

Attachment 1 Sample Child Safety Policy Related to AB 506

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CHILD ABUSE AND REPORTING

Definition of Child Abuse

In general, child abuse is:

- the physical, emotional, or sexual maltreatment of a minor, and/or
- the neglect of the health, safety, and welfare of a minor, and/or
- the exposure of a child to unreasonable risk of physical or emotional harm.

Abusers can be both adults and other minors. Signs of abuse may be plainly obvious, or they may be subtle or even invisible. Absence of signs or symptoms of abuse are not necessarily indicative of the absence of a problem. Occurrences may be isolated, one-time incidents, or they may be ongoing and repetitive. Whether or not a situation is ultimately deemed to be abusive or neglectful ultimately depends upon the totality of the circumstances. **NEVER HESITATE TO REPORT SUSPECTED ABUSE TO AUTHORITIES.** Abuse may include, but is not limited to, the following:

- **Physical abuse** is the non-accidental infliction of physical injury upon a child or intentionally injuring a child (including unlawful corporal punishment or injury). For example:
 - Intentional maltreatment of a minor (shoving, striking, kicking)
 - Inflicting excessive, unjustifiable, or cruel punishment upon a minor resulting in corporal injury (punching, beating, whipping, choking, burning, biting, leaving marks, cuts, welts, bruises, sprains, fractures)
 - Providing or permitting a minor to be given or to consume illegal and/or controlled substances (alcohol, other drugs)
- **Sexual abuse** may include, but is not limited to, any sexual contact or interaction between a minor and an adult, between two minors (depending on their respective ages and difference in age), or when a minor is being sexually exploited. Sexual behavior between an adult and a minor is never viewed as consensual and is always considered non-consensual even if the minor agrees to or was the one to initiate the behavior. For example:
 - Engaging, facilitating, encouraging, and/or allowing a minor to be involved in any kind of sexual activity, whether touching or non-touching behaviors
 - Engaging, facilitating, encouraging, and/or allowing a minor to view or witness sexual acts including live acts or pornographic material
 - Voyeurism and exhibitionism
 - “Sexting” (text exchanges of a sexual nature) and “sextortion” (blackmailing/coercing a minor into sending more sexual imagery of themselves under threats of revealing previously shared sexual images of the minor).
 - Sexual exploitation and sex trafficking (pornography, prostitution)
- **Emotional abuse** is a pattern of behavior attacking a child’s self-worth. It includes belittling, terrorizing, isolating, rejecting, ignoring, and corrupting the child. When continued over time, this maltreatment affects the child’s emotional well-being and development. For example:

- Allowing a minor to witness the abuse of another individual (e.g., spousal/domestic violence perpetrated in the presence of children)
 - Withholding love and support
 - Humiliation, rejection, and isolation
 - Constant criticism, name-calling, and belittling
 - Threats, intimidation, and other acts to instill fear and inflict mental suffering
- **Neglect** occurs when the caregiver causes or permits a child’s body or health to be endangered, whether with injury, without injury, or simply where injury is likely to occur. For example:
 - Failure to provide adequate food, clothing, shelter, medical care, or supervision
 - Failure to provide for adequate hygiene
 - Leaving a child in unsafe, unsanitary, or dangerous living conditions
 - Leaving a child with an inappropriate caregiver
 - Failure to protect a child
 - Allowing access to harmful substances like drugs, alcohol, or firearms.
 - Desertion of a child (abandonment)

California Mandated Child Abuse Reporting

California Penal Code [§11165.7](#) designates certain professionals as mandated reporters of child abuse – people who are statutorily required to report known or reasonably suspected child abuse and neglect. **All** Central Pacific District (CPD) administrators, board members, and employees are statutorily mandated reporters [[§11165.7\(a\)\(8\)](#)]. All CPD clergy members are statutorily mandated reporters [[§11165.7\(a\)\(32\)](#)] with limited clergy exceptions for penitential communication as specifically defined by Penal Code [§11166\(d\)\(1\)](#).

California’s Child Abuse and Neglect Reporting Act (CANRA) – Penal Code [§11166](#) – requires that mandated reporters report telephonically to Child Protective Services (CPS) or law enforcement immediately (or as soon as practical) if they know or reasonably suspect that a minor is or has been a victim of child abuse or neglect, is in a life-threatening situation, or poses a threat to themselves regardless of the location of the child or the alleged abuse.

Additionally, a [Form BCIA 8572](#) (“Suspected Child Abuse Report”) must also be completed and submitted within 36 hours to the agency to whom the initial phone report was made. BCIA 8572 is also available in Korean, Russian, Simple Chinese, Traditional Chinese, Vietnamese, Armenian, and Spanish at: <https://oag.ca.gov/childabuse/forms>.

Generally, it makes no difference whether a mandated reporter makes their initial report to Child Protective Services or to law enforcement, however, if the child is in imminent danger (e.g., the alleged perpetrator is a parent who is due to return soon to pick-up their child), consider making your report directly to law enforcement as a law enforcement response is likely to be more immediate than that of social services. Moreover, a law enforcement response may become necessary anyway once the parent learns that their child may be withheld from them and taken into protective custody. In such cases, ensure that the 9-1-1 operator knows that the parent is due to return soon, notify the Custodian of Records of CPD, and protect the child. Consider, while awaiting arrival of law enforcement, re-locating the child to another area of the facility away from where the child was to be picked-up by the parent. (Ensure that supervision of the minor remains in compliance with the 2-Mandated Reporter rule.)

A mandated reporter who becomes aware of known or suspected abuse retains sole legal reporting responsibility. In other words, while others may assist the mandated reporter in making a mandated report,

a mandated reporter's legal duty to report is solely their responsibility and cannot be legally deflected or deferred to someone else. Failure to report (or even delaying to report) an incident of known or reasonably suspected child abuse or neglect is a criminal offense punishable by up to six months imprisonment in county jail or by \$1,000 fine, or by both fine and imprisonment.

Pursuant to Penal Code [§11172\(a\)](#), persons reporting known or suspected child abuse or neglect are not subject to civil or criminal liability as a result of reporting as long as the reporting was not malicious and was done in good faith. Mandated reporters must identify themselves as part of their report. Their identity has limited confidentiality in that it may be shared only with law enforcement, Child Protective Services, medical examiner/coroner's office, licensing agencies, and other agencies with an investigative need-to-know, though it may also become known as a result of a criminal trial.

A CPD employee making a mandated report of suspected child abuse shall additionally notify the Custodian of Records of CPD and provide them with a copy of the "Suspected Child Abuse Report" Form BCIA 8572 that was submitted to authorities.

Click here to learn more about [Reporting Obligations Under the Child Abuse Reporting Act](#) (CANRA).

Permissive Child Abuse Reporting

Even persons who are not legally mandated reporters under [§11165.7](#) may make a report of known or suspected child abuse. This is known as permissive (or discretionary or voluntary) reporting.

California Penal Code [§11165.7\(b\)](#) states that [with the exception of Court-Appointed Special Advocates (CASA) volunteers], "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 Child Protective Services or law enforcement. In other words, volunteers are not statutorily mandated reporters (pursuant to Penal Code §11165.7); rather, they are permissive reporters. However, as an added layer of child safety and protection for minors under our care, CPD internally and as a matter of organizational policy, requires that all volunteers working with minors internally report known or suspected child abuse and neglect. Any CPD volunteer who becomes aware of known or suspect child abuse in the capacity of the volunteer role and duties must promptly contact their ministry leader to ensure that immediate steps can be taken to protect the child. The ministry leader will, in turn, immediately notify the Child Safety Coordinator to coordinate reporting to Child Protective Services or law enforcement. The Child Safety Coordinator must be provided with a copy of the "[Suspected Child Abuse Report](#)" form that is submitted to authorities.

Business & Professions Code §18975 / California AB 506

Business & Professions Code [§18975](#) (initially Assembly Bill 506) mandates that all administrators, all employees, and any regular volunteers (those volunteers 18 years of age or older who have direct contact with or supervision of children more than 16 hours per month or more than 32 hours per year) of youth service organizations must:

- "complete training in child abuse and neglect identification, and training in child abuse and neglect reporting"; and
- undergo a Live Scan fingerprint-based criminal history check (pursuant to California Penal Code [§11105.3](#)) "to identify and exclude any persons with a history of child abuse."

Business & Professions Code [§18975](#) additionally requires youth service organizations to develop and implement child abuse prevention policies and procedures including, but not limited to:

- “policies to ensure reporting of suspected incidents of child abuse” outside of the organization (pursuant to California Penal Code [§11165.9](#))
- “policies requiring, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children.”
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Mandated Reporter Training

CPD has subscribed to online Mandated Reporter Training (CA only)” through <https://churchHRnetwork.com/>. This 90-minute training is specific to California ministries and must be individually completed by every administrator, board member, and employee. This training will be assigned to you by the Custodian of Records of CPD after which you will receive an email with a link and instructions on how to complete the training. A certificate will be provided to you and to the ministry. This training will need to be repeated every two years.

Volunteers will be assigned a similar training geared specifically to volunteers as permissive reporters.

Reasonable Suspicion of Abuse

To report abuse, it is necessary only that the mandated reporter reasonably suspects abuse or neglect; it is not necessary that they gather specific details, proof of abuse, or evidence, nor is it the duty of the mandated reporter to investigate allegations or suspicions of abuse.

In determining if abuse exists, proceed very cautiously if questioning a child becomes necessary. Questioning must be limited to only that which is necessary to clarify a child’s statement to determine whether or not abuse exists; not to elicit additional detail if abuse is already suspected or evident. Any questions asked of a victim must be open-ended requiring the child to provide the information, must not be leading, and must not suggest answers. If you are unsure what to ask or how to proceed, then simply stop, notify authorities, and allow them to determine the best course of action.

EXAMPLES OF OPEN-ENDED VS. LEADING QUESTIONS		
Worker’s Observation	Acceptable Questions ✓	Unacceptable Questions ⊗
Child’s palms and knees are scraped and bruised.	What happened to your hands and knees?	Who did that to you? Did someone drag or push you?
Child randomly announces, “He touches me.”	What do you mean? Who touches you? Where?	Who?! Your daddy? Where?! On your privates?
Child has multiple loop-shaped bruises on their back consistent with whipping by electrical cord.	How did you get these marks on your back? (or, arguably, no questioning required at all).	Who beat you? Did somebody whip you? Did your parents do that to you?
Girl shares that “Sometimes my uncle puts his pee-pee inside my pee-pee.”	No questioning required; reasonable suspicion is sufficiently established.	When did this happen? Where did it happen? How many times did he do that?

Investigations and Confidentiality

The organization takes suspicions and allegations of child abuse or neglect seriously. **NEVER HESITATE TO REPORT SUSPECTED ABUSE TO AUTHORITIES.** In addition to reporting the matter to Child Protective Services or law enforcement, CPD may conduct its own internal investigation, but only when one or more of the following circumstances exists:

- 1) the alleged incident involves a ministry employee or volunteer
- 2) the alleged incident occurred on CPD premises or involves a ministry-owned vehicle
- 3) the alleged incident occurred during a ministry-sanctioned activity

In such cases, the accused employee or volunteer will be placed on leave pending the outcome of the investigation by law enforcement. (Employees will be placed on paid leave.) This leave is enacted out of an abundance of caution and shall in no way be construed as an indication of the accused's guilt.

Any criminal investigation by law enforcement always takes priority over the organization's internal/administrative investigation. The organization's investigation must not interfere with, hinder, jeopardize, or otherwise disrupt any criminal investigation and may even need to be postponed until such time that the criminal investigation has been completed and/or closed. Child abuse investigations are a very serious matter, therefore investigations will be entrusted only to a trained professional with knowledge and experience handling such delicate and nuanced investigations, such as a private investigator or attorney. Any resulting discipline – up to and including termination of employment or volunteer service – will be dependent upon the totality of the circumstances and based upon the findings of the investigation.

Any investigation – whether by law enforcement or by the organization – is strictly confidential. No employee or volunteer shall disclose, communicate, relay, or otherwise share the details of an allegation(s), an employee's or volunteer's suspension, separation, or termination, the status or details of any part of the investigation, or even the existence of an investigation to any party other than law enforcement or ministry staff and leaders with whom the employee or volunteer has specifically and expressly been instructed by the organization's leadership that they may communicate with regarding the matter.

Violation of confidentiality is disrespectful, violates the privacy of the victim and their family, perpetuates rumors and unsubstantiated information, denies due process to the accused, and may result in discipline up to and including termination as well as possible civil liability (for slander, libel, and defamation) and/or criminal sanctions related to the delay of, interference with, or obstruction of a criminal investigation.

WORKER SCREENING, SELECTION AND TRAINING

Screening and Selection of Staff and Volunteers

All ministry staff members and volunteers will be carefully and thoroughly vetted as part of a comprehensive screening, selection, and hiring process and in keeping with the guidelines below:

- All applicants for employment and volunteer service must complete, sign, and submit the appropriate ministry-approved employment or volunteer application form, as appropriate for the position applied for.
- All applicants for employment and volunteer service must present evidence of their true identity in the form of a valid government-issued photo identification). This is done not only to comply with government regulations for employment eligibility verification, but to confirm that the applicant is, in fact, who they present themselves to be and to ensure that the organization is conducting its pre-employment background investigation using the applicant's true identity.
- All applicants for employment and volunteer service must submit to a personal interview process to discuss their suitability for the position(s) for which they are applying.
- All prospective volunteers must first fulfill the ministry's attendance requirements of a minimum of six months of regular attendance of a member church of CPD. (Rare exceptions to this requirement may be made at the discretion of the Executive Pastor.)

- Adult applicants for employment and volunteer service must submit to a criminal history and background check (including Live Scan background check utilizing fingerprints and social security number) and a [National Sexual Offender Registry](#) check.
- All applicants for employment and volunteer service must submit to reference checks with (but not limited to) relatives, family members, friends, acquaintances, ministry leaders, employers, supervisors, coworkers, landlords, neighbors, housemates, and/or other persons, entities, or their agents, or formers of any of any of the preceding persons or entities.
- All applicants (or their parent in the case of minor applicants) for employment and volunteer service will be asked as part of the application process to complete and sign a background investigation release form authorizing the release to any duly authorized representative of CPD any and all information – to the extent allowable by law – that the respondent may have concerning the applicant, including but not limited to:
 - information of a confidential or privileged nature
 - data or materials which have been sealed or understood to be withheld pursuant to any prior agreement or court proceeding involving a disciplinary matter
 - performance evaluations, background investigation reports, or polygraph examination results
 - employment/administrative/HR investigations, complaints, and/or grievances filed by or against the applicant
 - information concerning, but not limited to, the applicant’s character, conduct, honesty, integrity, reputation, mode of living, faith practices, and financial responsibility
- Teen workers must be at least 14 years of age, will be screened similarly to adults (except for Live Scan fingerprinting), and must work only under the direct supervision of two mandated reporters.
- No person shall arbitrarily appoint volunteers or staff members (including their own family members) unless such appointee has been fully and properly screened, background- checked, and cleared for appointment pursuant to established organizational policies and procedures.
- **NO EMPLOYEE OR VOLUNTEER SHALL BEGIN WORKING OR VOLUNTEERING UNTIL THEIR BACKGROUND CHECK HAS BEEN COMPLETED AND THEY HAVE BEEN FULLY CLEARED BY the Custodian of Records of CPD TO BEGIN WORKING/SERVING.**

Training of Staff and Volunteers

Arguably, caring for another’s children requires a higher degree of accountability than caring for one’s own, and training is the only way to ensure staff and volunteers know procedures and can apply them consistently. All new ministry volunteers and staff, upon hiring, will be under the direct mentorship of an experienced volunteer or staff member. At minimum, upon hiring, employees and volunteers (including those with only incidental contact with minors) must understand organizational policies and procedures – including this Child Protection Plan – and agree to follow them.

All administrators, board members, employees, and regular volunteers (those volunteers who have direct contact with youth more than 16 hours per month or more than 32 hours per year) of youth service organizations **MUST** complete training in child abuse and neglect identification and mandated reporting. Additional beneficial training or refresher courses that the ministry may offer to the administrators, board members, employees, and regular volunteers or which they may pursue on their own may include:

- child abuse and neglect recognition
- mandated reporter
- advanced child protection
- anti-harassment
- behavior management

- diffusion and de-escalation
- basic first-aid
- cardiopulmonary resuscitation (CPR)
- automated external defibrillator (AED)
- fire extinguisher/fire hose use
- bloodborne pathogens
- sanitization and hygiene
- universal precautions
- naloxone (Narcan®) opioid overdose treatment
- epinephrine auto-injector (EpiPen®)
- safety and security protocols
- armed intruder/active shooter/lockdown
- mass casualty incident (MCI) response
- evacuation and reunification procedures
- practical and tabletop exercises
- talking to 9-1-1 (reporting problems & providing descriptions)
- missing child response
- incident report preparation