

THE CHURCH OF CHRIST IN WALNUT CREEK, CALIFORNIA

Child Protection Program

Policies & Procedures

May 2024

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I. PURPOSE

Our purpose as a church (The Church of Christ in Walnut Creek, California (“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, identify, and/or appropriately address 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” is defined as any individual at least eighteen (18) years of age.
2. “Child Abuse” is 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. The WCCC Criminal Background Check includes a mandatory records check and fingerprinting through the California Department of Justice, in addition to the wider background checks currently used.
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 and Criminal Offender Record Information 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 (18)).
6. “Screened Adult Worker” is defined as a paid or volunteer Adult Worker that has completed a Criminal Background Check through WCCC, completed and signed all Child Protection screening forms required by this Policy, been photographed, and been cleared/approved by the WCCC Custodian of Records.

7. “Screened Teen Worker” is 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 after he/she has completed and signed all Child Protection screening forms required by this Policy, been photographed, and been cleared/approved by the WCCC Custodian of Records.
8. “Screened Workers” includes all Screened Adult Workers and Screened Teen Workers.
9. “Worker” is 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 at least four (4) 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 never 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 (*e.g.*, physical) and non- touching (*e.g.*, verbal or visual) aspects.

V. WORKER ENLISTMENT

All prospective Screened Workers desiring to work with minors will be required to complete and 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 an initial and periodic follow- up WCCC Child Protection training workshops and/or recorded presentations.

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.

Additional Criminal Background Checks may be performed on Adult Screened Workers annually, randomly, or as deemed necessary. Only the then-current WCCC Custodian of Records will have access to any Criminal Background Check report. Recommendations will be given by the Custodians of Records to the elders/shepherds, senior pastor, and/or appropriate ministry leaders as to the qualification of prospective adult workers. In addition, the results of the Criminal Background Check will be provided to the pastors and/or elders if the Custodian of Records, in his or her sole discretion, has concerns about any of the results. The Custodian of Records will give notice of a clear Criminal Background Check to the appropriate ministry leader.

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 Screened 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, and to discuss whether any church resources might be able to assist such prospective adult worker in furthering the healing process in this area.

Screened Adult Workers must have been in regular attendance at WCCC for a minimum of six (6) months. The only exceptions to this regular attendance requirement are Workers volunteering to serve on the Tuba City mission trip and at Opportunity Camp.

At the applicant's request, WCCC will 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 will 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, one of WCCC's Directors shall immediately notify WCCC's liability insurance carrier and the agency that performed the Criminal Background Check. In no event will WCCC be liable or responsible for errors in a Criminal Background Check report, or for acting in good faith on the contents of such report.

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. To become a Screened Worker, new 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 Screened Workers gain an appreciation for WCCC's concern and emphasis on protecting minors. This is intended to help Screened Workers identify child abuse if they see signs of

it, and to avoid potentially dangerous, compromising, or otherwise inappropriate situations. The training provided by WCCC will cover signs of child abuse and neglect appropriate for non-professionals, the California child welfare system, forms of maltreatment, and related materials.

VII. SCREENED WORKER INFORMATION FORM

Prospective Screened Workers, including 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 prospective worker. While this process necessarily intrudes into the privacy of our lives, WCCC believes that the security of our minors and Workers 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 consistent with the terms of this Policy.

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

- 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 or non-accidental 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.

Conviction of other crimes not listed above may, in WCCC's sole discretion, similarly disqualify a prospective worker from participating in the leadership, sponsorship, or supervising of any activities or programs with minors. All charges for these crimes or charges or convictions for any other crimes not listed above will be reviewed by the Custodian of Records in consultation with the senior pastor, or the elders if the charges or convictions relate to the senior pastor. Only qualified persons as stated above, which shall include consultants, if any, retained by the Custodian of Record, 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 sponsored or sanctioned by WCCC, and are to be immediately reported to the designated 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 sanctioned or sponsored by WCCC.
- H. The presence, possession, or being under the influence of any illegal or illicit drugs, or any recreational drugs even if legal, on WCCC property or at any function sanctioned or sponsored by WCCC.
- I. The consumption of or being under the influence of illegal or illicit drugs, alcohol, or any recreational drugs even if legal while leading or participating in a function sanctioned or sponsored by, or involving minors at, WCCC.

IX. WORKER SUPERVISION

A. General

1. WCCC has adopted the “Two Screened Adult Worker 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 Screened Adult Workers to be maintained in each situation involving the supervision of children.
2. Church staff and volunteers will supervise on an ongoing basis and make unannounced visits into classes or other program sites from time to time.
3. In pastoral counseling sessions with minors, team counseling is preferable whenever possible. Such counseling should be done in a public place where private conversations are possible but occur in full view of others. Parental permission shall be obtained prior to planned pastoral counseling sessions with a minor, and the Two Screened Adult Worker Rule shall be used whenever reasonably possible under the circumstances. Parental permission may be granted by parents to cover a particular time period (*e.g.*, a school year) for their child to receive pastoral counseling from a Screened Adult Worker. If done one-on-one, another Adult must be notified of the location. If reasonably possible, women should provide pastoral counsel to girls and men should provide pastoral counsel to boys.
4. All WCCC classrooms used by children/youth ministries must have unobstructed windows such that activities can be monitored from outside the classroom, or door must be left open when occupied by children.
5. A Worker should not transport a minor alone. If an exception must be made, the Worker must make every effort to call a parent or legal guardian of the minor before the transport and give them specific information such as the departure and arrival time.
6. Physical contact with minors should be only in the presence of other Adults and appropriate to the child’s age. Inappropriate touching includes long hugs, back/shoulder rubs, having youth sit on an Adult’s lap, any type of kissing, and unwelcome casual touch. A minor’s preference to not be touched should be respected. A higher level of physical contact is appropriate for younger children. Sexual contact is never appropriate with any child or youth. Risqué jokes, innuendo, and unacceptable visual contact is considered sexual abuse and is not permitted.
7. WCCC reserves the right to terminate the activities of Workers (paid or volunteer) whose conduct 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.
9. It is our desire to provide a healthy and safe environment for all of the children at WCCC. Parents are encouraged to be considerate of other children when deciding whether to place a child under our care. In general, children with symptoms of communicable or infectious

disease should NOT be dropped off (*e.g.*, fever, persistent cough, runny nose, diarrhea, etc.). We request that children are symptom-free for 24 hours before attending our programs. Children who are observed by our workers to be ill will be separated from other children if practicable and the parent or guardian will be contacted as soon as reasonably possible under the circumstances to request that the child be picked up.

10. It is the policy of WCCC not to administer either prescription or non-prescription medications to the children under our care. Medications should be administered by a parent or legal guardian. Exceptions to the medication policy may be granted in writing by a parent or legal guardian of children with potentially life-threatening conditions (such as asthma or severe allergic reactions). The parent or legal guardian of such child(ren) should address their situation with the appropriate Ministry Leader to develop a plan of action for their child(ren).
11. In the event that a child or youth is injured while under WCCC supervision, the following steps should be followed:
 - a. For minor injuries, scrapes, and bruises, Workers may provide simple First Aid (*e.g.*, Band-Aids, etc.), and should notify the parent or legal guardian and the appropriate Ministry Leader as soon as possible.
 - b. For injuries requiring medical treatment beyond simple First Aid (*e.g.*, unconsciousness, uncontrollable bleeding, cessation of breathing or choking), Workers should immediately dial 911 for a medical emergency. When dialing 911 from a cell phone, (a) if the phone is locked, scroll up from the bottom of the screen and select the Emergency tab, and (b) always be prepared to provide an address or location. Afterward, the parent or legal guardian should be summoned as soon as reasonably possible, in addition to the appropriate Ministry Leader.
 - c. Once the child receives appropriate medical attention, a parental notification should be written, detailing the injury and corresponding care, and given to the child's parent/guardian at the time the child is picked up by such parent/guardian.

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. Diapers should be changed in designated areas and in the presence of another Adult.
4. At no time should unscreened Workers supervise children other than their own in the nursery.
5. Workers should enter a restroom stall only when absolutely necessary to assist a child. The bathroom and stall door should remain open while s/he assists the child. Workers should never be alone with a child in a bathroom with the door closed and never be in a closed

bathroom stall with a child. Parents are strongly encouraged to have their children visit the bathroom prior to each class.

6. For children five (5) years of age and younger, Workers should escort a group of children to the hallway bathroom. They should always go in a group, never taking a child to the bathroom alone. Workers should check the bathroom first to make sure that it is empty, and then allow the children inside. Workers should then remain outside the bathroom door and escort the children back to the classroom.
7. 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 Screened Adult Worker Rule applies while the child is being cleaned up.

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. For youth activities, a supervising team of men and women Adults is preferred, but in all instances must comply with the Two Screened Adult Worker Rule.
2. All Adult chaperones should be approved in advance by the proper church leaders and must always include an adequate number of Screened Adult Workers, which may require more than two depending on the activity and the number of minors.
3. Supervision should be maintained before and after an event until all youth are reasonably believed to be in the custody of their parent or legal guardian.
4. All WCCC-sponsored overnight activities must be approved in advance by the Youth Minister and either (a) the Senior Minister or (b) 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 except as otherwise in compliance with this Policy (*e.g.*, certain pastoral counseling situations).
6. On overnight activities, youth must be separated by gender during sleeping times with same sex Adult supervision. The Two Screened Adult Worker Rule must be strictly followed at all times, including during sleeping times to prevent one Adult from being segregated with one child. Every effort must also be made to avoid one Adult being segregated with more than one child on overnight activities. It is never appropriate for an Adult who is not a family member to share a bed with a child at any WCCC sponsored or sanctioned event.

X. OCCASIONAL VOLUNTEER WORKERS

- A. Those who only volunteer occasionally must still go through the entire screening process before serving as a Screened Worker. There are no exceptions.
- B. Teenagers at least thirteen (13) years old but under eighteen (18) years old wanting to serve as Screened 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. Minors under the age of thirteen (13) years old are not eligible to be Screened Workers.

XI. SUPERVISION OF VOLUNTEERS

- A. Parental or legal guardian 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 if it is the only door(s) to 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 in the WCCC office.
- XII.** All Workers shall be educated as to WCCC’s policies and procedures concerning these matters as set forth in this Policy.

XIII. 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. This includes, but is not limited to: a minor discusses harming himself or others, committing a crime, or being abused (including threatening suicide, sexual relations with an Adult, threats made to others, and physical or sexual abuse). 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 Directors 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 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 as discretely as is reasonably possible, 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 the following number: (877) 881-1116. It is the policy of WCCC that it also be reported immediately to one of WCCC's Directors, elders, or paid staff ministers who was not involved in the suspected case of child abuse.
 - b. After making the mandated report, the Director, elder, or minister receiving the initial report will be responsible for attempting to confirm the facts reported and the condition of the child, if at all practicable, on the same day on which the Director, elder, or 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 Director, elder, or minister will contact CPS if legally required or otherwise appropriate.
 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 actual or reasonably certain incident, a paid staff minister will complete and submit to the local police department a "Suspected Child Abuse Report" form found at https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/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's family (and the victim if appropriate) 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's family (and the victim if appropriate) 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 (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 and other relevant information.
 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 Directors 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 occurrence, 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 Directors of WCCC to WCCC's insurance company as promptly as reasonable under the circumstances. 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 Worker 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.

XIV. INSURANCE

WCCC shall maintain a 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.

XV. 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 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, or 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 the children, youth, and Workers in our ministries.

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 for our guests.

APPENDIX A

WORKER ENLISTMENT CHECKLIST

FOR PAID AND VOLUNTEER CHILD/YOUTH CARE WORKERS

TASK TO COMPLETE	COMPLETED BY – INITIALS
<input type="checkbox"/> In Regular Attendance at WCCC (Exempt: Opportunity Camp & Tuba City)	_____
<input type="checkbox"/> Brief In-Person Interview	_____
<input type="checkbox"/> Provide Copy of Policy and Procedures Manual	_____
<input type="checkbox"/> Adult Worker (Volunteer) Screening Form	_____
<input type="checkbox"/> Teen Worker (Volunteer) Screening Form	_____
<input type="checkbox"/> Reference List Received	_____
<input type="checkbox"/> References Checked	_____
<input type="checkbox"/> Criminal Records Check Information and Authorization Form	_____
<input type="checkbox"/> Code of Ethics and Rules – Worker/Sponsor/Volunteer/Employee	_____
<input type="checkbox"/> Fingerprints (Live Scan Form given to Applicant for fingerprinting)	_____
<input type="checkbox"/> Criminal Background Check Performed	_____
<input type="checkbox"/> Criminal Background Check Reviewed by Approved Staff	_____
<input type="checkbox"/> Review Criminal Background Check Transcripts with Applicant (if requested)	_____
<input type="checkbox"/> Photograph	_____
<input type="checkbox"/> Worker Training	_____
<input type="checkbox"/> Definition of Child Abuse	_____
<input type="checkbox"/> Procedure on Reporting Abuse	_____
<input type="checkbox"/> Written Material(s)	_____
<input type="checkbox"/> Driver Information Form (as needed)	_____
<input type="checkbox"/> Paid Employee Screening Form	_____

APPENDIX B

ADULT VOLUNTEER SCREENING FORM

It is the goal of the Church of Christ in Walnut Creek, California ("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: ()

Phone #: Home: () _____ Work: () _____
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:

Do you have a valid driver's license? _____
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: () _____

Previous employers (within last five years)

Dates employed

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 provide at least two references: Both references must be age 18 or over, knowledgeable about your character and 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: _____

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 C
CRIMINAL RECORDS CHECK AUTHORIZATION
FOR VOLUNTEER ADULT WORKERS

I hereby give my permission for the Church of Christ in Walnut Creek, California ("WCCC") to obtain information relating to my criminal history record. The criminal history record, as received from the 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 a volunteer position with WCCC. I also understand that as long as I remain a volunteer 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 review a copy of the transcript, but may not receive a copy of the document in any fashion or form.

I, the undersigned, do for myself, my heirs, executors, and administrators, hereby remise, release, and forever discharge and agree to indemnify WCCC and its officers, directors, employees, and agents harmless from and against any and all causes of action, suits, liabilities, costs, debts, and sums of money, claims, demands, whatsoever, and any and all related attorney's fees, court costs, and other expenses resulting from the investigation of my background in connection with my application to become a volunteer of WCCC.

Position(s) Volunteering For: _____

Print Full Name:

Last First Middle Maiden/Other

Sex: (please indicate) Male _____ Female _____

Date of Birth: _____ / _____ / _____ Year/Month/Day

Applicant's Signature: _____ Date: _____

Print Witness Name: _____

Witness's Signature: _____ Date _____

APPENDIX D

CODE OF ETHICS

While acting in the capacity as a Screened Adult Worker, or a Screened Teen Worker given the responsibility of working with, supervising, chaperoning, or caring for minors on behalf of the Church of Christ in Walnut Creek, California (“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, illegal or illicit drugs, or recreational drugs even if legal, 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 sanctioned or sponsored by WCCC;
 - i. The presence, possession, or being under the influence of any illegal and/or illicit drugs, or recreational drugs even if legal; and
 - j. The consumption of or being under the influence of alcohol while leading or participating in a function for minors sanctioned or sponsored by WCCC.
4. Access to all records regarding employees and volunteers of WCCC are limited to the then-current WCCC Custodian of Records.
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 Screened Worker for WCCC responsible for minors I will be subject to a background check, including criminal history if I am an Adult.

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 Church of Christ in Walnut Creek, California ("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(s) volunteering for: _____

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

State issued: _____

Have you ever worked with youth or children before? _____ If yes, list where: _____

Please explain how you are prepared for the desired position: _____

Is there any reason you should not work with or around children or youth? _____

If yes, please provide details: _____

Please provide at least two references: References must be age 18 or over, knowledgeable about your character and 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: _____

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. I intend this to be a legally binding agreement which I have read and understand.

Applicant's Signature: _____ Date: _____

Parent/Guardian's Name: _____

Parent/Guardian's Signature: _____ Date _____

APPENDIX F
INCIDENT REPORT FORM

Reason for report: _____

Date of incident: _____

Event or Activity: _____

Name(s) and Age(s) of Minor(s) _____

Quote the child's first words: _____

What action did you take? _____

Has the incident been resolved? _____yes _____no Explain: _____

Were there any witnesses? _____yes _____no Names: _____

Signature(s) of witness(es) (if possible): _____

Report submitted to: _____

Signature of reporting person: _____

Note: Mandated Reporters should use the "Suspected of Child Abuse Report" form found at https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/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 paid 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> : Discretely remove the accused from the situation and suspend the accused from duties involving children/youth.
Date: _____	Initial: _____	1.b <u>For volunteers workers</u> : Discretely remove the accused from the situation and immediately notify the closest available Director, 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 Directors, elders, or 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 leader 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 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 arises 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 by 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 that exceeds the bounds of pastoral counseling if performed 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. 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 have experience 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 potential benefits. These are classified as hazardous and extra hazardous. **Hazardous activities should be stringently supervised with strict limitations.** WCCC strongly considers on a case-by-case basis 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 and 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. Suicidal thoughts or acts.
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

1. Frequently is dirty, unwashed, hungry, or inappropriately dressed.
2. Engages in dangerous activities (possibly because he/she generally is unsupervised).
3. Is tired and listless.
4. Has unattended physical problems.
5. May appear to be overworked and/or exploited.

SEXUAL ABUSE

Behavioral Indicators

1. Excessive modesty, *e.g.*, 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. Poor self-esteem.
20. Shame/guilt.
21. Anxiety, nervousness, fears and phobias.
22. Loss of trust.
23. Disinterest in person and/or activity previously enjoyed.

24. Anger and/or self-mutilation.
25. Nightmares.
26. Drop in grades, skipping school and/or running away.
27. Rebellion.
28. Molests other children.
29. Promiscuity or seductive behaviors.
30. Affection-seeking behaviors.
31. Depression. Engages in fantasy or infantile behavior.
32. Is unwilling to participate in sports activities.
33. Has school difficulties.

Physical Indicators

1. Has pain and/or itching in the genital area.
2. Has bruises or bleeding in the genital area.
3. Has venereal disease.
4. Has swollen private parts.
5. Has difficulty walking or sitting.
6. Has torn, bloody, and/or stained underclothing.
7. Experiences pain when urinating.
8. Is pregnant.
9. Has vaginal or penile discharge.
10. 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

1. Has a sleep disorder (nightmares or restlessness).
2. Wets the bed.
3. Exhibits developmental lags (stunting of physical, emotional, and/or mental growth).
4. Is hyperactive.
5. 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

1. Has unexplained* bruises or welts, often clustered or in a pattern.
2. Has unexplained* and/or unusual burns (cigarettes, doughnut-shaped, immersion- lines, object-patterned).
3. Has unexplained* bite marks.
4. Has unexplained* fractures or dislocations.
5. Has unexplained* abrasions or lacerations.
6. Wets the bed.

(* Or explanation is inconsistent or improbable).

Adapted from: various sources, including: Sexual Abuse Awareness Training. Retrieved at <http://www.ministrysafe.com>; Johnson, Becca, Cowan. 1992. For Their Sake: Recognizing, Responding to, and Reporting Child Abuse. Martinsville, IN: American Camping Association. Reprinted here by permission of the publisher. For permission beyond limited use in creating church policy, please contact the publisher at 317-342- 8456.

APPENDIX J
GENERAL PROFILE OF A CHILD ABUSER

SEXUAL ABUSE

Men 18 and older

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

Adolescent

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

Women

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

PHYSICAL ABUSE

1. Negative attitude about life and people
2. Labeled as having a “hot” temper
3. Blames others: “he made me,” “it was her fault”
4. History of child abuse as a child
5. Uses harsh, age inappropriate discipline
6. Offers illogical or unconvincing excuses for what occurred
7. Exhibits out of control behavior

EMOTIONAL ABUSE

1. Blames and belittles children
2. Cold and rejecting
3. 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.

Adapted from: Johnson, Becca, Cowan. 1992. For Their Sake: Recognizing, Responding to, and Reporting Child Abuse. Martinsville, IN: American Camping Association. Reprinted here by permission of the publisher. For permission beyond limited use in creating church policy, please contact the publisher at 317-342-8456.

Adapted from YMCA Child Abuse Prevention Training Manual with permission of the YMCA of the USA, 101 N. Wacker Drive, Chicago, IL 60606.

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), Section 264.1 (rape in concert), Section 285 (incest), Section 286 (sodomy), Section 287 or former Section 288a (oral copulation), subdivision (a) or (b) of, or paragraph (1) of subdivision (c) of, Section 288 (lewd or lascivious acts upon a child), Section 289 (sexual penetration), or Section 647.6 (child molestation). “Sexual assault” for the purposes of this article does not include voluntary conduct in violation of Section 286, 287, or 289, or former Section 288a, if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.

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

(1) 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) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Intrusion by one person into the genitals or anal opening of another person, including the use of an 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) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a 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) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, 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.

(d) “Commercial sexual exploitation” refers to either of the following:

(1) The sexual trafficking of a child, as described in subdivision (c) of Section 236.1.

(2) The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act described in this section or subdivision (c) of Section 236.1.

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 their 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 but the child is at substantial risk of suffering serious physical harm or illness.

“General neglect” does not include a parent’s economic disadvantage.

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, “the willful harming or injuring of a child or the endangering of the person or health of a child,” means a situation in which 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 in which 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 or death 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 harming or injuring of a child or the endangering of the person or health 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 or death 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, the willful harming or injuring of a child or the endangering of the person or health of a child, 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 a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a 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, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
- (9) An employee of a county office of education or the State 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 daycare facility.
- (11) A Head Start program 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 childcare 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) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention

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

(22) An 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 and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed associate marriage and family therapist 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 other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print or image processor” means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another 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 a 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 a 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 (d) 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 (d) of Section 11166.

- (34) An 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 5.655 of the California Rules of Court.
- (36) A custodial officer, as defined in Section 831.5.
- (37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.
- (38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.
- (39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.
- (40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.
- (41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.
- (42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.
- (43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.
- (B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.
- (44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.
- (45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(47) A qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional, as defined in Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(48) A human resource employee of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code that employs minors. For purposes of this section, a “human resource employee” is the employee or employees designated by the employer to accept any complaints of misconduct as required by Chapter 6 (commencing with Section 12940) of Part 2.8 of Division 3 of Title 2 of the Government Code.

(49) An adult person whose duties require direct contact with and supervision of minors in the performance of the minors’ duties in the workplace of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code is a mandated reporter of sexual abuse, as defined in Section 11165.1. Nothing in this paragraph shall be construed to modify or limit the person’s duty to report known or suspected child abuse or neglect when the person is acting in some other capacity that would otherwise make the person a mandated reporter.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) (1) Except as provided in subdivision (d) and paragraph (2), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(2) Employers subject to paragraphs (48) and (49) of subdivision (a) shall provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. The training requirement may be met by completing the general online training for mandated reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a childcare licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a childcare administrator or an employee of a licensed child daycare facility shall take training in the duties of mandated reporters during the first 90 days when that administrator or employee is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a

licensed child daycare facility shall take renewal mandated reporter training every two years following the date on which that person completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

11165.8 [Repealed]

11165.9. Reports of suspected child abuse or neglect shall be made by mandated reporters, or in the case of reports pursuant to Section 11166.05, may be made, 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. Agencies that are required to receive reports of suspected child abuse or neglect may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person unless otherwise authorized pursuant to this section, and shall maintain a record of all reports received.

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's 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 an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report 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 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 the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes 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 by fax or electronic transmission, 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) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written followup report.
- (1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the statewide child welfare information system. The department shall work with stakeholders to modify reporting forms and the statewide child welfare information system as is necessary to accommodate the changes enacted by these provisions.
- (2) This subdivision shall not become operative until the statewide child welfare information system is updated to capture the information prescribed in this subdivision.
- (3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.
- (4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.
- (c) A 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 months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals the mandated reporter's failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.
- (d)(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 the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member's church, denomination, or organization, has a duty to keep those communications secret.
- (2) This subdivision does not 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 the clergy member's professional capacity or within the scope of the clergy member's employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been

the victim of sexual abuse and 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.

(e)(1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of that person's professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of reasonably suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of the technician's professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of reasonably suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) 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.

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

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

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

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

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition

to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom the person 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. For purposes of this section, “any other person” includes a mandated reporter who acts in the person’s private capacity and not in the person’s professional capacity or within the scope of the person’s employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or reasonably 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.

(i)(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. An internal policy shall not direct an employee to allow the employee’s supervisor to file or process a mandated report under any circumstances.

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

(3) Reporting the information regarding knowledge of or reasonably suspected 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.

(j)(1) A county probation or welfare department shall immediately, or as soon as practicably 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 reasonably 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 that 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 by fax or electronic transmission 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.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone,

fax, or electronic transmission 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 reasonably 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 reasonably suspected instance of child abuse or neglect reported to it that 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 by fax or electronic transmission 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 Church of Christ in Walnut Creek, California ("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 records, 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 review a copy of the transcript, 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