:

Name _____

Address _____

REFERENCE CONTACT FORM

CONFIDENTIAL

Name of Applicant _____

Reference or Church Contacted (if a church or other organization, please identify both the church and organization and person contacted)

Date and Time of Contact _____

Person contacting the Reference or Church _____

Method of Contact (telephone, letter, personal conversation, etc.)

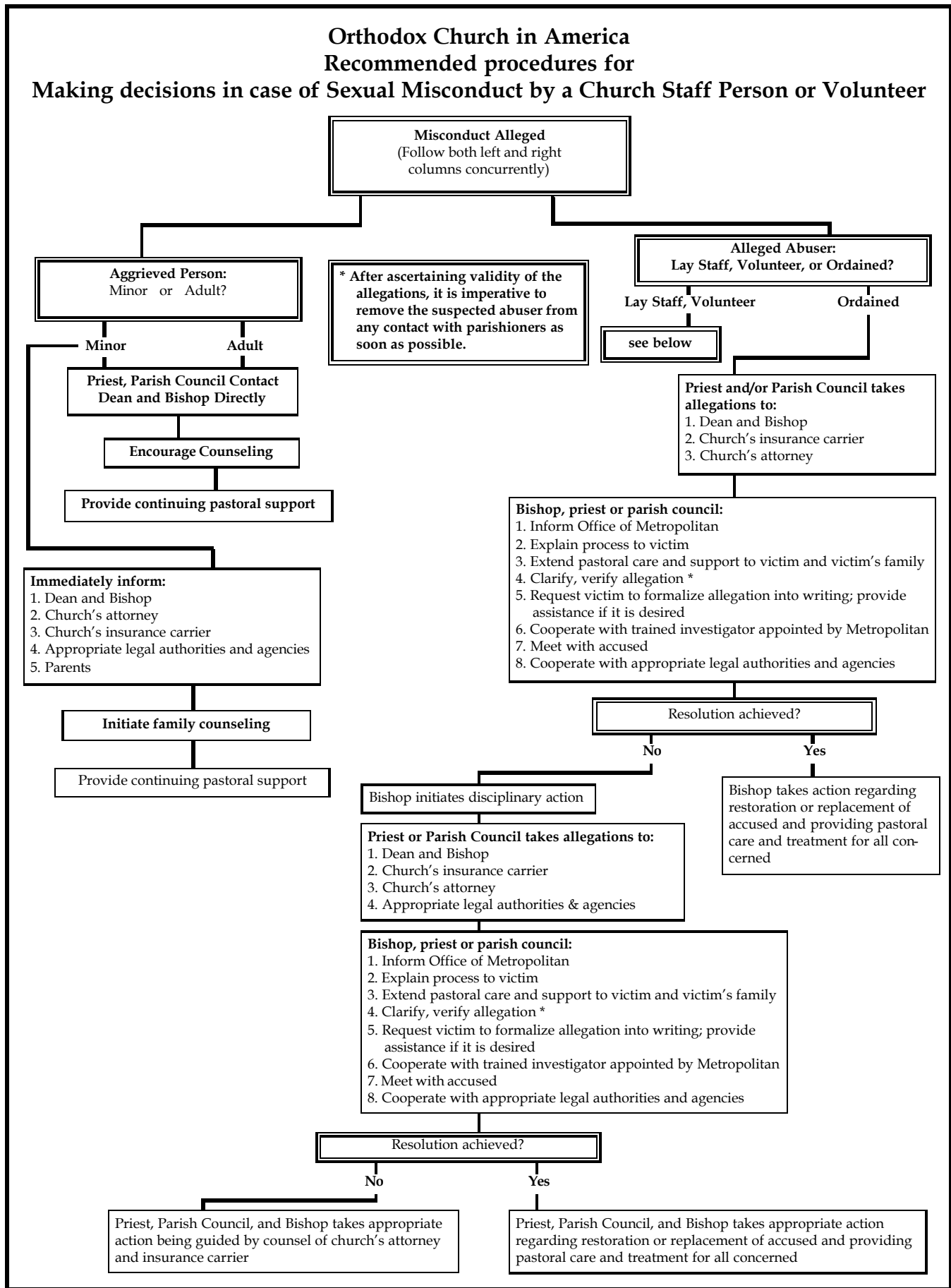
Summary of conversation _____

Signature

Position

Date

**APPENDIX II - GUIDELINES FOR RESPONSE TO ALLEGATIONS
INVOLVING SEXUAL MISCONDUCT**





The HOLY SYNOD
of the
ORTHODOX CHURCH IN AMERICA

**GUIDELINES FOR INITIAL RESPONSE TO ALLEGATIONS OR
CHARGES OF SEXUAL MISCONDUCT**

1. Take seriously all allegations or charges of sexual misconduct. The Office of the Metropolitan will designate one or more persons as trained investigators to deal with cases of alleged sexual misconduct, and the services of Legal Counsel will be made available as circumstances may require.
2. The recipient of a complaint lodged against a clergyman, church worker or church member must immediately notify the diocesan bishop. The diocesan bishop will immediately inform the Office of the Metropolitan that such an allegation or charge has been made. It is important that the church administration be involved in this process since in the case of litigation the Church as a whole, rather than any specific person, parish, or diocese, is exposed to liability.
3. At this point, if deemed necessary, the Metropolitan will appoint a trained investigator to the case. The investigator will be skilled in issues surrounding sexual misconduct, and particularly sexual addiction. The investigator's duties will be to: a) conduct a thorough investigation of the case resulting in a comprehensive written report addressed to the Metropolitan and the diocesan bishop, and b) serve as advisor to the Metropolitan and the diocesan bishop in regard to issues surrounding the matter.
4. The investigator will obtain a written, signed and dated report as soon as possible from the person(s) raising the allegations or charges. This should include permission to approach the accused, if the accused is not yet aware of the allegations or charges being made.
5. After reviewing the written allegations with legal counsel, the Office of the Metropolitan and the diocesan bishop shall determine whether to proceed with steps 6, 7, 8, and 9, and whether the relevant insurance carrier should be notified. If the complaint involves specifically criminal activities, then the police must be notified. Particularly strict regulations exist concerning the reporting of incidents involving children and other vulnerable people.

6. If so instructed the investigator will then approach the accused person, and make that person aware of the accusations which have been made. The diocesan bishop will relieve the accused person of their duties, without suspending pay, pending investigation of the matter. (This is a particularly controversial step, however it is better to err on the side of discretion.) At this time, the diocesan bishop will recommend that the accused seek private legal counsel (i.e. counsel not associated with the parish, diocese, or territorial church). He will also make pastoral resources available to the accused and his/her family through people not involved in the investigation.
7. The diocesan bishop will then contact the alleged victim(s) and their family(ies). He will make pastoral resources available to them through people not involved in the investigation. This step is a pastoral, rather than investigative, initiative.
8. If an arrest or formal charge has been made, the diocesan bishop will, in consultation with the Office of the Metropolitan, the investigator, and legal counsel, promptly prepare and have read to the parish family a written statement informing them that this arrest or charge has occurred and that the person charged has been relieved of their duties until the investigation has been completed. Keep a copy of this written statement. Say no more about the alleged incident at that time. The parish will need to be led through a process of healing, but only once the outcome of the investigation is known.
9. Once the above steps have been completed the investigator will proceed with his/her formal investigation into the matter in the manner in which he/she has been trained. The investigator's report will be reviewed by the Office of the Metropolitan, the diocesan bishop and legal counsel to determine what additional action (if any) should be taken.

Note: Do not be tempted to do more than what is specified above, such as take sides or extend financial assistance to one or another of the parties, even if at the time pastoral concerns seem to indicate otherwise. The above guidelines are designed to keep the church involved, but not entangled or enmeshed, in situations involving sexual misconduct. Such an approach will allow for a fair investigation, meet the immediate pastoral needs of those involved, and prepare the ground for long-term healing and eventual closure.

**AN OFFICIAL DOCUMENT OF THE HOLY SYNOD OF BISHOPS OF THE
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