

# **WALNUT CREEK CHURCH OF CHRIST**

## **Child Protection Program**

### **Policies & Procedures**

## TABLE OF CONTENTS

<b>I.</b>	<b>PURPOSE</b> .....	<b>1</b>
<b>II.</b>	<b>SCOPE</b> .....	<b>1</b>
<b>III.</b>	<b>DEFINITIONS</b> .....	<b>1</b>
<b>IV.</b>	<b>WHAT IS CHILD SEXUAL ABUSE?</b> .....	<b>2</b>
<b>V.</b>	<b>WORKER ENLISTMENT</b> .....	<b>2</b>
<b>VI.</b>	<b>SCREENED WORKER TRAINING</b> .....	<b>3</b>
<b>VII.</b>	<b>SCREENED WORKER INFORMATION FORM</b> .....	<b>4</b>
<b>VIII.</b>	<b>SPECIFIC ACTS AND OMISSIONS IN VIOLATION OF THE POLICY</b> .....	<b>5</b>
<b>IX.</b>	<b>WORKER SUPERVISION - GENERAL</b> .....	<b>5</b>
<b>X.</b>	<b>OCCASIONAL VOLUNTEER WORKERS</b> .....	<b>7</b>
<b>XI.</b>	<b>SUPERVISION OF VOLUNTEERS</b> .....	<b>7</b>
<b>XII.</b>	<b>CHILD ABUSE PREVENTION REPORTING</b> .....	<b>8</b>
<b>XIII.</b>	<b>INSURANCE</b> .....	<b>10</b>
<b>XIV.</b>	<b>CONCLUSION</b> .....	<b>10</b>
<b>APPENDIX A</b>	<b>WORKER ENLISTMENT CHECKLIST</b> .....	<b>A-1</b>
<b>APPENDIX B</b>	<b>SCREENING FORM - ADULT VOLUNTEER</b> .....	<b>B-1</b>
<b>APPENDIX C</b>	<b>CRIMINAL RECORDS CHECK AUTHORIZATION</b> .....	<b>C-1</b>
<b>APPENDIX D</b>	<b>CODE OF ETHICS</b> .....	<b>D-1</b>
<b>APPENDIX E</b>	<b>SCREENING FORM - TEEN VOLUNTEER</b> .....	<b>E-1</b>
<b>APPENDIX F</b>	<b>INCIDENT REPORT FORM</b> .....	<b>F-1</b>
<b>APPENDIX G</b>	<b>REDUCING THE RISK PROCEDURAL CHECKLIST</b> .....	<b>G-1</b>
<b>APPENDIX H</b>	<b>OTHER TYPES OF HARM</b> .....	<b>H-1</b>
<b>APPENDIX I</b>	<b>POSSIBLE INDICATORS OF ABUSE</b> .....	<b>I-1</b>
<b>APPENDIX J</b>	<b>GENERAL PROFILE OF A CHILD ABUSER</b> .....	<b>J-1</b>
<b>APPENDIX K</b>	<b>CALIFORNIA PENAL CODE SECTIONS 11164 - 11165.9</b> .....	<b>K-1</b>
<b>APPENDIX L</b>	<b>SCREENING FORM - ADULT PAID EMPLOYEE</b> .....	<b>L-1</b>

## **I. PURPOSE**

Our purpose as a church (The Walnut Creek Church of Christ "WCCC") is to encourage one another to be Responding to God, Each Other and Our Community.

As a church we strive to encourage everyone -- including children, youth, and their families -- to grow in their relationship with God and one another. We desire to provide a safe and secure environment for this to take place.

A safe and secure environment will be fostered by continuing to implement a formal, written child protection policy (this "Policy") to help prevent the occurrence of child abuse. The following policies and procedures are for the protection of our children, youth, employees, volunteers, and our entire church family at WCCC.

## **II. SCOPE**

This Policy applies to all current and future workers, including compensated employees and volunteers, who will have the responsibility of supervising the activities of children and youth.

## **III. DEFINITIONS**

For the purpose of this Policy the following definitions shall apply:

1. "Adult" shall be defined as any individual at least eighteen (18) years of age.
2. "Child Abuse" shall be defined as verbal, physical, emotional, or sexual abuse of a preschooler, child, youth, or minor.
3. "Criminal Background Check" is the procedure used by qualified agencies to check the background of prospective adult workers for evidence of criminal activity.
4. "Custodian of Records" is the individual or individuals designated from time to time by the WCCC elders to review and retain Criminal Background Checks consistent with this Policy.
5. "Preschooler," "child," "children," "youth," and "minor" shall each be defined as any individual *under* the age of eighteen (18) (or whose mental capacity is that of someone under the age of eighteen).
6. "Screened Adult Worker" shall be defined as an adult worker that has completed a Criminal Background Check through WCCC, completed & signed all Child Protection screening forms, been photographed, and been cleared/approved by the WCCC Custodian of Records.
7. "Screened Teen Worker" shall be defined as any worker at least thirteen (13) years old or older, but under the age of eighteen (18) given the responsibility of working with or caring for minors that has completed & signed all Child Protection screening

forms, been photographed, and been cleared/approved by the WCCC Custodian of Records.

8. "Screened Workers" shall include all Screened Adult Workers and Screened Teen Workers.
9. "Worker" shall be defined as anyone who serves as a volunteer and/or paid person (including teachers, youth chaperons, supervisors, ministers, and ministry leaders) given the responsibility of working with, supervising, chaperoning, or otherwise caring for minors.

#### **IV. WHAT IS CHILD SEXUAL ABUSE?**

Sexual abuse includes any sexual activity with a minor – whether in the home by a caretaker, in a day care situation, a foster/residential setting, in a classroom or other WCCC facility, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim.

Child sexual abuse may be violent or non-violent. All sexual activity with a minor is deemed to be non-consensual, because minors do not have the legal capacity to consent to such activity. All child sexual abuse is an exploitation of a child's vulnerability and powerlessness in which the abuser is fully responsible for the action.

Child sexual abuse is criminal behavior that involves children in sexual behaviors for which they are not personally, socially, and developmentally ready.

Child sexual abuse includes behaviors that involve touching and non-touching aspects.

#### **V. WORKER ENLISTMENT**

All prospective Screened Workers desiring to work with minors will be required to complete & sign a Screening Form for Working with Minors; provide personal references as specified; read, understand and agree to comply with the WCCC Child Protection Policy and associated guidelines and procedures; be photographed; and attend a WCCC Child Protection training workshop.

Screened Adult Workers will additionally be required to complete a Criminal Background Check and sign an authorization/indemnity for this background check.

Screened Teen Workers will NOT be required to complete a Criminal Background Check.

All paid employees of WCCC will additionally be required to complete an Employment Application. Their prior employment and church service references will be verified in writing.

After a Screening Form for Working with Minors is received, personal references will be checked either (i) in writing, or (ii) via telephone calls with the contents of those telephone conversations memorialized in writing.

A Criminal Background Check will be performed on each prospective adult before they can become a Screened Adult Worker.

Criminal Background Checks may be performed on Adult Screened Workers annually, randomly, or as deemed necessary. Only Custodians of Records will have access to any Criminal Background Check report. Recommendations will be given by the Custodians of Records to the elders/shepherds and appropriate ministry leaders as to the qualification of prospective adult workers.

Criminal Background Check reports may be retained for the longer of the following durations: (a) up to thirty (30) days after receipt; or (b) as long as WCCC deems there to be a business need to retain such documents, including but not limited to the ability to demonstrate compliance with the background check aspect of this Policy. A separate confidential file will be maintained on each worker, whether paid or a volunteer.

Any prospective worker with prior incidents of sexual misconduct will not knowingly be allowed to serve in any capacity with the responsibility of working with, supervising, chaperoning, or caring for minors.

Any prospective adult worker having been sexually abused as a child, will be referred to the elders/shepherds for consideration for additional review or screening for appropriateness to serve in the capacity of a Screened Adult Worker.

Screened Adult Workers must have been a member of the WCCC congregation for a minimum of six (6) months, or a regular attendee for a minimum of one (1) year.

At the applicant's request, WCCC shall allow the applicant to review his/her criminal history record transcript at WCCC for as long as WCCC actually retains a copy of such transcript, but in no event shall WCCC allow the applicant to retain and/or copy his/her transcript. WCCC is not required to notify any applicant or worker before destroying his/her transcript consistent with this Policy.

If an internal grievance (worker dispute) is filed by a prospective worker because of incorrect information or other reasons related to criminal histories provided to WCCC, WCCC shall immediately notify its liability insurance carrier and the agency that performed the Criminal Background Check.

## **VI. SCREENED WORKER TRAINING**

Each new prospective worker will be given the legal definition of child abuse in writing, as well as a copy of this Policy. New Screened Workers will also be required to read the written materials available on this subject, and/or otherwise participate in training that WCCC makes available to help workers gain an appreciation for the reality of WCCC's concern and emphasis

on protecting minors. This is intended to help workers identify child abuse in the future if they see signs of it.

## **VII. SCREENED WORKER INFORMATION FORM**

Prospective Screened Workers and employees of WCCC will be required to complete information/screening forms providing personal and confidential information necessary to perform security background checks and reference checks on each individual worker. While this process necessarily intrudes into the privacy of our lives, WCCC believes that the security of our minors outweighs the personal invasion inherent with such investigation and disclosures. All personal information voluntarily disclosed and the results of all security background and reference checks, or the refusal of any person to participate in a program or activity in lieu of such disclosure requirements, will be maintained in the strictest of confidence.

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

Any conviction for:

- A. Criminal homicide;
- B. Aggravated assault;
- C. Felony crimes related to the possession, use, or sale of drugs or controlled substances;
- D. Sexual abuse;
- E. Sexual assault (e.g., rape);
- F. Aggravated sexual assault;
- G. Deliberate, serious injury to a child;
- H. Incest;
- I. Indecency with a child;
- J. Inducing sexual conduct or sexual performance of a child;
- K. Possession or promotion of child pornography;
- L. The sale, distribution, or display of harmful material to a minor;
- M. Employment harmful to children;
- N. Abandonment or endangerment of a child;
- O. Kidnapping or unlawful restraint;

- P. Public lewdness or indecent exposure; and/or
- Q. Enticing a child.

All charges for these crimes or charges or convictions for any other crimes not listed above will be reviewed by personnel trained for interpretation of the criminal history record transcript and approved by WCCC for reviewing applicant transcripts. Only qualified persons (as stated above) may view information obtained on the criminal history record transcript.

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

The following acts or omissions are violations of this Policy and will not be tolerated or accepted during any activity or program and are to be immediately reported to the designated program staff after the safety of the preschooler, child, children, youth, or minor involved has been assured.

- A. Any direct observations or evidence of sexual activity in the presence of or in association with a minor.
- B. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor.
- C. Sexual advances or sexual activity of any kind between any person and a minor.
- D. Infliction of physically abusive behavior or bodily injury to a minor.
- E. Physical neglect of a minor, including failure to provide adequate supervision in relation to the activities of WCCC.
- F. Mental or emotional injury to a minor.
- G. The presence or possession of obscene or pornographic materials on WCCC property or at any function of WCCC.
- H. The presence, possession, or being under the influence of any illegal or illicit drugs on WCCC property or at any function of WCCC.
- I. The consumption of or being under the influence of illegal or illicit drugs or alcohol while leading or participating in a function for, or involving minors at WCCC.

### **IX. WORKER SUPERVISION**

#### **A. General**

1. WCCC has adopted the "Two-Adult Rule," which means no adult shall be left alone with a child or group of children absent special circumstances or for extremely limited amounts of time, and requires a reasonable ratio of adult workers to be maintained in

each situation involving the supervision of children. At least one of the two (or more) adults must be a Screened Adult Worker.

2. Church staff and volunteer directors will supervise on an ongoing basis and make unannounced visits into classes or other program sites from time to time.
3. In counseling sessions with minors, parental permission shall be obtained prior to a minister meeting privately with a minor, or the Two-Adult Rule shall be used in that instance. Prior permission may be granted by parents to cover a particular time period (e.g., a school year) for their child to receive counseling from a particular minister.
4. All WCCC classrooms used by children/youth ministries must have unobstructed windows such that activities can be monitored from outside the classroom.
5. A worker should not transport a minor alone. If an exception must be made, the worker must make every effort to call the parents of the minor before the transport and give them specific information such as the route to be taken and the estimated times of departure and arrival.
6. Physical contact with minors should be appropriate to the child's age. Sexual contact is never appropriate with any child or youth.
7. WCCC reserves the right to terminate the activities of workers or volunteers whose conduct is deemed unscriptural or is deemed to be in non-compliance with the policies or procedures set forth in this Policy.
8. Lists of persons that meet WCCC approval as Screened Adult Workers and Screened Teen Workers will be maintained by WCCC.

## **B. Nursery & Preschool Procedures**

1. An individual child identification procedure will be utilized so that a parent or other adults authorized by the parent(s) can be contacted immediately and to ensure the child is picked up by an authorized individual. Permission slips will be available for parents to sign, authorizing the release of the child(ren) to other adults.
2. Workers should avoid being alone with a child in a restroom.
3. Workers should enter a restroom stall only when absolutely necessary to assist a child. The stall door should remain open.
4. Diapers should be changed in designated areas and in the presence of another adult.
5. If any child has "an accident" in their clothing, workers are to first seek the parent(s) for assistance. If that is not possible, the Two-Adult Rule applies while the child is being cleaned up.

6. At no time should unscreened workers supervise in the nursery unless they are accompanied by at least one adult who is a Screened Adult Worker.

### **C. Youth/Teen Procedures**

1. All WCCC activities with youth must include supervision that is adequate for the number of minors involved and the nature of the activity.
2. All adult chaperones should be approved in advance with the proper church leaders and must always include an adequate number of Screened Adult Workers.
3. Supervision should be maintained before and after an event until all youth are reasonably believed to be in the custody of their parents or legal guardians.
4. All WCCC sponsored overnight activities must be approved in advance by the Youth Minister and either (a) the Ministry Leader for the Youth Program (b) the Senior Minister or (c) the Elders/Shepherds.
5. Individual youths are not to be left alone with only one adult in any “non-monitored” area, regardless of the sex of the youth or the adult.
6. On overnight activities, youth must be separated by gender during sleeping times with same sex adult supervision. The Two-Adult Rule must be strictly followed at all times, including during sleeping times to prevent one adult from being segregated with one child or one adult being segregated with more than one child.

### **X. OCCASIONAL VOLUNTEER WORKERS**

- A. Those who only volunteer occasionally must still go through the entire screening process in order to serve as a Screened Worker. There are to be no exceptions for anyone to go through the complete process.
- B. Teenagers under eighteen (18) wanting to serve as Teen Workers in any capacity with activities, studies, or programs for preschoolers or children will need to complete a Screening Form for Teen Volunteers, go through the training, be photographed, provide references, and agree to a Code of Ethics. The only step in the process from which they are exempt is the Criminal Background Check.

### **XI. SUPERVISION OF VOLUNTEERS**

- A. Parental permission shall be obtained in advance for involvement in WCCC sponsored programs or activities.
- B. A door without windows shall remain open at all times when minors are in the room (except for a counseling session for which authorization has been obtained pursuant to Section IX.A.3).

- C. Screened Workers must use a “check-in/check-out” procedure for all kindergarten aged children and younger.
- D. A list of possible violations and proper reporting procedures should be posted in each room where activities or programs for minors are conducted or otherwise readily available.
- E. All workers shall be educated as to WCCC's policies and procedures concerning these matters as set forth in this Policy.

## **XII. CHILD ABUSE PREVENTION REPORTING**

- A. Any worker having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall report the worker’s belief in accordance with this Article. Non-accusatory reports (reports that identify the victim of suspected or actual abuse or neglect whether or not the person responsible for the abuse or neglect is known) shall be made to the Walnut Creek Police Department by calling 911 or (925) 943-5844.
- B. Each worker shall attempt to fully comply with any relevant state or federal child abuse reporting statute.
- C. One of the elders or employees of WCCC (not the worker) should promptly contact WCCC’s liability insurance company to report the occurrence and should determine whether to contact WCCC’s attorney.
- D. In instances where child abuse is confirmed and a member of the ministerial staff is the perpetrator, the perpetrator’s immediate supervisor should be contacted and advised.
- E. Compliance with these reporting procedures is not only required as a condition of each worker’s employment or volunteer position, but is also required by law.
- F. Upon the first suspicion of an instance of child abuse, the following steps should be taken immediately:
  - 1. Do not treat the suspicion as frivolous.
  - 2. Commence the investigation immediately, and conclude it as soon as possible.
    - a. If a sponsor or volunteer of minors suspects a case of child abuse, he or she is required by law (Cal. Penal Code § 11165.9) to report his/her suspicions to any police or sheriff’s department or to the California Child Protective Service Agency ("CPS") within 24 hours to any one of the following numbers: Toll Free: (877) 881-1116 or (925) 646-1680 (Central Contra Costa County); (925) 374-3324 (West Contra Costa County); or (925) 427-8811 (East Contra Costa County). It is the policy of WCCC that it also be reported immediately to one of WCCC's paid staff ministers who was not involved in the suspected case of child abuse.

- b. The minister receiving the initial report will be responsible for confirming the facts reported and the condition of the child, if at all practicable, on the same day on which the minister first receives the report. Use the “Reducing the Risk Procedural Checklist” to complete the church/staff responsibilities involved with the occurrence. See Appendix G.
  - c. Data concerning the child, name, address, and other pertinent information will be obtained through discussions with the initial reporter and other staff members. The name and address of the person responsible for the care of the child, if available, will be obtained.
  - d. After the information is secured, the minister will contact CPS.
3. Maintain confidentiality of the investigation as much as possible. Emphasize confidentiality of both the potential or alleged victim and any accused.
  4. On the same day the case is first reported verbally to the CPS, the report will be documented on an Incident Report Form. See Appendix F. Additionally, within 36 hours of receiving the information concerning an incident, a paid staff minister will complete and submit to the local police department a “Suspected Child Abuse Report” form found at [www.ag.ca.gov./childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov./childabuse/pdf/ss_8572.pdf) that is required of all Mandated Child Abuse Reporters pursuant to Penal Code section 11166.
  5. Cooperate fully with law enforcement officials.
  6. Discretely suspend any accused worker from the performance of duties involving minors until the investigation has been completed.
  7. Inform the victim and the victim's family of the steps that are being taken, and continue to keep them advised of the status of the investigations, while taking into account the accused's interest in confidentiality. If child abuse is confirmed, ask the victim and the victim's family what action they would like to take in the matter, and fully cooperate to address their request within the bounds of a legal and prudent response (WCCC legal counsel should be sought to assist in this determination).
  8. In instances where child abuse is confirmed, WCCC will immediately dismiss the worker from that position unless he or she elects to resign. Potential member termination should be considered if appropriate in the circumstances.
  9. In instances where the evidence is inconclusive, WCCC will take action depending on the strength of the evidence available and after consideration of the potential victim's family's request.
  10. WCCC leadership will keep the congregation informed of the investigation with respect to matters which are not confidential, so that if possible the congregation will hear about the investigation from within WCCC rather than from the news media or other outside sources.

- G. WCCC's elders/shepherds, staff ministers, and Trustees will promptly take steps to plan for a response to the media and attempt to speak to the media only through one contact person so that WCCC can emphasize through the media to the public WCCC's position on child abuse, its concern for the victim, and the extensive steps WCCC is taking to address the present occurrence and to reduce the risk and provide a safe environment for other children.
- H. Every allegation of sexual offense or molestation should be investigated promptly and thoroughly by officials and reported by one of the elders or employees of WCCC to WCCC's insurance company immediately. If such allegation is accurate, the role of the worker with any minors should be terminated. Although this might appear to be harsh, there is compelling evidence that it is unlikely the problem will ever be handled by relying on promises of the employee or volunteer to reform. WCCC believes it is best to err on the side of caution in such instances due to the paramount importance of maintaining a safe and secure environment for minors. Moreover, failure to take remedial action would make a claim more difficult to defend.

### **XIII. INSURANCE**

WCCC shall maintain a prudent level of liability insurance coverage reasonably believed to be sufficient to cover the reasonable costs of the legal defense of child abuse and sexual misconduct claims. If available, WCCC should maintain the levels of coverage which are required for limited immunity.

### **XIV. CONCLUSION**

WCCC needs to continue to be prepared! This is the legal reason for creating and maintaining this safety Policy, but there's a deeper, more significant reason – to protect the children, their families, and our workers. The Policy is only a printed expression of the value placed on children. If the only reason for the Policy were to protect the organization, WCCC will have missed God's love for children.

Some people may think that WCCC is too small or that our congregation "knows" everyone too well to need to worry about these safety problems. Nonetheless, our congregation is a fluid and changing body, and it is much easier to make plans and develop safety policies as a means of prevention, rather than wait until they are needed as a reaction to an actual or alleged abuse case.

Some churches may merely apply the biblical concept of trusting God to the issue of children's safety, and perhaps believe that nothing bad can happen to Christians. Nevertheless, we must not be unwise regarding children's safety. There is no automatic protection from evil for the faithful, so we must watch and be ready. Accidents will happen, and there will be unforeseen circumstances that need to be handled. But WCCC is seeking to build into its organization sturdy safety-policy fire blocks into the walls of its ministry to protect children.

WCCC desires to be a church that cares through the implementation of this Policy. Continuing to implement these provisions will enable WCCC to provide a more safe and secure environment for each individual in our church family and our guests.

**APPENDIX A**

**WORKER ENLISTMENT CHECKLIST**

**FOR PAID AND VOLUNTEER CHILD/YOUTH CARE WORKERS**

TASK TO COMPLETE

COMPLETED BY – INITIALS

- WCCC Church Membership Status \_\_\_\_\_
- In-Person Interview \_\_\_\_\_
- Provide Copy of Policy & Procedure Manual \_\_\_\_\_
- Adult Worker (Volunteer) Screening Form \_\_\_\_\_
- Teen Worker (Volunteer) Screening Form \_\_\_\_\_
- References List Received \_\_\_\_\_
- References Checked \_\_\_\_\_
- Criminal Records Check Information & Authorization Form \_\_\_\_\_
- Code of Ethics and Rules – Worker/Sponsor/Volunteer/Employee \_\_\_\_\_
- Fingerprints (Live Scan Form given to Applicant) \_\_\_\_\_
- Criminal Background Check Performed \_\_\_\_\_
- Criminal Background Check Reviewed by Approved Staff \_\_\_\_\_
- Review Criminal Background Check Transcripts with Applicant \_\_\_\_\_
- Photograph \_\_\_\_\_
- Worker Training \_\_\_\_\_
  - Definition of Child Abuse \_\_\_\_\_
  - Procedure on Reporting Abuse \_\_\_\_\_
  - Written Material(s) \_\_\_\_\_
- Driver Information Form (as needed) \_\_\_\_\_
- Paid Employee Screening Form \_\_\_\_\_

**APPENDIX B**

**ADULT VOLUNTEER**

**SCREENING FORM**

*It is the goal of the Walnut Creek Church of Christ ("WCCC") to create a safe and secure environment for all children and workers who are involved in church activities. To facilitate this goal, it is necessary to gather pertinent information from those who offer volunteer services involving our children and youth programs. This information will be used for the sole purpose of helping WCCC provide a safe and secure environment for children and workers.*

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Have you ever used name(s) other than the one above? If yes, please list: \_\_\_\_\_

Current address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: Home: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_  
Email address: \_\_\_\_\_

Length of residence at current address: \_\_\_\_\_  
Previous address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*Please respond to all questions applicable to the position for which you are volunteering:*

Position volunteering for: \_\_\_\_\_

Do you have a valid driver's license? \_\_\_\_\_ License number: \_\_\_\_\_  
State issued: \_\_\_\_\_

Do you have a commercial driver's license? \_\_\_\_\_ License number: \_\_\_\_\_  
State issued: \_\_\_\_\_

Current employer: \_\_\_\_\_ Length of employment: \_\_\_\_\_  
Employer's Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Name of supervisor: \_\_\_\_\_ Phone number: (\_\_\_\_) \_\_\_\_\_

<i>Previous employers (within last five years)</i>	<i>Dates employed</i>
_____	_____
_____	_____

Is there any reason you should not work with or around children or youth? \_\_\_\_\_  
*If yes, please provide details:* \_\_\_\_\_  
\_\_\_\_\_

Have you ever been the subject of a child abuse investigation? \_\_\_\_\_  
*If yes, please provide details:* \_\_\_\_\_  
\_\_\_\_\_

Do you have any criminal convictions other than minor traffic offenses or any legal charges pending against you? \_\_\_\_\_  
*If yes, please provide details:* \_\_\_\_\_  
\_\_\_\_\_

List other churches with which you have been affiliated in the past seven years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you ever worked with youth or children before? \_\_\_\_ List where: \_\_\_\_\_  
\_\_\_\_\_

Please explain how you are prepared for the desired position: \_\_\_\_\_  
\_\_\_\_\_

**Please list a minimum of two references:** References must be age 18 or over, knowledgeable about your character & integrity (not some passing acquaintance) and must be independent (not an immediate family member or close relative). Please notify your references to expect contact from a WCCC representative and to respond promptly so your application can be approved.

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ How long have you known this person? \_\_\_\_\_  
City: \_\_\_\_\_ St: \_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ How long have you known this person? \_\_\_\_\_  
City: \_\_\_\_\_ St: \_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ How long have you known this person? \_\_\_\_\_  
City: \_\_\_\_\_ St: \_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

The above-listed information is true, correct, and without material omissions to the best of my knowledge after reasonable inquiry. I authorize any references to give you any information, including opinions, which they may have regarding my character and fitness for work with minors or the mentally handicapped. Each reference may be asked to submit the name of one additional person to be used as a reference. In consideration of the receipt and evaluation of this screening form by WCCC, 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 or my references.

I have carefully read the foregoing release and know the contents thereof, and I sign this release as my own free act. This is a legally binding agreement which I have read and understand.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Witness Name: \_\_\_\_\_

Witnesses' Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **APPENDIX D**

### **CODE OF ETHICS**

While acting in the capacity as a Worker, Screened Adult Worker, or Screened Teen Worker given the responsibility of working with, supervising, chaperoning, or caring for minors on behalf of the Walnut Creek Church of Christ (“WCCC”), the following rules shall apply.

1. Smoking or using tobacco products in the presence of minors is prohibited.
2. Using, possessing, or being under the influence of alcohol, or illegal or illicit drugs, in the presence of minors is prohibited.
3. Workers responsible for minors shall not abuse such minors, including:
  - a. Any direct observations or evidence of sexual activity in the presence of or in association with a minor;
  - b. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a minor;
  - c. Sexual advances or sexual activity of any kind between any person and a minor;
  - d. Sexual advances or sexual activity of any kind to a minor;
  - e. Infliction of physically abusive behavior or bodily injury to a minor;
  - f. Physical neglect of a minor, including failure to provide adequate supervision in relation to the activities of WCCC;
  - g. Mental or emotional injury to a minor;
  - h. The presence or possession of obscene or pornographic materials on WCCC property or at any function of WCCC;
  - i. The presence, possession, or being under the influence of any illegal and/or illicit drugs; and
  - j. The consumption of or being under the influence of alcohol while leading or participating in a function for minors of WCCC.
4. Access to all records regarding employees and volunteers of WCCC are limited to the WCCC Administrator.
5. Workers must periodically update their Screening Forms.
6. Workers must treat all people of all races, religions, and cultures with respect and consideration.

7. Workers shall not use or tolerate the use of profanity in the presence of minors.
8. Workers must be free of physical and psychological conditions that might adversely affect any minor's health, including, but not limited to, contagious disease.
9. Workers will portray a positive role model for minors by maintaining an attitude of respect, loyalty, patience, courtesy, and maturity.
10. Workers will be expected to act and react with Christian love and understanding in all situations.
11. Workers will do everything in their power to avoid being put in a situation where they are alone with a minor other than their own child.

I understand that as a worker for WCCC responsible for minors I will be subject to a background check, including criminal history.

I understand that any violation of this Code of Ethics may be grounds for removal as a worker working with minors.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**APPENDIX E**

**TEEN VOLUNTEER**

**SCREENING FORM**

*It is the goal of the Walnut Creek Church of Christ ("WCCC") to create a safe and secure environment for all children and workers who are involved in church activities. To facilitate this goal, it is necessary to gather pertinent information from those who offer volunteer services involving our children and youth programs. This information will be used for the sole purpose of helping WCCC provide a safe and secure environment for children and workers.*

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Current address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_ Zip: \_\_\_\_\_

Phone #: Home: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

Email address: \_\_\_\_\_

Current School Name: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_ Grade: \_\_\_\_\_

Length of residence at current address: \_\_\_\_\_

Previous address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_ Zip: \_\_\_\_\_

Previous School Name: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_ Grade: \_\_\_\_\_

Position volunteering for: \_\_\_\_\_

Do you have a valid driver's license? \_\_\_\_\_ License number: \_\_\_\_\_

State issued: \_\_\_\_\_

***Please list a minimum of two references:*** References must be age 18 or over, knowledgeable about your character & integrity (not a passing acquaintance) and must be independent (not an immediate family member or close relative). Please notify your references to expect contact from a WCCC representative and to respond promptly so your application can be approved.

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ How long have you known this person? \_\_\_\_\_

City: \_\_\_\_\_ St: \_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ How long have you known this person? \_\_\_\_\_

City: \_\_\_\_\_ St: \_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ How long have you known this person? \_\_\_\_\_

City: \_\_\_\_\_ St: \_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

The above-listed information is true, correct, and without material omissions to the best of my knowledge after reasonable inquiry. I authorize any references to give you any information,

including opinions, which they may have regarding my character and fitness for work with minors or the mentally handicapped. Each reference may be asked to submit the name of one additional person to be used as a reference. In consideration of the receipt and evaluation of this screening form by WCCC, 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 or my references.

I have carefully read the foregoing release and know the contents thereof, and I sign this release as my own free act. This is a legally binding agreement which I have read and understand.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Witness Name: \_\_\_\_\_

Witness' Signature: \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX F**

**INCIDENT REPORT FORM**

Reason for report \_\_\_\_\_

Date of incident \_\_\_\_\_ Class \_\_\_\_\_

Name(s) and Age(s) of Minor(s) \_\_\_\_\_

Quote the child's first words verbatim: \_\_\_\_\_

Briefly describe what happened: \_\_\_\_\_

What action did you take? \_\_\_\_\_

Has the incident been resolved? \_\_\_\_yes \_\_\_\_no Explain: \_\_\_\_\_

Were there any witnesses? \_\_\_\_yes \_\_\_\_no Names: \_\_\_\_\_

Signatures of witnesses (if possible): \_\_\_\_\_

Report submitted to: \_\_\_\_\_

Signature of reporting person: \_\_\_\_\_

Note: Mandated Reporters should use the "Suspected of Child Abuse Report" form found at [www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf) for the official report to the police department.

## APPENDIX G

### REDUCING THE RISK PROCEDURAL CHECKLIST

(TO BE COMPLETED BY CLERGY/PROFESSIONAL  
STAFF PERSONS)

In the case of an allegation of child/youth sexual abuse, the volunteer or clergy staff person who observes or to whom the information is given is required by WCCC and by state law to complete the tasks listed below. Date and initial as each step is completed.

Date: _____	Initial: _____	1.a <u>For clergy and paid professional staff</u> : remove the accused from the situation and suspend the accused from duties involving children/youth.
Date: _____	Initial: _____	1.b <u>For volunteers workers</u> : Remove the accused from the situation and immediately notify the closest available clergy/professional staff person or elder who will suspend the accused.
Date: _____	Initial: _____	2. Make written documentation of everything done and said. If the person reporting the allegation is a volunteer, both the volunteer and the clergy/professional staff to whom the volunteer has reported will document the procedures taken.

The procedures after this point will be administered by ministerial staff persons only.

Date: _____	Initial: _____	3. Immediately notify the parents/guardians of the alleged victim and respond to their questions and concerns.
Date: _____	Initial: _____	4. Immediately notify state authorities as described in the Policy. Failure to report any suspected, alleged, or witnessed abuse is a crime.
Date: _____	Initial: _____	5. Immediately notify a minister in charge who was not involved in the alleged incident.
Date: _____	Initial: _____	6. Make written documentation of persons contacted and action taken to this point.
Date: _____	Initial: _____	7. Immediately notify an elder to begin the internal and pastoral care process.
Date: _____	Initial: _____	a. consider whether it is prudent to notify WCCC's liability insurance carrier of the incident immediately, and comply with its investigation, if any;
Date: _____	Initial: _____	b. cooperate with legal and state authorities in their investigations, if any;

Date: _____	Initial: _____	c. prepare a written statement and designate a spokesperson to respond to media inquiries;
Date: _____	Initial: _____	d. provide assistance to the alleged victim and his/her family in obtaining counseling or referral to a mental health professional, if needed;
Date: _____	Initial: _____	e. respond to the needs of the families of the alleged victim and the accused to seek a redemptive solution for all involved;
Date: _____	Initial: _____	f. inform the affected volunteer(s) and paid staff members of the need for confidentiality; and
Date: _____	Initial: _____	g. consider and respond to the concerns of other parents.
Date: _____	Initial: _____	8. The director of the affected ministry will respond to the pastoral care concerns of persons working within the ministry.
Date: _____	Initial: _____	9. Within 36 hours of receiving the information concerning the incident, the clergy/professional staff person who made the original verbal report will prepare a written report and send one copy to the police department or appropriate state agency and will give one copy to the elders.
Date: _____	Initial: _____	10. Make written documentation of persons contacted and action taken.

## **APPENDIX H**

### **OTHER TYPES OF HARM**

Most of us think that liability arise only out of tangible harm, such as bodily injury or property damage. Unfortunately, increasing numbers of lawsuits involve situations where physical injury is not involved. These exposures may arise out of:

1. Libel and Slander – untrue statements about members of the congregation or other faiths. Emotional distress may be caused because of statements made or actions taken, even if they are well founded in truth.
2. Public demonstrations against individuals, groups, or organizations if improperly conducted.
3. Discharge of students or expulsion of members of congregations.
4. Invasion of Privacy – investigations into the private lives of church members may cause liability, as may acts such as searching lockers, desks, or personal property of employees or students.
5. Publications – accuracy of facts should be carefully determined. Accusations should not be published. Groups or classes of individuals should not be charged with guilt by association.
6. Counseling by insufficiently trained or unskilled counselors.

### **IMPROPER OR INADEQUATE SUPERVISION**

You can't over-supervise. Most states or local governments have specific requirements on the minimum ratio of supervisors to participants. Probably more litigation results from "failure to properly supervise" than any other cause. If negligence cannot be found for any other reasons, attempts are made to find inadequate supervision.

Instances where improper or inadequate supervision will likely be alleged are:

1. Accidents on the playground
2. In Sunday School
3. Church outings
4. Sporting events
5. Field trips
6. Swimming
7. In the classroom

Proper location of supervisors on playgrounds or at swimming pools is as important as the number of supervisors. Governmental authorities should be contacted prior to events on public property to determine any safety requirements and to place authorities on notice of the type of activity planned. Parents should be informed in writing of the exact nature of the planned event,

describing the supervision to be given by the church or school. Parental consent of any special event should be obtained in writing.

Qualifications required for supervisory personnel should be determined for each event. You need people of mature judgment who are experienced supervising groups of children or young people. The supervisor should not have a history of problems with assigned groups.

A thorough check should be made on an individual's background, especially where supervisors are employees of the church or school. All states have standards for hiring employees in charge of children. Church officials should be informed of state and local requirements. This would include "certification of teachers".

## **HAZARDOUS ACTIVITIES**

We enjoy activities that foster good fellowship. However, in some activities the dangers outweigh the enjoyment. These are classified as hazardous and extra hazardous. Hazardous activities should be stringently supervised with strict limitations. WCCC should strongly consider not sponsoring extra hazardous activities. Some examples of these types of activities are as follows:

### **Hazardous**

Water slides  
Water-skiing  
Snow skiing  
Rafting  
Unsupervised swimming  
Canoeing  
Paddle boating  
Horseback riding  
Rope jumping  
Basketball  
Volleyball  
Softball  
Sack races  
Touch football  
Roller skating  
Ice skating

### **Extra Hazardous**

Hayrides  
Mud Olympics  
Dune buggies  
Snow tubing  
Obstacle courses  
Haunted houses  
Tackle football  
Snowmobiles  
Rodeos  
Rope swings  
Monkey bar equipment  
Fireworks displays & stands  
Motorbikes  
Rock climbing  
Trampolines

## APPENDIX I

### POSSIBLE INDICATORS OF ABUSE

#### **NEGLECT**

##### *Behavioral Indicators*

1. Is truant or tardy often or arrives early and stays late.
2. Begs or steals food.
3. Attempts suicide.
4. Uses or abuses alcohol and/or other drugs.
5. Is extremely dependent or detached.
6. Engages in delinquent behavior, such as prostitution or stealing.
7. Appears to be exhausted.
8. States frequent or continual absence of parent or guardian.

##### *Physical Indicators*

9. Frequently is dirty, unwashed, hungry, or inappropriately dressed.
10. Engages in dangerous activities (possibly because he/she generally is unsupervised).
11. Is tired and listless.
12. Has unattended physical problems.
13. May appear to be overworked and/or exploited.

#### **SEXUAL ABUSE**

##### *Behavioral Indicators*

1. Is reluctant to change clothes in front of others.
2. Is withdrawn.
3. Exhibits unusual sexual behavior and/or knowledge beyond developmental age.
4. Has poor peer relationships.
5. Either avoids or seeks out adults.
6. Is pseudo-mature.
7. Is manipulative.
8. Is self-conscious.
9. Has problems with authority and rules.
10. Exhibits eating disorders.
11. Is self-mutilating.
12. Is obsessively clean.
13. Uses or abuses alcohol and/or other drugs.
14. Exhibits delinquent behavior such as running away from home.
15. Exhibits extreme compliance or defiance.
16. Is fearful or anxious.
17. Exhibits suicidal gestures and/or attempts suicide.
18. Is promiscuous.
19. Engages in fantasy or infantile behavior.
20. Is unwilling to participate in sports activities.
21. Has school difficulties.

*Physical Indicators*

22. Has pain and/or itching in the genital area.
23. Has bruises or bleeding in the genital area.
24. Has venereal disease.
25. Has swollen private parts.
26. Has difficulty walking or sitting.
27. Has torn, bloody, and/or stained underclothing.
28. Experiences pain when urinating.
29. Is pregnant.
30. Has vaginal or penile discharge.
31. Wets the bed.

**EMOTIONAL ABUSE**

*Behavioral Indicators*

1. Is overly eager to please.
2. Seeks out adult contact.
3. Views abuse as being warranted.
4. Exhibits changes in behavior.
5. Is excessively anxious.
6. Is depressed.
7. Is unwilling to discuss problems.
8. Exhibits aggressive or bizarre behavior.
9. Is withdrawn.
10. Is apathetic.
11. Is passive.
12. Has unprovoked fits of yelling or screaming.
13. Exhibits inconsistent behaviors.
14. Feels responsible for the abuser.
15. Runs away from home.
16. Attempts suicide.
17. Has low self-esteem.
18. Exhibits a gradual impairment of health and/or personality.
19. Has difficulty sustaining relationships.
20. Has unrealistic goal setting.
21. Is impatient.
22. Is unable to communicate or express his/her feelings, needs, or desires.
23. Sabotages his/her chances of success.
24. Lacks self-confidence.
25. Is self-deprecating and has a negative self-image.

*Physical Indicator*

26. Has a sleep disorder (nightmares or restlessness).
27. Wets the bed.
28. Exhibits developmental lags (stunting of physical, emotional, and/or mental growth).
29. Is hyperactive.
30. Exhibits eating disorders.

## **PHYSICAL ABUSE**

### *Behavioral Indicators*

1. Is wary of adults.
2. Is either extremely aggressive or withdrawn.
3. Is dependent and indiscriminate in his/her attachments.
4. Is uncomfortable when other children cry.
5. Generally controls his/her own crying.
6. Exhibits a drastic behavior change when not with parents or caregiver.
7. Is manipulative.
8. Has poor self-concept.
9. Exhibits delinquent behavior, such as running away from home.
10. Uses or abuses alcohol and/or other drugs.
11. Is self-mutilating.
12. Is frightened of parents or going home.
13. Is overprotective of or responsible for parents.
14. Exhibits suicidal gestures and/or attempts suicide.
15. Has behavioral problems at school.

### *Physical Indicators*

16. Has unexplained\* bruises or welts, often clustered or in a pattern.
17. Has unexplained\* and/or unusual burns (cigarettes, doughnut-shaped, immersion-lines, object-patterned).
18. Has unexplained\* bite marks.
19. Has unexplained\* fractures or dislocations.
20. Has unexplained\* abrasions or lacerations.
21. Wets the bed.  
(\* Or explanation is inconsistent or improbable).

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## APPENDIX J

### GENERAL PROFILE OF A CHILD ABUSER

#### **SEXUAL ABUSE**

##### Men 18 and up

- Low self-esteem
- Need for power and control
- Poor family relationships, though the relationships often look okay from the outside
- Difficulty in interpersonal relationships ... relates to others immaturely both socially and emotionally ... may not be involved with peers or engage in adult group recreational activities
- Difficulty with impulse control
- History of past physical/sexual victimization ... 80-95% of child molesters were themselves molested as children
- Primary interests are in children
- May be involved in youth activities such as group leaders or coaches
- May be single or married ... if married, they are often experiencing marital difficulties ... they have difficulty in developing satisfying, supportive, intimate relationships with adults
- May have a specific age of children they prefer to work with
- May be of any sexual orientation or preference
- May have been insecure in childhood with frequent moves, early physical illnesses and marital difficulties between parents
- Many are less of a team player
- Difficult time asking for help with his problems
- Don't admit to stress or recognize a need to have a plan to deal with it
- Use children to fulfill their needs or validate their sense of competence and well-being
- Highly skilled at gaining the trust and confidence of children
- Sensitive to children's needs and have a way of putting children at ease
- Move frequently and unexpectedly
- Seeks opportunities to be alone with children
- Has an idealistic perspective of children ... may refer to them as objects
- Often good at convincing others about their competence and caring

##### Adolescent

- Lack of contact with peers
- Few or no extracurricular activities
- Generally feels powerless and inadequate
- May feel more comfortable with children younger than themselves
- Males, in particular, may be frequently chosen to baby-sit because they make themselves available and relate well to young children
- May come from a family where there has been physical or sexual abuse
- May seem socially immature for their age
- May lack a close relationship with a father figure

## Women

- May have married young
- Reared in a very strict home
- Her family was/is very religious
- Her husband is gone frequently and is not very supportive
- Is sexually naïve and immature
- Is very dependent of the father figure
- Frequently the victim of physical abuse
- Has low self-esteem
- The husband exaggerates his masculinity in dress, work, and with peers and usually has drug or alcohol problems that affect his sexual performance
- Is lonely
- Does not have much tenderness in her life

## **PHYSICAL ABUSE**

- Negative attitude about life and people
- Labeled as having a "hot" temper
- Blames others: "he made me," "it was her fault"
- History of child abuse as a child
- Uses harsh, age inappropriate discipline
- Offers illogical or unconvincing excuses for what occurred
- Exhibits out of control behavior

## **EMOTIONAL ABUSE**

- Blames and belittles children
- Cold and rejecting
- Withholds love

**CAUTION:** A profile list such as this can be misleading because many of the characteristics here can also describe men/women who do not molest. Having more than one or even all of these items does not necessarily increase the odds of that person being a molester. Although this profile has some value in pointing out particular needs of people and risks associated with them, great caution should be used when assigning this profile to any one individual. Few molesters ever report the characteristics listed here. Neither are interviewers trained to properly elicit this information. Individuals with abusive personalities are often more subtle and skillfully manipulative in their approach to their employers, as well as their approach to children. This makes it essential for those responsible for hiring or enlisting volunteers to gain information from collateral resources such as past employers, friends, families, and criminal background checks.

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## APPENDIX K

### CALIFORNIA PENAL CODE SECTIONS 11164-11165.9, 11166

11164. (a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act.

(b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

11165. As used in this article "child" means a person under the age of 18 years.

11165.1. As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

(a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

(b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:

(1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.

(4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.

(5) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(c) "Sexual exploitation" refers to any of the following:

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial

depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

11165.2. As used in this article, "neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

(a) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

(b) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

11165.3. As used in this article, "willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

11165.4. As used in this article, "unlawful corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, as authorized by Section 49001 of the Education Code. It also does not include the exercise of the degree of physical control authorized by Section 44807 of the Education Code. It also does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

11165.5. As used in this article, the term "abuse or neglect in out-of-home care" includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or the willful cruelty or unjustifiable punishment of a child, as defined in Section 11165.3, where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. "Abuse or neglect in out-of-home care" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

11165.6. As used in this article, the term "child abuse or neglect" includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, willful cruelty or unjustifiable punishment as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. "Child abuse or neglect" does not include a mutual affray between minors. "Child abuse or neglect" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by any public or private school.
- (4) A classified employee of any public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- (9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A headstart teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.

(18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner, or any other person who performs autopsies.

(29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (c) of Section 11166.

(34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.

(36) A custodial officer as defined in Section 831.5.

(b) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.

(c) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.

11165.9. Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Any of those agencies shall accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person, or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency takes a report about a case of suspected child abuse or neglect in which that agency lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

11166. (a) Except as provided in subdivision (c), a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six (6) months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that fine and punishment.

(c) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(d) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practically possible, by telephone, and shall prepare and send a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation for the purpose of sexual stimulation of the viewer.

(4) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(e) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.

(f) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(g) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(h) A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(i) A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

**APPENDIX L**

**ADULT PAID EMPLOYEE**

**SCREENING FORM**

*It is the goal of the Walnut Creek Church of Christ ("WCCC") to create a safe and secure environment for all children and workers who are involved in church activities. To facilitate this goal, it is necessary to gather pertinent information from those who desire employment involving our children and youth programs. This information will be used for the sole purpose of helping WCCC provide a safe and secure environment for children and workers.*

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Have you ever used name(s) other than the one above? If yes, please list: \_\_\_\_\_

Current address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email address: \_\_\_\_\_

Length of residence at current address: \_\_\_\_\_  
Previous address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: Home: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

*Please respond to all questions:*

Position applying for: \_\_\_\_\_

Do you have a valid driver's license? \_\_\_\_\_ License number: \_\_\_\_\_  
State issued: \_\_\_\_\_

Do you have a commercial driver's license? \_\_\_\_\_ License number: \_\_\_\_\_  
State issued: \_\_\_\_\_

Current employer: \_\_\_\_\_ Length of employment: \_\_\_\_\_

Name of supervisor: \_\_\_\_\_

<i>Previous employers (within last five years)</i>	<i>Dates employed</i>
_____	_____
_____	_____
_____	_____

Is there any reason you should not work with or around children or youth? \_\_\_\_\_  
*If yes, please provide details:* \_\_\_\_\_

Have you ever been the subject of a child abuse investigation? \_\_\_\_\_  
*If yes, please provide details:* \_\_\_\_\_

Have you ever been convicted of a felony or charged with sexual or physical abuse? \_\_\_\_\_

*If yes, please provide details on an attachment.*

*Please list your educational background:*

Name	Graduate Year	Degree or course of study
High school _____	_____	_____
College _____	_____	_____
Other (Please specify) _____	_____	_____

*Please provide the following church-related information:*

What, if any, church affiliation do you have? \_\_\_\_\_

How long have you attended that church? \_\_\_\_\_ Are you a member? \_\_\_\_\_

List other churches with which you have been affiliated: \_\_\_\_\_

Have you ever worked with youth or children before? \_\_\_\_ List where: \_\_\_\_\_

Please explain how you are prepared for the desired position: \_\_\_\_\_

*Please list three references:*

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ How long have you known this person?: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ How long have you known this person?: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ How long have you known this person?: \_\_\_\_\_

I certify that the above-listed information is true, correct, and without material omissions to the best of my knowledge after reasonable inquiry.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

BACKGROUND INVESTIGATION CONSENT

I, \_\_\_\_\_, hereby authorize WCCC and/or its agents to make an independent investigation of my background, references, character, past employment, education, credit history, and criminal or police records, including those maintained by both public and private organizations and all public records for the purpose of confirming information provided above and determining any additional information which may be material to my qualifications for employment now, and if applicable, during the tenure of my employment with WCCC. Such criminal history record, as received from reporting agencies, may include arrest and conviction data as well as plea bargains and deferred adjudications. I understand that this information will be used, in part, to determine my eligibility for employment with WCCC. I also understand that as long as I remain an employee at WCCC, the criminal history records check may be repeated at any time. I understand that I will have the opportunity to review the criminal history and a procedure is available for clarification if I dispute the record as received by WCCC. I also understand that, by law, I may see a copy of the transcript for its review, but may not receive a copy of the document in any fashion or form.

I release WCCC and/or its agents and any person or entity, which provides information pursuant to this authorization, from any and all liabilities, claims, or law suits in regards to the information obtained from any and all of the above referenced sources used or otherwise resulting from the investigation of my background in connection with my application to become an employee of WCCC.

The following is my true and complete legal name, and all information is true and correct to the best of my knowledge:

\_\_\_\_\_  
Full name (printed)

\_\_\_\_\_  
Maiden name or other names used

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date