

PROTECTING CHILDREN FROM CHILDREN

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In today's world, children (everyone under the age of 18) have been known to sexually assault other children. For example, a 16 year-old girl enticed 13 and 14 year-old boys to have sex with her during church camp. Another example: a 17 year-old boy volunteered to help with children's church. He picked his victims from the children who attended those services. A final example: a 16 year-old boy requests that he have a particular roommate during a church retreat. The boy proceeds to sexually assault his roommate during the retreat.

All these perpetrators seek to harm and destroy our children. Churches usually screen all adult volunteers working with children. For the background checks to be effective, a public record of this individual's proclivity for sexual misconduct with a child must exist. Yet, juvenile records are frequently sealed and unavailable for a background check. Besides, this may be the first time this predator has made himself or herself known. What is a church to do to protect its children from other children?

SCREENING

Though a church cannot run a criminal background check on child volunteers who work with children, it still has the ability to check references. The church should require a written volunteer application from all child volunteers. The application should include at least three unrelated references for the church to check. The church should check with those references to determine whether the child has the skills and temperament necessary to volunteer. I suggest that at least one of the references include a Scout leader or coach who has had the volunteer in his or her group for several years.

TRAINING

All church staff and volunteers should be required to undergo sexual misconduct training. The training should be conducted at least every three years, with some experts suggesting annual training. The training class should last at least four hours. The training should include spotting and reporting child abuse, a discussion of appropriate and inappropriate touching, the "two adult" rule and related topics. Even the child volunteers should be required to attend these training sessions. Churches can purchase training videos from many sources that will assist in conducting this training. This class must be completed before the child is allowed to volunteer with other children.

At first, child volunteers should only be allowed to volunteer in areas that do not include contact with other children. This will allow the church to evaluate their work habits, their judgment skills, and spot potential problems before they are exposed to children. This will also allow the church to train the child in the church's policies and procedures. I suggest that child volunteer serve at least a year in an area that does not include contact with children before they can be considered for a volunteer position in a children's area.

SUPERVISION

Child volunteers are still children. Frequently, attorneys suggest the “two adult” rule. The “two adult” rule means that a child is never anywhere in church custody with less than two adults being present. This rule is in place to assure that another adult is available as a witness to the events that occur in that room. An adult and a child will not satisfy the “two adult” rule because the child’s testimony is not as reliable as an adult. Every room (especially on overnight trips) should contain at least two adults at all times in addition to any children.

Child volunteers require much closer supervision than adults performing the same duties. This means that the adults are not only looking at the children placed in their care, they are also supervising the older child volunteers. The older child volunteers should never be out of the sight of the two adults.

The experience level of child volunteers is very low. Due to their inexperience, the child volunteer must be more closely supervised than any adult. Scientists claim that the judgment part of the brain does not fully develop until the age of 25. As a result, children volunteers lack the physical ability to exercise good judgment in all circumstances. If any part of the volunteer’s duties requires material judgments, a child should not fill that position.

REPORTING

Many churches require that child volunteers file a monthly written report with the pastor in charge of their area. The report includes certain specific questions, such as: Did you have any inappropriate contact with any child during the past month? During the past month, did you have any contact with a church child in your group outside of the church activities? During the past month, did you give your cell phone number to any of the children in your group?

The report should include a narrative about the volunteer’s activities over the last month. It should include spiritual successes and trials that the child experienced during the month related to the volunteer activities.

CAVEAT

I have described the best practices that a church can employ to protect their kids. So far, no court has required a church to undertake these measures. I am not suggesting that a church has a duty to undertake these measures. I am suggesting each church evaluate whether any of the steps suggested in this article will be helpful under their circumstances.

If you have any comments or suggestions about this area, please feel free to e-mail me at fsommerville@nonprofitattorney.com.