

Child/Youth Protection Program

**Alpharetta First United
Methodist Church**

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PART 1 - POLICY

Alpharetta First United Methodist Church of Alpharetta, Georgia (hereafter referred to as the "Organization"), hereby establishes this policy for the prevention of child abuse within children and youth programs and activities sponsored and/or supervised by the Organization. The purpose of this policy is to protect the following:

- The children and youth of the Organization from child abuse.
- The workers in the church from the risk of accusation of child abuse,
- The Organization's integrity both internally and within the community, and
- The Organization from litigation concerning child abuse.

It is the policy of the Organization to provide for our children/youth, facilities and activities which are safe and free from the risk of child abuse. To accomplish these goals, the Organization hereby establishes policies and procedures which dictate the requirements for child/youth workers and their conduct. The Organization will not tolerate any occurrences of child abuse and, upon knowledge of such, will and are required to report violators to legal authorities.

I. Applicability

This policy shall apply to all activities involving children/youth which are sponsored and/or supervised by Alpharetta First United Methodist Church, including Alpharetta First United Methodist Preschool, Kindergarten and Mother's Morning Out Programs. All workers assigned to such activities by the Organization shall comply with and conduct themselves according to this Policy and any related policies and procedures. Any volunteer worker failing to comply with or conduct themselves according to this Policy and any related policies and procedures shall be subject to disciplinary action, which may include dismissal from any work with children/youth. Any paid worker failing to comply with or conduct themselves according to this Policy and any related policies and procedures shall be subject to disciplinary action which may include dismissal from any work with children/youth and/or dismissal from employment.

II. Definitions

A. Child(ren)/Youth - As used in this Policy, child(ren)/youth shall include all minors from birth through 18 years of age who are engaged in a program or activity sponsored and/or supervised by the Organization.

B. Worker - As used in this policy, worker shall include any person, regardless of age, who performs full-time, part-time, or occasional work in the Organization and/or has contact with children/youth. This includes paid and volunteer work.

C. Program Director - Paid staff member responsible for a specific program(s) (Example: the Children's Director is responsible for all

children's programs.)

D. **"Adult"** shall be defined as any individual at least 19 years of age.

E. **"Teenage Worker"** shall be defined as any paid worker at least 16 years old, but under the age of 19, enlisted to assist with the care of minors. A teenage worker shall be paired with at least one "custodial adult" (see Part 3, Section II., A."Team Approach" below).

F. **"Custody and Control"** When an adult assumes "custody and control" of a minor, then he/she is the legally and morally accountable person for all that happens to that minor while that minor is within his/her "custody and control." The adult is, in effect, "on duty" or "on the clock" with regard to that minor. When adults voluntarily assume custody and control of minors, they also assume liability and thus risk. It is however a manageable risk when our Child/Youth Protection Policy is followed.

G. **"Non-custodial Role"** When and where it is feasible, screening and training of non-custodial adult volunteers is recommended as an appropriate risk management practice. Adult volunteers in non-custodial roles, however, are not required to be screened and trained per our policy (Part 3, Section I., A., B., C. and Section III.). It is the responsibility of the custodial volunteers to safeguard our children/youth when in the presence of non-custodial volunteers. **It is the responsibility of the program director to ensure that adequate distinction is made for all concerned between custodial and non-custodial adult volunteers by use of colors or symbols on nametags, etc.**

H. Child Abuse (as defined by the Official Code of Georgia) means:

1. Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, physical forms of discipline may be used as long as there is no physical injury to the child;
2. Neglect or exploitation of a child by a parent or caretaker thereof;
3. Sexual abuse of a child; or
4. Sexual exploitation of a child;
5. However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone be considered to be an "abused" child.

A complete copy of the Georgia Legal Code pertaining to Child Abuse is found in Part 8 of this manual.

I. Sexual Abuse (as defined by the Official Code of Georgia) : “Sexual abuse” means a person’s employing, using, persuading, inducing, enticing, or coercing any minor who is not that person’s spouse to engage in any act which involves:

1. Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
2. Bestiality;
3. Masturbation;
4. Lewd exhibition of the genitals or pubic area of any person;
5. Flagellation or torture by or upon a person who is nude;
6. Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;
7. Physical contact in an act of apparent sexual stimulation or gratification with any person’s clothed or unclothed genitals, pubic area, or buttocks or with a female’s clothed or unclothed breasts;
8. Defecation or urination for the purpose of sexual stimulation; or
9. Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

“Sexual abuse” shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent (Georgia Legal Code; 19-7-5).

In addition, for the purposes this Organization’s policy, sexual abuse includes consensual sex acts between a minor and an adult. (See Part 3, Section II. J.)

J. Sexual exploitation (as defined by the Official Code of Georgia): “Sexual exploitation” means conduct by a child’s parent or caretaker who allows, permits, encourages, or requires the child to engage in:

1. Prostitution, as defined in Code Section 16-6-9; or

2. Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.

G. Inappropriate Behavior - Any behavior that falls below standards that are widely held in the church community. Established standards are grounded in the ethical and moral teachings of the church and reflect the values and priorities of the church.

III. Authority

These Policies and Procedures will be implemented and maintained under supervision of the Church Administrator in coordination with the Church Staff. Amendments to these Policies and Procedures may be made from time to time, as necessary, by the ministry team responsible for the Child/Youth Protection Policy. These original policies and procedures were approved by the AFUMC Administrative Board on June 10, 1998.

Part 2 - Types of Abuse & Possible Signs

Generally, child abuse is categorized in four groups: Physical abuse, emotional abuse, neglect, and sexual abuse. Children suffering abuse often will not tell anyone about it. Therefore, it is important to be able to recognize the *possible* signs of abuse.

1. Physical Abuse:

Physical Abuse is when a person deliberately and intentionally causes bodily harm to a child. Examples may include use of a weapon, burning, shaking, choking and any wide variety of non-accidental injuries to a child's body.

Possible Signs of physical abuse include hostile or aggressive behavior, fearfulness of parents and/or other adults, destructive behavior, inexplicable fractures or bruises inappropriate for the child's developmental stage, burns, facial injuries, and patterns of repetitious bruises.

2. Emotional Abuse:

Emotional Abuse is when a person exposes a child to spoken and/or unspoken violence or emotional cruelty. Emotional abuse sends a message to the child of worthlessness and being not only unloved but undeserving of love and care. Examples may include being locked in a closet, being deprived of affection, being constantly told he/she is bad, etc. Emotional abuse is often very difficult to prove and is devastating to the victim.

Possible Signs of emotional abuse include severe depression and/or withdrawal, severe lack of self-esteem, failure to thrive, threatens or

attempts suicide, speech and/or eating disorders, and extreme passive/aggressive behavior patterns.

3. Neglect:

Neglect is when a person endangers a child's health, safety or welfare through negligence. Examples may include withholding food, clothing and even affirmation of the child's self-worth. This is the most common form of abuse.

Possible Signs of neglect include failure to thrive, pattern of inappropriate dress for climate, begs or steals food, chronic hunger, depression, untreated medical conditions, and poor hygiene.

4. Sexual Abuse:

Sexual Abuse is when sexual contact between a child and an adult (or another more powerful youth) occurs. The child is never truly capable of consenting to or resisting such contact and/or sexual acts. Often, the child is physically and psychologically dependent upon the perpetrator of the abuse. Examples may include fondling, intercourse, child pornography, prostitution, etc.

Possible Signs of sexual abuse include unusually advanced sexual knowledge and/or behavior for a child's age and developmental stage, depression, difficulty walking or sitting, bruising/bleeding in vaginal or anal area, sexually transmitted diseases, and/or unexplained hostility toward a childcare worker or teacher.

PART 3 - GENERAL CHILD/YOUTH PROTECTION PROCEDURES

I. Selection and Qualification of Workers

A. Submission of Application - Each worker shall complete an Application form. The application will be completed according to the instructions on the application and returned to the designated Administrator/Director.

B. Screening - Each person completing an application for child/youth work shall be subject to all or part of the following screening: reference checks, criminal records, motor vehicle records, social security number verification, and a personal interview. All screening will be documented and retained with the worker's application in a secure, confidential file.

C. Qualifications

1. Workers will complete Part 3, Section I., A. and B. prior to working with children/youth. They must then attend the CYP (Child/Youth Protection) training before continuing with child/youth work.

2. Workers are required to attend a Child/Youth Protection Program training seminar and sign a statement that they will abide by the Child/Youth Protection Program Policies and Procedures.

3. No worker under the age of 19 shall be placed in a position of responsibility or supervision over children/youth. Adult supervision will be required at all times for all such workers. Workers under the age of 19 must be at least 5 years older than the children/youth with whom they work.

D. Prohibited Workers - No person who has been convicted of, placed on regular or deferred adjudicated probation, received pre-trial diversion, pled guilty, or nolo contendere to any offense involving sexual contact or physical abuse with a child/youth may work with any child/youth.

E. If a background check indicates any criminal activity, it will be reviewed by the Church Administrator and any others he/she deems necessary to determine if the individual is eligible for ministry with children/youth.

F. Workers in a custodial role with our children and youth should have a minimum of six months as a regular attendee of AFUMC activities. This requirement may be waived on occasion by the Program Director due to extenuating circumstances which must be explained in a written document. Copies of the Program Director's written explanation will be given to the Church Administrator for final approval no later than 48 hours after the decision is made.

G. The "five year" rule – adults (staff or volunteer) must be five years older than the child or youth with whom they work.

H. All nursery workers, paid or volunteer, must be at least 19 years old. Teens under 19 years of age, and at least 16 years old, may assist in an activity, but may not be in charge of a room. Two adults, with at least 1 adult in a custodial role, must be present.

II. Rules of Behavior

A. Team Approach - Workers must observe the "two adult" rule. A minimum of two adult volunteers or staff shall be present during any child(ren)'s/youth activity. At least one of these adults must be a "custodial" worker. A "custodial" worker has completed all qualifications as required in Part 3, Section I., A., B., C. and Section III. of these policies and procedures. Teens helping regularly in a classroom, Sunday School, children's choir, summer camps and VBS need to have training geared to them. In all instances where two adults are not present, an "open door" policy will be observed. The classroom door may be closed only when the door has a window or a side window permitting classroom observation from people outside the classroom. The only exceptions to the "two adult" rule will be as follows:

- * Sunday School or Bible Study classes (kindergarten and above)
- * The younger sibling of a child/youth worker
- * One custodial adult may share a hotel room (or other sleeping area) with two or more youth of same sex as the adult during Youth retreats/trips. (See Part 6, Section III., C.)
- * With parental permission per paragraph B, below
- * An approved procedure referenced by these Policies and Procedures

B. No adult visiting an activity shall be left alone with any child(ren) except their own child(ren).

C. Restroom Procedures

1. For Nursery age children – see Part 4 Nursery/Toddler Protection Procedures, Section II, C., 1., 2., 3.
2. Ages 3 through 2nd grade – an adult shall accompany child to the door of the restroom
3. 3rd grade and up may go to restroom unaccompanied

D. Parental Permission

1. Activities involving transportation provided by the church (including transportation by parents of participating children/youth or child/youth workers) or overnight activities or activities off the church property, will require a signed parent permission form to be returned to the group leader prior to the activity.

E. Overnight or Off Church Property Activities - All overnight or off property activities require the prior permission of the Administrator or Director, as appropriate.

F. Supervision - All children's/youth activities will include adequate adult supervision (see Team Approach, Paragraph A) from no less than 15 minutes prior to scheduled start until all children/youth are in custody of their parents (or as prior arranged by their parents with a parent permission form).

G. Corporal punishment of any kind is never appropriate.

H. Physical affection shall be used appropriately.

I. Staff and Administrators of the Organization, as appropriate, will supervise ongoing programs and may make unannounced visits into classrooms or other program sites.

J. Workers must maintain appropriate relationships with all Children/Youth. Dating, or any intimate relationship, between any

worker and any child/youth, as defined in our policy, is prohibited (see Part 1, Section II., I., 9.). For the purposes of this Organization's policy, sexual abuse includes consensual sex acts between a minor and an adult, in addition to any act as defined by the Official Code of Georgia.

K. Reporting - Any inappropriate conduct or relationship between a worker (includes teen assistants) and a member of any children's/youth group must be reported to the appropriate Administrator or Director immediately and addressed according to the procedures in the Child/Youth Protection Program.

III. Worker Training

A. Workers will be required to complete a Child/Youth Protection Program training seminar

B. The training seminar will include, but not be limited to, the following:

1. Workers will be given Georgia's legal definition of child abuse from the Georgia Legal Code.
2. Workers will receive written information describing Georgia laws regarding the reporting of suspected child abuse.
3. Workers will be trained in identifying child abuse.
4. Workers will be given a review of the Policies and Procedures established by the Organization.

C. Upon completion, each worker will sign a statement that they will abide by the Child/Youth Protection Program Policies and Procedures and that they have received and read the information described in Sections B.1. through B.4. above.

IV. Other Policies and Procedures

The following policies and procedures are hereby incorporated into this Child/Youth Protection Program:

- A. Nursery/Toddler Protection Procedures
- B. Transportation Procedures for Organization Related Youth Activities
- C. Procedures for Youth Overnight Activities
- D. Worker Reporting and Response Procedures
- E. The Georgia Legal Code

PART 4 - NURSERY / TODDLER PROTECTION PROCEDURES

These procedures cover the activities in the nursery and toddler areas of the Organization. These procedures are considered part of the Child/Youth

Protection Program Policies and Procedures.

I. Restrictions

- A. Only trained, assigned workers will be allowed in the nursery or toddler areas. No other individuals are allowed in the nursery or toddler areas without an identified need and the approval of the nursery supervisor.
- B. No worker may remove a child from the nursery or toddler areas.
- C. No one may claim a child from the nursery or toddler areas without a security card. If the security card is lost, a picture ID will be required to match the sign-in on the daily roster.

II. Staffing

- A. The nursery and toddler areas will follow the Team Approach, as identified in the Child/Youth Protection Program Policies and Procedures.
- B. All nursery and toddler area youth workers shall be subject to the requirements of the Child/Youth Protection Program Policies and Procedures.
- C. Restroom procedures:
 - 1. It is recognized by the Organization that there are substantially more female workers than male workers. Because of the large number of female workers versus male workers, it will be necessary for female workers to take male and female children to the restroom. In no event shall a male worker take a female child to the restroom.
 - 2. Only adult workers may accompany a child to the restroom and, then, only after notifying the area supervisor or other worker.
 - 3. When a child is going to be left in the nursery or toddler area for only a short time, parents/custodians should be encouraged to take the child to the restroom prior to check-in.
 - 4. Only paid staff are allowed to change diapers.

PART 5 - TRANSPORTATION PROCEDURES FOR ORGANIZATION RELATED CHILDREN'S/YOUTH ACTIVITIES

The following procedures are for providing transportation for children/youth to and from activities sponsored and/or supervised by Alpharetta First United

Methodist Church and affiliates. These procedures relate to transportation provided by the Organization, 2122 parents of participating children/youth, and child/youth workers to activities off the church property. These procedures are considered part of the Child/Youth Protection Program Policies and Procedures.

I. Vehicle Requirements

- A. These vehicle requirements pertain to vehicles owned by the Organization, those provided by parents of participating children/youth, those provided by child/youth workers and any external commercial vehicle provided for transportation of the youth.
- B. All vehicles shall be in good running order and possess a current Georgia license plate, a safety inspection sticker and passenger restraints.
- C. All vehicles will have insurance coverage as required by Georgia law.
- D. All vehicles will be multi-passenger. No motor cycles, scooters, or mopeds will be allowed. No vehicle will be allowed to carry more than the passenger capacity as specified by the vehicle manufacturer.

II. Qualification of Drivers

- A. All drivers will be workers (as qualified by the Child Protection Program Policies and Procedures), parents of participating children/youth or licensed commercial drivers. All drivers will be preapproved by the appropriate Administrator.
- B. All drivers will have a current valid Georgia driver's license with the classification for the vehicle driven and be at least 25 years of age.
- C. All drivers will be subject to periodic checks (approximately every six months) of their motor vehicle record.
- D. All volunteer drivers will complete an AFUMC Volunteer Driver Registration Form, providing proof of their driver's license and proof of their auto insurance. A copy of each document shall be kept along with the driver registration form.
- E. The AFUMC Volunteer Driver Registration Form is Exhibit II in this document.

III. General Rules

- A. Unless otherwise approved by the Administrator and the parents so informed, all transportation subject to these procedures will begin and terminate at the church property.

B. All drivers will obey all traffic laws. Failure to do so may disqualify them from driving for Organization related activities.

C. No driver is to transport any child/youth alone. If possible, the Team Approach, as defined in the Policy, is to be used. If that is not possible, more than one child/youth will be required in the vehicle.

PART 6 - PROCEDURES FOR CHILDREN'S/YOUTH OVERNIGHT ACTIVITIES

These procedures cover children's/youth activities which require an overnight stay and are sponsored and/or supervised by Alpharetta First United Methodist Church and affiliates. These procedures are considered part of the Child/Youth Protection Program Policies and Procedures.

I. Applicability

These procedures cover any activity sponsored and/or supervised by the Organization which requires an overnight stay. This includes, but is not limited to, camping, lock-ins, hotels/motels, and overnight stay in a personal dwelling.

II. Approvals

A. A signed Parent Permission form will be required of each child/youth prior to the activity. These will be collected and approved by the group leader prior to the activity. Following the activity, the forms will be provided to the appropriate Administrator.

B. All custodial adults shall complete all qualifications as required in Part 3, Section I., A., B., C. and Section III of these policies and procedures.

B. Any overnight activity requires the prior approval of the appropriate Administrator.

III. Rules of Conduct

A. All persons are to abide by the Child/Youth Protection Program Policies and Procedures, including the Team Approach for supervision.

B. None of the children/youth will be allowed away from the designated overnight area without prior permission of the group leader and the parents' signed permission.

C. One custodial adult may share a hotel room (or other sleeping area) with two or more youth of same sex as the adult during Youth retreats/trips. If the sleeping area permits, two adults are preferred.

D. Adults are not permitted to sleep in the same bed with a minor

(other than their biological child).

- D. No couple of the opposite sex is to be left unsupervised.
- E. No members of the opposite sex will be allowed to sleep in the same room.
- F. All trips must have a ratio of one (1) custodial adult for every eight (8) children/youth. If not enough adults can accompany the Youth Group on the trip, the Youth Director will either cancel the trip or reduce the number of youth to achieve the proper youth/adult ratio.

PART 7 - WORKER REPORTING AND RESPONSE PROCEDURES

I. Applicability

These procedures are to be followed in the event a worker suspects or has the knowledge that a child/youth has been abused by anyone.

II. Reporting

FIRST AND FOREMOST – IF A CHILD’S SAFETY IS ENDANGERED AT ANY TIME YOU MUST CALL “911”.

A. According to GA Title 19, Chapter 7, Section 5 (5) states “Child service organization personnel means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children...” Then the law states that Child service organization personnel “having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made as provided in this Code section”. **Therefore, under the new law (effective July 1, 2012), our volunteers and staff members in ministries with children and youth are mandatory reporters of child abuse.**

1. A worker who has reasonable cause to believe that child abuse has occurred will **promptly (within 24 hours)** report the incident or suspicions **in writing**, using the Child/Youth Protection Program Incident Report (Exhibit 1), to the appropriate Program Director (see Part 1. Sec II., C.). A worker who has reasonable cause to believe that child abuse has occurred will immediately report the incident or suspicion to the appropriate Program Director and the Church Administrator. A written report must be submitted promptly following the oral notification of the appropriate church staff.

1. The Georgia legal code states that an “An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child

has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney.” (The Church Administrator and/or Senior Pastor are the designated delegates of AFUMC responsible for reporting to the police and/or the Department of Family and Children Services.)

- a. The Georgia legal code states that “If a person is required to report child abuse pursuant to this subsection because that person attends to a child pursuant to such person’s duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection.”
- b. The code places strong accountability to the designated delegates of AFUMC as is states “Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report”.

2. Safeguard for reporting: **Georgia Code - Title 19-7-5**, paragraph (f) on page 108 of the code states: “Any person or persons, ... corporation, ... participating in the making of a report or causing a report to be made ... shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith.”

B. Any inappropriate behavior with a child/youth, even though it may not be considered true abuse, is to be promptly reported in writing, using the Child/Youth Protection Program Incident Report (Exhibit 1), to the appropriate Program Director and Church Administrator (see Par1, Sec II. G).

C. The person reporting the suspected abuse (and/or inappropriate behavior) and the appropriate Program Director, will report the incident

in writing to the Church Administrator. The Program Director and Church Administrator will immediately remove the worker from working with children and/or youth while the suspected abuse (and/or inappropriate behavior) is being investigated. It is the responsibility of the Program Director and the Church Administrator to determine whether the reported action(s) were inappropriate and, if so, to notify the specific person(s) that he/she/they will be permanently removed from work with youth or children at AFUMC, and then advise appropriate staff members of this action.

D. If there is reasonable cause to believe that child abuse has occurred, such cause will be promptly investigated by the Program Director and Church Administrator. Such investigation will be documented and summarized **in written form**. The Program Director and the Church Administrator will then meet with the Senior Pastor to discuss their findings. The Church Administrator will then arrange for timely and appropriate reporting to the Department of Family and Children's Services and/or to local or state law enforcement agencies.

E. All communication, verbal and written, concerning the alleged incident, **must** be confidential and directed only to the appropriate Program Director and Church Administrator. Any contact with the media should be referred to the Church Administrator.

F. Should child abuse allegations occur, workers will:

1. Respond to each allegation in a serious manner.
2. Treat each allegation with confidentiality and respect for the privacy of all involved persons;
3. Cooperate fully with civil authorities;
4. Extend genuine care to all victims of child abuse.

III. Response

In the case of an actual child abuse allegation, these guidelines must be followed:

A. The Church Administrator is to make certain that all efforts at handling the incident are documented in writing, including dates and times.

B. The Church Administrator is to report the incident immediately to the Senior Pastor, the church's insurance company, attorney, and any other designated staff. The church should not try to handle this without professional outside assistance.

C. The Church Administrator and/or the Senior Pastor should then contact the proper civil authorities required by GA Legal Code. The

church should not attempt an in-depth investigation. This should be left to professionals who are familiar with such cases.

D. The Church Administrator and/or the Senior Pastor should then notify the parents of the child. He/she should lovingly and carefully reach out to the victim and the victim's family, extending all pastoral resources that are available. He/she should never respond in a negative or non-supportive manner to the alleged victim.

E. If the accused is a church worker, that person should be relieved temporarily of his or her duties until the investigation is finished. Do not confront the accused until the safety of the child/youth is secured. Treat the accused with dignity and support.

F. Use the text of a prepared public statement to answer the press and to convey news to the congregation. Be careful to safeguard the privacy and confidentiality of all involved.

G. The only people who should communicate with the media are the Pastor, Church Administrator and/or the church attorney.

PART 8 - GEORGIA LEGAL CODE

*** Current Through the 2011 Extraordinary Session ***

TITLE 19. DOMESTIC RELATIONS CHAPTER 7. PARENT AND CHILD RELATIONSHIP GENERALLY ARTICLE 1. GENERAL PROVISIONS

Reflects Changes Approved in HR Bill 1176
(Effective date July 1, 2012)

O.C.G.A. § 19-7-5 (2011)

§ 19-7-5. Reporting of child abuse; when mandated or authorized; content of report; to whom made; immunity from liability; report based upon privileged communication; penalty for failure to report

(a) The purpose of this Code section is to provide for the protection of children whose health and welfare are adversely affected and further threatened by the conduct of those responsible for their care and protection. It is intended that the mandatory reporting of such cases will cause the protective services of the state to be brought to bear on the situation in an effort to prevent further abuses, to protect and enhance the welfare of these children, and to preserve family life wherever possible. This Code section shall be liberally construed so as to carry out the purposes thereof.

(b) As used in this Code section, the term:

(1) 'Abortion' shall have the same meaning as set forth in Code Section 15-11-111.

(2) "Abused" means subjected to child abuse.

(3) "Child" means any person under 18 years of age.

(4) "Child abuse" means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

(5) 'Child service organization personnel' means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

(6) 'Clergy' means ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.

(7) 'Pregnancy resource center' means an organization or facility that:

(A) Provides pregnancy counseling or information as its primary purpose, either for a fee or as a free service;

(B) Does not provide or refer for abortions;

(C) Does not provide or refer for FDA approved contraceptive drugs or devices; and

(D) Is not licensed or certified by the state or federal government to provide medical or health care services and is not otherwise bound to follow federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, or other state or federal laws relating to patient confidentiality.

(8) 'Reproductive health care facility' means any office, clinic, or any other physical location that provides abortions, abortion counseling, abortion referrals, or gynecological care and services.

(9) 'School' means any public or private pre-kindergarten, elementary school, secondary school, technical school, vocational school, college, university, or institution of postsecondary education.

(3.1) "Sexual abuse" means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

"Sexual abuse" shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

(4) "Sexual exploitation" means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.

(c)(1) The following persons having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made as provided in this Code section:

(A) Physicians licensed to practice medicine, interns, or residents;

(B) Hospital or medical personnel;

(C) Dentists;

(D) Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

(E) Podiatrists;

(F) Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 24 of Title 43 or nurse's aides;

(G) Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;

(H) School teachers;

(I) School administrators;

(J) School guidance counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;

(K) Child welfare agency personnel, as that agency is defined pursuant to Code Section 49-5-12;

(L) Child-counseling personnel;

(M) Child service organization personnel; or

(N) Law enforcement personnel.

(O) Reproductive health care facility or pregnancy resource center personnel and volunteers.

(2) If a person is required to report child abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(d) Any other person, other than one specified in subsection (c) of this Code section, who has reasonable cause to believe that a child is abused may report or cause reports to be made as provided in this Code section.

(e) An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital staff employees or volunteers, physicians, law enforcement personnel, school officials, or staff employees or volunteers of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photographs shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority.

(f) Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in the making of a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority pursuant to this Code section or any other law or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith. Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection.

(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator."

(h) Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

(i) A report of child abuse or information relating thereto and contained in such report, when provided to a law enforcement agency or district attorney pursuant to subsection (e) of this Code section or pursuant to Code Section 49-5-41, shall not be subject to public inspection under Article 4 of Chapter 18 of Title 50 even though such report or information is contained in or part of closed records compiled for law enforcement or prosecution purposes unless:

(1) There is a criminal or civil court proceeding which has been initiated based in whole or in part upon the facts regarding abuse which are alleged in the child abuse reports and the person or entity seeking to inspect such records provides clear and convincing evidence of such proceeding; or

(2) The superior court in the county in which is located the office of the law enforcement agency or district attorney which compiled the records containing such reports, after application for inspection and a hearing on the issue, shall permit inspection of such records by or release of information from such records to individuals or entities who are engaged in legitimate research for educational, scientific, or public purposes and who comply with the provisions of this paragraph. When those records are located in more than one county, the application may be made to the superior court of any one of such counties. A copy of any application authorized by this paragraph shall be served on the office of the law enforcement agency or district attorney which compiled the records containing such reports. In cases where the location of the records is unknown to the applicant, the application may be made to the Superior Court of Fulton County. The superior court to which an application is made shall not grant the application unless:

(A) The application includes a description of the proposed research project, including a specific statement of the information required, the purpose for which the project requires that information, and a methodology to assure the information is not arbitrarily sought;

(B) The applicant carries the burden of showing the legitimacy of the research project; and

(C) Names and addresses of individuals, other than officials, employees, or agents of agencies receiving or investigating a report of abuse which is the subject of a report, shall be deleted from any information released pursuant to this subsection unless the court determines that having the names and addresses open for review is essential to the research and the child, through his or her representative, gives permission to release the information.

Exhibit I

**INCIDENT REPORT
CHILD/YOUTH PROTECTION PROGRAM**

Under the provisions of the Child/Youth Protection Program “a worker who has reasonable cause to believe that child abuse or inappropriate behavior has occurred will promptly report the incident or suspicions in writing to the appropriate Program Director and Church Administrator.”

Person Filing Report _____

Minor's Name (Recipient of Alleged Abuse) _____

Provide the following information about the incident or suspicions:

Nature of Report: ____ Physical Abuse ____ Sexual Abuse ____ Neglect
____ Other (Specify) _____

Name of Other Person(s) Present _____

Detailed Description of Allegations, Including Child's Statement (if any):

Date, Time and Location where this incident occurred _____

Name(s) of alleged maltreater(s) _____

Signature of Person Presenting Report

Signature of Program Director Receiving Report

Date and Time of Report

Date and Time of Receipt

Exhibit II

AFUMC VOLUNTEER DRIVER REGISTRATION FORM

We appreciate your willingness to assist AFUMC in driving your own vehicle. Please complete the following form, which will assist our program and assure appropriate insurance coverage.

Driver's Name: _____ Driver's Age: _____

Address: _____

Phone number (h): _____

Phone number (w): _____ (c): _____

Emergency contact name: _____

Emergency contact phone#: _____

Number of seats available for children with seatbelt and without airbag: _____

Driver's license information

Name on license: _____

License Number: _____

Type: _____

Any restrictions: _____

Expiration date: _____ State: _____

In what other states have you had a driver's license in the last ten years?

Have you had any moving traffic violation arrests or convictions in the last five years? (Include speeding, reckless driving, DUI, no operator's license and any other violations other than parking tickets, expired inspection stickers and similar minor non-moving violations.) YES NO

If yes, please note the violation and date.

Charge conviction (Yes/No/Reduced) Date _____ Place _____

Have you ever been denied a driver's license? YES NO

Has your driver's license ever been revoked or suspended? YES NO

Provide the following insurance information:

Current Insurance Company

Name: _____

Policy: _____

Agent's Name: _____

Agent's Address: _____

Agent's Phone Number: _____

How long have you been insured by this company? _____

What is the extent of liability coverage? _____

Do you agree to advise AFUMC immediately of any of the following? YES NO

1. A change in insurance coverage (amount, company, or agent).
2. Moving violations.
3. Revocation, suspension or any other change in driver's license.
4. Number of seats available for children with seatbelt and without airbag?

I, _____ (print name) understand and agree that my personal vehicle insurance policy will provide the primary insurance coverage when I am driving my own vehicle for AFUMC sponsored activities:

Signature _____ Date _____

Present this form with your Drivers License and insurance card.

FOR OFFICE USE ONLY

Copy of driver's license attached _____ (initial)

Copy of insurance card attached _____ (initial)

Form reviewed by Staff: _____

Date: _____ Status: Approved _____ Rejected _____

Exhibit III

**Reducing the Risk Allegation/Removal Checklist
to be Completed By the
AFUMC Pastoral Leadership Team and/or
the Church Business Administrator**

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

Date: _____	Initial: _____	1. For the appropriate Program Director and/or Business Administrator: Remove the accused from the situation and suspend the accused from duties involving children/youth.
Date: _____	Initial: _____	For Volunteers: Remove the accused from the situation and immediately notify the closest available Program Director and/or the Church Business Administrator who will suspend the accused. If the Program Director and/or the Church Business Administrator to whom the allegation is reported is not the department director, the person reporting will inform the department director as soon as possible.
Date: _____	Initial: _____	2. Make written documentation of everything done and said. If the person reporting the allegation is a volunteer, then both the volunteer and the Program Director and/or the Church Business Administrator to whom the volunteer has reported will document the procedures taken. Begin filling out the Incident Report Form.

The appropriate Program/Department Director and/or the Church Business Administrator appointed by the Senior Minister will administer the procedures after this point 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. Failure to report any suspected, alleged or witnessed abuse is a crime.

Date: _____	Initial: _____	5. Make written documentation of persons contacted and action taken to this point.
		(Items 6 through 8 continue on page 2)

Date: _____	Initial: _____	6. The Church Business Administrator will immediately notify the Senior Minister to begin the internal and pastoral care process, and the Church Business Administrator to begin the external insurance process.
Date: _____	Initial: _____	a. The Church Business Administrator or the designated representative will notify the 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 member of the need for confidentiality, and;
Date: _____	Initial: _____	g. consider and respond to the concerns of other parents.
Date: _____	Initial: _____	7. The director of the affected ministry area will respond to the pastoral care concerns of persons within the ministry area.
Date: _____	Initial: _____	8. Make written documentation of persons contacted and action taken.