

**Policy for Prevention and Reporting of Child Abuse
in Pacific Yearly Meeting (PYM) Programs and Activities
Short Title: Child Abuse Prevention Policy
Approved by the PYM Ministry & Oversight Committee [April 22,2017]
Approved by Yearly Meeting [date]**

INTRODUCTION

This is a policy for the prevention and reporting of sexual abuse of minors at Pacific Yearly Meeting sponsored events. Pacific Yearly Meeting strives to provide fellowship, support and educational experience for minors in an environment free from any kind of abuse. We also strive to create an environment that protects adults from unjust accusation. Abuse is a difficult issue to talk about. We would like to believe it does not occur within the Quaker community, but abuse can happen in any community including ours. Our research shows that local Meetings and Yearly Meetings that have no policies in place are more likely to be torn apart when an incident happens than are Meetings that are prepared. Denial of the possibility of hurt does not prevent hurt – if anything, it heightens its likelihood.

This policy defines abuse, describes the recruitment and screening (including reference and background checks) of applicants for youth worker positions, outlines the training of youth workers, and outlines the requirements for mandated reporting and related internal procedures. This policy applies to those youth workers who take care of minors as well as to members and attenders who interact with minors at Pacific Yearly Meeting sponsored events, including committee meetings.

WHAT IS CHILD ABUSE?

The legal definition of Child Abuse in California is found in Penal Code Section 11165.6. which states:

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.

California Penal Code Sections 11164 through 11165.9 provide detailed definitions and reporting mandates. Statutes regarding child abuse are amended frequently. The current California law may be found at <http://leginfo.legislature.ca.gov>. Legal definitions vary by state, other states' guidelines may be consulted using the Child Welfare Information Gateway (<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>).

This policy addresses the safety of minors in the context of child abuse and neglect. We extend similar care and concern to adults, as well as a comprehensive consideration of community

relationships and reconciliation, in a (forthcoming) document on right relationships in Pacific Yearly Meeting.

PREVENTION

Pacific Yearly Meeting takes reasonable and necessary precautions to ensure that minors and the adults who work with them are safe and secure during their programs and activities, and that the safety and reputation of teachers and program organizers are also protected.

Youth Worker Screening Process

Youth workers include all employees, volunteers, and/or contractors who work with minors at Yearly Meeting events. Among these people are Friendly Responsible Adult Presences, children's program coordinator and teachers, and the Youth Programs Coordinator.

- Youth workers shall be well known to the program organizers and/or to their meetings. Youth workers must have been active members and attenders in Meetings within the Pacific Yearly Meeting community for at least six months before the event.
- Potential youth workers shall be asked in writing to disclose whether they have ever been convicted of a crime and give written permission to the Yearly Meeting to conduct a criminal background check.
- Criminal background checks and reference checks shall be conducted on all youth workers before being appointed. Those checks shall be repeated every 36 months for returning youth workers. The Clerk of the relevant committee (Junior Yearly Meeting, Children's Program, etc.) or his or her appointee will conduct the *reference checks*. The Pacific Yearly Meeting Youth Programs Coordinator and a liaison from Ministry & Oversight will order the *background checks*, including for the adult members of the Children's Program and Junior Yearly Meeting Committees, but not including occasional or casual volunteers who will not be alone with or in charge of any youth.
- The Youth Programs Coordinating Committee will determine that the Youth Programs Coordinator has met the above criteria, and will obtain the criminal background check and references on any new hire. The background check shall be repeated every 36 months.
- Persons with convictions for violent offenses and/or any type of child abuse shall not serve as youth workers. Other convictions shall be considered in terms of their relevance to the duties of the youth worker position, the seriousness of the offense, the length of time that has transpired since the offense took place, and the rehabilitation efforts of the applicant.
- If an applicant is denied a youth worker position based on conviction information obtained through a background check, he or she will be informed of that fact and

will be given an opportunity to appeal the decision. (see <https://www.ftc.gov/tips-advice/business-center/guidance/background-checks-what-employers-need-know>). The applicant should be given a copy of the background check and allowed to provide additional information in response.

- Reference checks and background checks are but pieces of a larger discernment process. They are not a substitute for broader discernment or outreach in the Good Order of Friends. That is, having a “clean” criminal record does not mean that the person might not be at risk of abusing children or youth. The committee responsible for hiring/appointing should consider all the information in references and background checks as well as their personal knowledge of the candidate to determine whether this information prevents them from being able to offer the position to the candidate. Data collected from both reference and background checks shall be protected and kept confidential.

Communication

This document shall be shared with parents, guardians and sponsors, youth workers, and/or appropriate committees and clerks. It shall be posted on the Yearly Meeting website.

Orientations of minors and their parents, guardians and sponsors near the beginning of Yearly Meeting sponsored activity shall:

- 1) Introduce the principal staff and volunteers who will be working with the minors and to any supervisors of these persons;
- 2) Identify the persons that should be contacted if program participants or their parents, guardians, or sponsors have any questions or discomfort regarding the program; and
- 3) Describe this policy and how copies of this policy may be obtained.

Program Activities

- All minors attending Yearly Meeting-sponsored events without a parent or guardian shall have a designated adult sponsor. (A sponsor is an adult who has been given written permission by the parent or guardian to act as his or her surrogate during the event.)
- Parents, guardians, or sponsors are responsible for supervising their children except when the children are participating in formal programs supervised by youth workers. Parents, guardians, and/or sponsors will be informed in advance as to which are program times and which are parental-supervision times.
- All activities for minors shall be staffed by at least two adults. When one adult is working with a small break-out group, there shall be two or more minors in such group and the group shall be within clear view of other Yearly Meeting activities.
- Field trips or activities in a remote location shall include an extra adult allowing two to stay with the group, one to go for help, at minimum.

- One-to-one conversations and activities between adults and minors , even with fully trusted and familiar volunteers, shall not take place in areas not visible to others unless the adult is the minor’s parent, guardian or sponsor.
- Activities involving minors shall be in locations easily accessible by parents, guardians, sponsors and other concerned adults, either in outdoor areas or in rooms with windows and/or open doors.
- Exceptions:
 - Interactions between the Youth Programs Coordinator and minors that are described by the YPC personnel policy.
 - In a true emergency situation (e.g., lost or injured minor) it may be necessary for a youth worker to be alone with a minor.
 - Licensed health care professionals may be alone with a minor when providing services within the scope of their license.

Education and Training

Although all of us are entrusted with the care of our community, the Yearly Meeting's youth workers are given a special trust: to help the children of Pacific Yearly Meeting safely grow in the Spirit. We are conscious that adults’ *way of being* with minors is as important as the content of the programs provided – children and teens follow the lead of adult Friends, and Friends teach mostly by example. For our programs to be successful and safe, those working with minors, minors, and parents, guardians, and sponsors need a common language and understanding of what makes for a safe and trusting environment.

Those working with minors shall receive education and training regarding child abuse prevention and reporting as outlined in this policy *before* the program begins and will be told where they can get support *during* the program.

RESPONDING TO SUSPICIONS OF ABUSE

Youth workers who become aware of the abuse of a minor shall report that abuse to the Youth Programs Coordinator or to the clerk(s) of Ministry & Oversight Committee. The youth worker may learn of this abuse because of a report by a minor, a report by others, or by observation. Minor's reports of events that occurred outside of the Yearly Meeting activity – e.g., prior to coming to Yearly Meeting – are reportable in addition to events that occur during a Yearly Meeting activity. The Youth Programs Coordinator and any other Yearly Meeting employees who have responsibilities with minors are mandated reporters; this means that they are required by law to report the abuse to public authorities, generally local law enforcement and/or county child protective services, as described in the following section titled “The Mandated Reporting Process.” Once the mandated reporter files a report of abuse, he or she shall immediately report the details of the report to the Clerk of the relevant Children's or Junior Yearly Meeting Committee and the Clerk of the Yearly Meeting Ministry and Oversight Committee. By law, as described below, other youth workers or Friends who are *not* mandated reporters may report abuse to authorities, even if the designated mandated reporter does not. In the absence of a legally mandated reporter, the Clerk(s) of Ministry and Oversight shall function as though they were mandated reporters.

If the abuse has occurred or is occurring at the Pacific Yearly Meeting event the youth worker, the Youth Programs Coordinator and the Clerks of the Children's Program, Junior Yearly Meeting, and Ministry and Oversight Committees shall immediately take steps to assure that the abuse does not continue. These steps will be tailored to the specific circumstances, but are likely to include requiring that the abuser leave the Yearly Meeting activity or gathering and may include barring the abuser from future Yearly Meeting activities or gatherings. Note that such steps may also be taken in response to behavior that does not require a child abuse report because it does not meet the legal definition of child abuse but which is destructive to the Yearly Meeting community.

The Mandated Reporting Process

This section summarizes child abuse reporting requirements. This is only a summary. The reporting process is described in detail in publications such as *The California Child Abuse and Neglect Reporting Law: Issues and Answers for Mandated Reporters* published by Rady Children's Hospital. (mandatedreporter.ca.com/images/pub132.pdf). The Youth Programs Coordinator and the Clerks of the Children's Program and Junior Yearly Meeting Committees shall have a copy of this or a similar publication, which shall be available to youth workers who have questions about reporting procedures. This summary is based on material developed and copyrighted by the National Center for Youth Law.

Who are mandated reporters at Pacific Yearly Meeting functions?

Among mandated reporters are the following [paid employees]:

- ♣ A teacher.
- ♣ An instructional aide.

- ⤴ An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- ⤴ An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.

Teachers and Friendly Responsible Adult Presences are volunteers, and thus not mandated reporters. However, they may choose to report suspected abuse as described below. They do not need the approval of a supervisor to do so. The Youth Programs Coordinator and any other Yearly Meeting employee having responsibilities for minors are mandated reporters. The clerks of Ministry and Oversight are to serve in this capacity in the absence of a mandated reporter.

May I report child abuse even if I am not a mandated reporter?

Any person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect. Cal. Penal Code § 11166(g).

When is a mandated reporter required to submit an abuse report?

“A mandated reporter shall make a report . . . whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.” Cal. Penal Code § 11166(a).

What if I am not sure that abuse has occurred?

Confirmation of abuse is not required. Reporters must report whenever they have “reasonable suspicion” that abuse has occurred.

“Reasonable suspicion” means “that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.” Cal. Penal Code § 11166(a)(1).

What sexual activity am I mandated to report?

Mandated reporters must report sexual abuse. California law defines sexual abuse as “sexual assault” or “sexual exploitation” as defined by California Penal Code § 11165.1, it includes rape, sexual penetration, sodomy, lewd and lascivious behavior, pornography, and some cases of consensual sexual behavior (statutory rape).

To whom should reports be made?

Reports of suspected child abuse or neglect should be made to any one of the following:

- any police department or sheriff’s department, or
- the county welfare department, often referred to as Child Welfare Services (CWS) or Child Protective Services (CPS).

California law obligates the police, CPS, and the other agencies responsible for receiving child abuse reports to accept every child abuse report made to them, even if the agency lacks jurisdiction over the case. If the agency does not have jurisdiction over a particular

case, the agency is obligated to immediately refer the case to the proper authorities. The only exception to this rule is that an agency may refuse a report if the agency can immediately electronically transfer the reporter's call to an agency with proper jurisdiction. Cal. Penal Code § 11165.9.

How do I make a report?

“A mandated reporter must make an initial report immediately or as soon as is practicably possible by telephone. The mandated reporter then must prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.” Cal. Penal Code § 11166(a).

What information must I include in my report?

Mandated reports of child abuse or neglect must include:

- the name, business address, and telephone number of the mandated reporter;
- the capacity that makes the person a mandated reporter; and
- the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information.

If a report is made, the following information, *if known*, also must be included in the report:

- the child's name;
- the child's address;
- present location; and
- if applicable, school, grade, and class;
- the names, addresses, and telephone numbers of the child's parents or guardians;
and
- the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child.

California Penal Code § 11167(a).

Appendix: Additional Resources

LEGAL RESOURCES AND CHILD ABUSE PREVENTION AND REPORTING

California Law Code Search Tool

<http://leginfo.legislature.ca.gov/>

Child Welfare Information Gateway – searchable by US State

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

Mandated Reporter Training, California Department of Social Services (for general, clergy, and others)

<http://mandatedreporterca.com/>

Preventing Child Sexual Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures. Atlanta (GA): Centers for Disease Control and Prevention, National Center for Injury Prevention and Control; Saul J, Audage NC, 2007.

<http://www.cdc.gov/violenceprevention/pdf/PreventingChildSexualAbuse-a.pdf>

The California Child Abuse and Neglect Reporting Law: Issues and Answers for Mandated Reporters Rady Children’s Hospital.

mandatedreporterca.com/images/pub132.pdf

CURRICULA AND INFO ON SEXUALITY AND ABUSE

Our Whole Lives: Lifespan Sexuality Curriculum

<http://www.uua.org/re/owl>

Scarleteen: independent, grassroots sexuality and relationships education and support organization and website

http://www.scarleteen.com/about_scarleteen

‘Grooming’ Behavior:

<http://www.oprah.com/oprahshow/Child-Sexual-Abuse-6-Stages-of-Grooming#ixzz21IJ3BOD6>

BACKGROUND CHECKS

Best Practice Standards: The Proper Use of Criminal Records in Hiring, May 21, 2013 Lawyer’s Committee for Civil Rights Under Law, The Legal Action Center, and National Workrights Institute

<http://hirenetwork.org/sites/default/files/Best-Practices-Standards-The-Proper-Use-of-Criminal-Records-in-Hiring.pdf>

Background Checks: What Employers Need to Know (A joint publication of the Equal Employment Opportunity Commission and the Federal Trade Commission). *Good document on discrimination.*

<https://www.ftc.gov/tips-advice/business-center/guidance/background-checks-what-employers-need-know>