

Policy on Protection of Children and Youth from Abuse



The Right Reverend Scott B. Hayashi, Eleventh Bishop of Utah
Policy Number: P008
Revision Number: 5
Approved by the Bishop and Diocesan Council:

PURPOSE

This policy deals with the protection of children, youth, and vulnerable adults from abusive practices. It applies to governing bodies, diocesan staff, clergy, committees, commissions, institutional ministries, and laity. See also Policy C001, Clergy Background Checks and Training and Policy D002, Background Checks for Persons Holding Certain Diocesan Offices.

**This Policy was Adapted from the Model
Policies developed by
THE CHURCH PENSION GROUP
And Developed in Partnership with
The Nathan Network.**

Table of Contents

Purpose	i
Table of Contents	ii
Introduction	1
I. Policy for the Protection of Children and Youth.....	1
II. General Definitions	2
A. Church Personnel.....	2
B. Children, Youth, Minors and Vulnerable Adults	3
C. “Regularly” or “Occasionally” Work With or Around Minors	3
D. Types of Abuse.....	5
III. Safeguards for Minors	5
A. Screening and Selection	5
B. Education and Training Requirements	6
C. Monitoring and Supervision of Programs	7
D. General Conduct Guidelines for the Protection of Minors.....	8
IV. Responding to Problems.....	10
A. Reporting of Inappropriate Behavior or Policy Violations with Minors.....	10
B. Reporting of Suspected Abuse of Minors or Vulnerable Adults.....	10
Appendix A: Guidelines for Appropriate Affection.....	Appendix A-1
Appendix B: Sample Code of Conduct for the Protection of Minor sand Vulnerable Adults.....	Appendix B-1
Appendix C: Utah Child Abuse Reporting Statutes	Appendix C-1
Appendix D: Utah Vulnerable Adult Reporting Statutes	Appendix D-1
Appendix E: Interviewing Guide for Prospective Employees and, as Applicable, Volunteers	Appendix E-1
Appendix F: Instructions for Doing Utah On-Line Sex Offender Search.....	Appendix F-1
Appendix G: A Pastoral Letter from the Bishops of the Episcopal Church..	Appendix G-1
Appendix H: Resolution B008 as adopted by the 74 th General Convention	Appendix H-1
Appendix I: History and Policy for the Protection of Children and Youth....	Appendix I-1

Introduction

The Diocese of Utah has had a long-standing commitment to protecting our children and other vulnerable persons. Even before the Church mandated training designed to help prevent Child Sexual Abuse, the Diocese was providing this training. We have been active in promoting healthy and healing practices. We think it prudent to exercise due diligence because God calls us to care for children and other vulnerable persons, and it is the right and proper thing to do.

The following policies come out of many years of work within the Episcopal Church at every level. The majority of what follows comes to us from the Church Pension Group, in partnership with The Nathan Network, which provided *Model Policies for the Protection of Children and Youth from Abuse* to the Episcopal Church. The Diocese of Utah, using the *Model Policies*, then developed its own policy which is contained in this document. **For purposes of this document, the words “Child,” “Children,” “Youth,” and “Minors” mean the same age group and the words may be used interchangeably.** For a history of the development of this policy throughout the Episcopal Church, see Appendix I.

While the majority of the ministries mentioned in this Policy deal specifically with Minors, Church Personnel must extend the same amount of care and apply the Code of Conduct to Vulnerable Adults as defined in the Definitions section of this Policy.

I. Policy for the Protection of Children and Youth

Relationships among people are at the foundation of Christian ministry and as such are central to the life of the Church. Defining healthy and safe relationships through policies and codes of conduct is not meant, in any way, to undermine the strength and importance of personal interaction in our ministries. Rather, it is to assist in more clearly defining behaviors and practices that allow the church to more fully demonstrate its love and compassion for Minors in sincere and genuine relationships.

Relationships in ministry should, ideally, always be experienced as caring and without intention to do harm or allow harm to occur. This Policy has been adopted by the Diocese of Utah to help the church create safe environments for Minors and for those who minister to them. All Church Personnel are asked to carefully consider each statement in the Code of Conduct and within the *Policy for the Protection of Children and Youth from Abuse* before agreeing to adhere to the statements and continue in service to the Church.

Conduct Policy for Protection of Minors and Vulnerable Adults

Church Personnel understand that the Church will not tolerate abuse of Minors and Vulnerable Adults and agree to comply in spirit and in action with this position.

Church Personnel agree to do their best to prevent abuse and neglect among Minors and Vulnerable Adults involved in church activities and services.

Church Personnel agree to not physically, sexually or emotionally abuse or neglect a Minor or Vulnerable Adult.

Church Personnel agree to comply with the policies for general conduct with Minors as defined in this *Policy for the Protection of Children and Youth from Abuse*, and apply appropriately similar behaviors when interacting with Vulnerable Adults.

All Church Personnel agree to comply with the Guidelines for Appropriate Affection, Appendix A, with Minors, and apply appropriately similar behaviors when interacting with Vulnerable Adults.

In the event that Church Personnel observe any inappropriate behaviors or possible policy violations with Minors or Vulnerable Adults, Church Personnel agree to immediately report their observations.

All Church Personnel acknowledge their obligation and responsibility to protect Minors and Vulnerable Adults and agree to report known or suspected abuse of Minors and Vulnerable Adults to appropriate church leaders and state authorities in accordance with this Policy. (See also Appendices B and C for State reporting statutes.)

All Church Personnel acknowledge that their continued employment or service is contingent upon complying with this Policy.

Please see Section IV A and B regarding specific reporting procedures.

II. General Definitions

A. Church Personnel

This Policy applies to Church Personnel, either Episcopal or ELCA within the Diocese of Utah. For the purposes of this Policy, the following are included in the definition of Church Personnel when they are functioning in their respective roles for the Church:

1. All clergy whether stipendiary, non-stipendiary, retired or otherwise who are engaged in ministry or service to the Church.

2. All paid personnel whether employed in areas of ministry or other kinds of service by the diocese, its congregations, schools or other agencies, for example, sextons, secretaries, youth ministers, choir directors, Christian Education Directors, and school personnel.
3. Those who contract their services to the diocese, its congregations, schools or other agencies and that have regular access to Minors.
4. Volunteers, including any person who enters into or offers him or herself for a church-related service, or who actually assists with, or performs, a service. Volunteers include members of advisory boards, vestries, Bishop's Committees, boards of directors, Sunday school teachers, nursery attendants, acolyte leaders, youth leaders, etc.

B. Children, Youth, Minors and Vulnerable Adults

1. **Child, Youth** or **Minor** is defined as anyone who is under the age of 18 years old.
2. A **Vulnerable Adult** is any adult who, by virtue of mental or physical infirmity, is unlikely to be capable of resisting or defending against acts of abuse or exploitation.

C. “Regularly” or “Occasionally” Work With or Around Minors

Regularly Work With or Around Minors

For the purpose of this Policy, the following are included in the definition of Church Personnel who “Regularly Work With or Around Minors”:

1. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
2. All persons who supervise or assist with supervising Minors, in ministries, programs or activities more often than occasionally, excluding church school teachers.
3. All Church Personnel who provide transportation to Minors more often than occasionally.
4. Any paid personnel whose living quarters are on the grounds of the church, school or other related agency.

5. Any person whose work or service, although not directly related to programs or activities for Minors, provides them access to the building when Minors could potentially also be in the same building.

Examples include, but are not limited to:

- All Church Personnel who work or assist in the nursery more than three times a year
- All staff, whether volunteer or paid, at church camps
- Adults who participate in overnight activities with Minors more than three times a year
- Adults who have access to buildings on a regular basis, regardless of their position or service, which includes parish secretaries and sextons
- Acolyte director
- After-school tutor
- Children's or youth choir directors
- Interns
- Musicians who work with Minors
- Preschool worker
- Youth Impact worker
- Youth leader, director or minister

Occasionally Work With or Around Minors

For the purpose of this Policy, the following are included in the definition of Church Personnel who "Occasionally Work With or Around Minors." It is understood that these individuals will work with and under the direction of a person who "Regularly Works With or Around Minors" and has received the training required under this Policy.

1. All persons who supervise or assist with supervising Minors in ministries, programs or activities infrequently, generally no more than three times a year or for one program or activity during a year that lasts less than a month (i.e. assisting with preparation for the Christmas pageant, or teaching one "unit" of church school for a month).
2. All persons who provide transportation to Minors infrequently, generally no more than three times a year.
3. All persons who work or assist in the nursery three or fewer times a year, whether on an emergency basis or otherwise.

D. Types of Abuse

1. **Physical abuse** is non-accidental injury inflicted upon a Minor.
2. **Sexual abuse** is any attempted or actual contact or activity of a sexual nature which includes, among other things, intercourse, sodomy, molestation or sexual exploitation and providing sexually oriented materials.
3. **Emotional abuse** is mental or emotional injury to a Minor that results in an observable and material impairment in the Minor's growth, development or psychological functioning.
4. **Neglect** is the failure to provide for a Minor's basic needs or the failure to protect a Minor from harm.
5. **Economic exploitation** is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a Minor's belongings or money.

III. Safeguards for Minors

A. Screening and Selection

1. Any and all Church Personnel who Regularly Work With or Around Minors shall be screened and selected utilizing at least the following:
 - a. Completion of an Application for Employment or Volunteer Appointment, Acknowledgment, Release and Signature, Form 002, for the purpose of conducting a thorough background check as described in the Diocesan Policy Manual Concerning Church Worker Conduct, Policy D012. (See also Form Instruction 002 for assistance in completing and handling of application form.)
 - b. Delivery of a signed and dated original Code of Conduct, Form 004 (a sample of which, without a signature line, appears as Appendix B), to the parish or institution where the Church Personnel will serve and a copy to the Diocesan Chancellor's Office.

- c. Individual **interview** with the applicant by the priest-in-charge or other authorized hiring official. See Interviewing Guide for Prospective Employees and, as Applicable, Volunteers, Appendix E.
 - d. The above shall be initiated prior to the start of service. Employment or assignment may commence prior to completion of the background check, but continuing employment or assignment is subject to successful completion of the background check and attendance at required training.
2. Sunday School teachers are not required to have a background check, but will be subject to subparagraphs b through d above. Additionally, the parish shall check the on-line sex offender registry for Utah. See Appendix F for Instructions for Doing Utah On-Line Sex Offender Search and Form 005, Sunday School Teacher Information Form, for related form to gather information from Sunday School teacher volunteers.
 3. Each parish or institution shall keep the original signed Codes of Conduct for Church Personnel who work with or around Minors in their ministries. For Sunday School teachers, each parish shall also maintain the Sunday School Teacher Information Sheets with notations regarding the on-line Sex Offender Search.
 4. To the extent possible, no person will be permitted to supervise an immediate family member without other adults present when working with or around Minors. For the purpose of this Policy, immediate family member is defined as spouse, child, parent, sister, brother, similar in-law relationship, stepchild, stepparent, stepsibling, or grandparent.
 5. Church Personnel who transfer within the Diocese of Utah and apply for or otherwise undertake positions working with or around Minors are required to undergo the same screening and selection process set forth above.

B. Education and Training Requirements

1. Diocesan-approved child abuse prevention education and training is required for all Church Personnel who Regularly Work With or Around Minors, preferably before they start their work with Minors or, if that is not possible, within three months of starting.

2. Individuals who fall into the category of “Occasionally Work With or Around Minors,” will be supervised by another individual who has had a background check and completed the Diocesan-approved child abuse prevention education and training.

C. Monitoring and Supervision of Programs

The monitoring and supervision of programs and activities is important for safeguarding Minors. Church leaders must make sure the structural safeguards are followed by monitoring and supervising activities. The structural guidelines and standards are covered in the following sections: **Monitoring and Supervision, General Conduct Guidelines for the Protection of Minors** and **Guidelines for Appropriate Affection, Appendix A.**

Recommended guidelines follow:

1. All programs for Minors should have a ratio of adults to Minors appropriate for the event to ensure the safety of such gatherings. With the exception of Sunday School and nursery (which are covered by applicable provisions of the Diocesan Policy Concerning Church Worker Conduct), all programs should have a minimum of two supervisors physically present during all activities. Persons under 18 but over 15 may co-supervise younger Minors with at least one adult supervisor who is over the age of 21.
2. Church Personnel are prohibited from being alone with a Minor or multiple Minors where other adults cannot easily observe them.
3. Church Personnel over the age of 21 must directly supervise Church Personnel under the age of 18 and be physically present during all activities.
4. Church Personnel are not permitted to develop new activities for Minors without approval from the rector or canonical equivalent. The rector will consider whether the plan for a new activity includes adequate adult supervision.
5. Each program will develop age-appropriate procedures established by the Diocesan Council, Vestry (for congregational activities), or by the Board of a church-related institution to ensure the safety of Minors using restrooms and showers or baths.

6. When supervising or assisting private activities such as dressing, showering or diapering infants, Church Personnel will remain in an area observable by other adults or work in pairs.
7. At least two unrelated Church Personnel must supervise activities. To the extent possible when both boys and girls are participating, male and female chaperones should be present.

D. General Conduct Guidelines for the Protection of Minors

The following guidelines are intended to assist Church Personnel in monitoring and supervising behaviors and interactions with Minors in order to identify and stop those that may be inherently harmful and are of the type used by child molesters to “groom” Minors and their parents, or which may create the conditions where abuse can occur more easily. They are also used to make decisions about interactions with Minors in church-sponsored and affiliated programs. They are not designed or intended to address interactions within families. When exceptions to these guidelines must be made, they will be reported to the supervisor of the person granting the exception as soon as possible. All such guidelines should be applied appropriately to Vulnerable Adults where applicable.

1. All Church Personnel who work with Minors must agree to comply with the Guidelines for Appropriate Affection (Appendix A).
2. No person will be allowed to volunteer to Regularly Work with Minors until the person has been known to the clergy and congregation for at least six months.
3. Programs for infants and Minors under six years old will have procedures to ensure that Minors are released only to their parents or legal guardians or those designated by them.
4. Church Personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the mis-use of legal drugs while participating in or assisting with programs or activities for Minors.
5. Parents or guardians must complete written permission forms before Church Personnel transport Minors for a church sponsored activity or for any purpose on more than an occasional basis. Refer to permission form. Form 001 entitled Activity Permission and Medical Authorization, Including Assumption of Risk, Release of Liability, and Indemnification Agreement and related Form Instruction 001.

6. Church Personnel will respond to Minors with respect, consideration and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socio-economic status. Church Personnel will portray a positive role model for Minors by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism.
7. One-to-one counseling with Minors will be done in an open or public area or other place where private conversations are possible but occur in full view of others. This may include a private office if the door is left open or a window offers public view at all times.
8. Church Personnel are prohibited from dating or becoming romantically involved with a Minor.
9. Church Personnel are prohibited from having sexual contact with a Minor.
10. Church Personnel are prohibited from possessing any sexually oriented materials (magazines, cards, videos, films, clothing, etc.) on church property or in the presence of Minors.
11. Church Personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of Minors.
12. Church Personnel are prohibited from discussing their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with Minors.
13. Church Personnel are prohibited from sleeping in the same beds or sleeping bags with Minors unless the adult is an immediate family member of all Minors in the bed or sleeping bag. It is acceptable to have multiple adults sleep within the same room as the Minors participating in one open space such as a church basement or camp lodge.
14. Church Personnel are prohibited from dressing, undressing, bathing, or showering in the presence of Minors.
15. Church Personnel are prohibited from using physical punishment in any way for behavior management of Minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force. Physical force may only be used to stop a behavior that may cause immediate harm to the individual or to a Minor or others.

16. Church Personnel are prohibited from using harsh language, degrading punishment, or mechanical restraint such as rope or tape for behavior management.
17. Church Personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to ministries involving Minors or camp activities.

IV. Responding to Problems

A. Reporting of Inappropriate Behaviors or Policy Violations with Minors

1. When Church Personnel observe any inappropriate behaviors, behaviors that are inconsistent with the Guidelines for Appropriate Affection, or which may violate any provision of the *Policy for the Protection of Children and Youth from Abuse*, they must, at the soonest possible opportunity, report their observations. Examples of inappropriate behaviors or policy violations would be seeking private time with Minors, taking Minors on overnight trips without other adults, swearing or making suggestive comments to Minors, or selecting staff or volunteers without the required screening.
2. Such inappropriate behaviors or possible policy violations that relate to interactions with Minors should be reported in the same manner and according to the same process as set forth in the Diocesan Policy Manual Concerning Church Worker Conduct.
3. All reports of inappropriate behavior or policy violations with Minors will be taken seriously.

B. Reporting of Suspected Abuse of Minors or Vulnerable Adults

1. All Church Personnel are required by this policy to report known or suspected abuse of Minors or Vulnerable Adults to the appropriate state authorities and to the rector or Bishop. (See Appendix C for specific State reporting requirements for Minors, and Appendix D for State reporting requirements for Vulnerable Adults.)

2. Failure to report suspected abuse of Minors or Vulnerable Adults is a crime. Reports may be made confidentially or anonymously. The State of Utah provides immunity from civil liability for persons required to report suspected abuse in good faith and without malice. Simply stated, “in good faith” means that the person submitting the report believes what he or she is reporting to be true.
3. In addition to reporting to the State authorities, Church Personnel are required to report any suspected or known abuse of Minors or Vulnerable Adults that may have been perpetrated by Church Personnel directly to the rector of their parish or the Bishop so that immediate and proper steps may be taken to ensure the safety of alleged victims.
4. Reports of suspected or known abuse that involve Church Personnel should be reported to the Diocese of Utah in the same manner and according to the same process as set forth in the Diocesan Policy Manual Concerning Church Worker Conduct.
5. The Diocese of Utah and all of our congregations and institutions will cooperate with any investigation by state authorities to the fullest extent appropriate and inform authorities that a concurrent internal investigation will be directed by the Diocese of Utah.

[this page intentionally left blank]

Appendix A. Guidelines for Appropriate Affection

The Diocese of Utah is committed to creating and promoting a positive, nurturing environment for our ministries involving Minors that protect our Minors from abuse and our Church Personnel from misunderstandings. When creating safe boundaries for Minors, it is important to establish what types of affection are appropriate and inappropriate. Stating which behaviors are appropriate and inappropriate allows Church Personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with Minors. The Guidelines are based, in large part, on avoiding behaviors known to be used by child molesters to “groom” Minors and their parents for future abuse. Most guidelines for older Minors should be applied to Vulnerable Adults. The following guidelines are to be carefully followed by all Church Personnel working around or with Minors.

1. Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with Minors. Some positive and appropriate forms of affection are listed below:
 - Brief hugs.
 - Pats on the shoulder or back.
 - Handshakes.
 - “High-fives” and hand slapping.
 - Verbal praise.
 - Touching hands, faces, shoulders and arms of Minors.
 - Arms around shoulders.
 - Holding hands while walking with small Children.
 - Sitting beside small Children.
 - Kneeling or bending down for hugs with small Children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).

2. The following forms of affection are considered inappropriate with Minors in ministry setting because many of them are the behaviors that child molesters use to “groom” Minors for later molestation or can be, in and of themselves, sexual abuse.
 - Inappropriate or lengthy embraces.
 - Kisses on the mouth.
 - Holding Minors over three years old on the lap.
 - Touching bottoms, chests or genital areas other than for appropriate diapering or toileting of infants and toddlers.

- Showing affection in isolated areas such as bedrooms, closets, staff only areas or other private rooms.
- Occupying a bed with a Minor.
- Touching knees or legs of Minors.
- Wrestling with Minors.
- Tickling Minors.
- Piggyback rides.
- Hugs from behind.
- Any type of massage given by a Minor to an adult.
- Any type of massage given by an adult to a Minor.
- Any form of unwanted affection.
- Comments or compliments (spoken, written, or electronic) that relate to physique or body development. Examples would be, “You sure are developing,” or “You look really hot in those jeans.”
- Snapping bras or giving “wedgies” or similar touch of underwear whether or not it is covered by other clothing.
- Giving gifts or money to individual Minors.
- Private meals with individual Minors in non-public places.

Appendix B: Sample Code of Conduct for the Protection of Minors and Vulnerable Adults

NOTE: For a version of this Code to be signed by Applicant, See Form 004

Code of Conduct for the Protection of Minors and Vulnerable Adults

Read and initial each item to signify your agreement to comply with the statement.

- I agree to do my best to prevent abuse and neglect among Minors and Vulnerable Adults involved in church activities and services.
- I agree not to physically, sexually or emotionally abuse or neglect a Minor or Vulnerable Adult.
- I agree to comply with the policies for general conduct with Minors and Vulnerable Adults defined in the *Policies for the Protection of Children and Youth from Abuse*.
- I agree to comply with the Guidelines for Appropriate Affection with Minors and agree to appropriately apply the Guidelines to Vulnerable Adults.
- In the event that I observe any inappropriate behaviors or possible policy violations with Minors or Vulnerable Adults, I agree to immediately report my observations.
- I acknowledge my obligation and responsibility to protect Minors and Vulnerable Adults and agree to report known or suspected abuse of Minors or Vulnerable Adults to appropriate church leaders and state authorities in accordance with the *Policies for the Protection of Children and Youth from Abuse*.
- I understand that the church will not tolerate abuse of Minors or Vulnerable Adults and I agree to comply in spirit and in action with this position.

NOTE: See Form 004 for version with signature lines. Original of Code of Conduct to be kept in file at parish or institution where person will serve. For those required to have a background check, a copy is to be sent to the Diocesan Chancellor's Office by applicant/volunteer with the completed Application for Employment or Volunteer Appointment form (Form 002)

Appendix C: Utah Child Abuse Reporting Statutes

62A-4a-401. Legislative purpose.

It is the purpose of this part to protect the best interests of children, offer protective services to prevent harm to children, stabilize the home environment, preserve family life whenever possible, and encourage cooperation among the states in dealing with the problem of abuse or neglect.

Amended by Chapter 299, 2008 General Session

62A-4a-402. Definitions.

As used in this part:

(1) "A person responsible for a child's care" means the child's parent, guardian, or other person responsible for the child's care, whether in the same home as the child, a relative's home, a group, family, or center day care facility, a foster care home, or a residential institution.

(2) "Subject" or "subject of the report" means any person reported under this part, including, but not limited to, a child, parent, guardian, or other person responsible for a child's care.

Amended by Chapter 299, 2008 General Session

62A-4a-403. Reporting requirements.

(1) (a) Except as provided in Subsection (2), when any person including persons licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 31b, Nurse Practice Act, has reason to believe that a child has been subjected to abuse or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately notify the nearest peace officer, law enforcement agency, or office of the division.

(b) Upon receipt of the notification described in Subsection (1)(a), the peace officer or law enforcement agency shall immediately notify the nearest office of the division. If an initial report of abuse or neglect is made to the division, the division shall immediately notify the appropriate local law enforcement agency. The division shall, in addition to its own investigation, comply with and lend support to investigations by law enforcement undertaken pursuant to a report made under this section.

(2) Subject to Subsection (3), the notification requirements of Subsection (1) do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to the clergyman or priest in the professional character of the clergyman or priest in the course of discipline enjoined by the church to which the clergyman or priest belongs, if:

(a) the confession was made directly to the clergyman or priest by the perpetrator; and

(b) the clergyman or priest is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

(3) (a) When a clergyman or priest receives information about abuse or neglect from any source other than confession of the perpetrator, the clergyman or priest is required to give notification on the basis of that information even though the clergyman or priest may have also received a report of abuse or neglect from the confession of the perpetrator.

(b) Exemption of notification requirements for a clergyman or priest does not exempt a clergyman or priest from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

Amended by Chapter 299, 2008 General Session

62A-4a-404. Fetal alcohol syndrome and drug dependency -- Reporting requirements.

When an individual, including a licensee under the Medical Practice Act or the Nurse Practice Act, attends the birth of a child or cares for a child, and determines that the child, at the time of birth, has fetal alcohol syndrome, fetal alcohol spectrum disorder, or fetal drug dependency, the individual shall report that determination to the division as soon as possible.

Amended by Chapter 293, 2012 General Session

62A-4a-405. Death of child -- Reporting requirements.

(1) Any person who has reason to believe that a child has died as a result of abuse or neglect shall report that fact to:

- (a) the local law enforcement agency, who shall report to the county attorney or district attorney as provided under Section 17-18-1 or 17-18-1.7; and
- (b) the appropriate medical examiner in accordance with Title 26, Chapter 4, Utah Medical Examiner Act.

(2) After receiving a report described in Subsection (1), the medical examiner shall investigate and report the medical examiner's findings to:

- (a) the police;
- (b) the appropriate county attorney or district attorney;
- (c) the attorney general's office;
- (d) the division; and
- (e) if the institution making the report is a hospital, to that hospital.

Amended by Chapter 299, 2008 General Session

62A-4a-410. Immunity from liability -- Exceptions.

(1) Except as provided in Subsection (3), any person, official, or institution participating in good faith in making a report, taking photographs or X-rays, assisting an investigator from the division, serving as a member of a child protection team, or taking a child into protective custody pursuant to this part, is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.

(2) This section does not provide immunity with respect to acts or omissions of a governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity Act of Utah.

(3) The immunity described in Subsection (1) does not apply if the person, official, or institution:

- (a) acted or failed to act through fraud or willful misconduct;
- (b) in a judicial or administrative proceeding, intentionally or knowingly gave, upon a lawful oath or in any form allowed by law as a substitute for an oath, false testimony material to the issue or matter of inquiry in the proceeding; or
- (c) intentionally or knowingly:
 - (i) fabricated evidence; or
 - (ii) except as provided in Subsection (4), with a conscious disregard for the rights of others, failed to disclose evidence that:
 - (A) was known to the person, official, or institution; and
 - (B) (I) was known by the person, official, or institution to be relevant to a material issue or matter of inquiry in a pending judicial or administrative proceeding if the person, official, or institution knew of the pending judicial or administrative proceeding; or
 - (II) was known by the person, official, or institution to be relevant to a material issue or matter of inquiry in a judicial or administrative proceeding, if disclosure of the evidence was requested of the employee by a party to the proceeding or counsel for a party to the proceeding.

(4) Immunity is not lost under Subsection (3)(c)(ii), if the person, official, or institution:

- (a) failed to disclose evidence described in Subsection (3)(c)(ii), because the person, official, or institution is prohibited by law from disclosing the evidence; or
- (b) (i) pursuant to the provisions of 45 CFR 164.502(g)(5), refused to disclose evidence described in Subsection (3)(c)(ii) to a person who requested the evidence; and
- (ii) after refusing to disclose the evidence under Subsection (4)(b)(i), complied with or responded to a valid court order or valid subpoena received by the person, official, or institution to disclose the evidence described in Subsection (3)(c)(ii).

Amended by Chapter 382, 2008 General Session
Amended by Chapter 395, 2008 General Session

62A-4a-411. Failure to report -- Criminal penalty.

Any person, official, or institution required to report a case of suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, who willfully fails to do so is guilty of a class B misdemeanor. Action for failure to report must be commenced within four years from the date of knowledge of the offense and the willful failure to report.

Amended by Chapter 299, 2008 General Session

62A-4a-412. Reports and information confidential.

(1) Except as otherwise provided in this chapter, reports made pursuant to this part, as well as any other information in the possession of the division obtained as the result of a report are private, protected, or controlled records under Title 63G, Chapter 2, Government Records Access and Management Act, and may only be made available to:

- (a) a police or law enforcement agency investigating a report of known or suspected abuse or neglect;
- (b) a physician who reasonably believes that a child may be the subject of abuse or neglect;
- (c) an agency that has responsibility or authority to care for, treat, or supervise a minor who is the subject of a report;
- (d) a contract provider that has a written contract with the division to render services to a minor who is the subject of a report;
- (e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural parents of the child, and the guardian ad litem;
- (f) a court, upon a finding that access to the records may be necessary for the determination of an issue before the court, provided that in a divorce, custody, or related proceeding between private parties, the record alone is:
 - (i) limited to objective or undisputed facts that were verified at the time of the investigation; and
 - (ii) devoid of conclusions drawn by the division or any of the division's workers on the ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or neglect of another person;
- (g) an office of the public prosecutor or its deputies in performing an official duty;
- (h) a person authorized by a Children's Justice Center, for the purposes described in Section **67-5b-102**;
- (i) a person engaged in bona fide research, when approved by the director of the division, if the information does not include names and addresses;
- (j) the State Office of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with substantiated findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the office must provide the subject of a report

received under Subsection (1)(k) with an opportunity to respond to the report before making a decision concerning licensure or employment;

(k) any person identified in the report as a perpetrator or possible perpetrator of abuse or neglect, after being advised of the screening prohibition in Subsection (2);

(l) except as provided in Subsection 63G-2-202(10), a person filing a petition for a child protective order on behalf of a child who is the subject of the report; and

(m) a licensed child-placing agency or person who is performing a preplacement adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and 78B-6-130.

(2) (a) A person, unless listed in Subsection (1), may not request another person to obtain or release a report or any other information in the possession of the division obtained as a result of the report that is available under Subsection (1)(k) to screen for potential perpetrators of abuse or neglect.

(b) A person who requests information knowing that it is a violation of Subsection (2)(a) to do so is subject to the criminal penalty in Subsection (4).

(3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division and law enforcement officials shall ensure the anonymity of the person or persons making the initial report and any others involved in its subsequent investigation.

(b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but including this chapter and Title 63G, Chapter 2, Government Records Access and Management Act, when the division makes a report or other information in its possession available under Subsection (1)(e) to a subject of the report or a parent of a child, the division shall remove from the report or other information only the names, addresses, and telephone numbers of individuals or specific information that could:

(i) identify the referent;

(ii) impede a criminal investigation; or

(iii) endanger a person's safety.

(4) Any person who wilfully permits, or aides and abets the release of data or information obtained as a result of this part, in the possession of the division or contained on any part of the Management Information System, in violation of this part or Sections 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

(5) The physician-patient privilege is not a ground for excluding evidence regarding a child's injuries or the cause of those injuries, in any proceeding resulting from a report made in good faith pursuant to this part.

(6) A child-placing agency or person who receives a report in connection with a preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

(a) may provide this report to the person who is the subject of the report; and

(b) may provide this report to a person who is performing a preplacement adoptive evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a licensed child-placing agency or to an attorney seeking to facilitate an adoption.

Amended by Chapter 3, 2008 General Session
Amended by Chapter 87, 2008 General Session
Amended by Chapter 299, 2008 General Session
Amended by Chapter 382, 2008 General Session

62A-4a-501. Harboring a runaway -- Reporting requirements -- Division to provide assistance -- Affirmative defense -- Providing shelter after notice.

(1) As used in this section:

(a) "Harbor" means to provide shelter in:

- (i) the home of the person who is providing the shelter; or
- (ii) any structure over which the person providing the shelter has any control.

(b) "Promptly" means within eight hours after the later of:

- (i) the time that the person becomes aware that the minor is a runaway; or
- (ii) the time that the person begins harboring the minor.

(c) "Receiving center" is as defined in Section **62A-7-101**.

(d) "Runaway" means a minor, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the parent or legal guardian of the minor without the permission of the parent or legal guardian.

(e) "Temporary homeless youth shelter" means a facility that:

- (i) provides temporary shelter to a runaway; and
- (ii) is licensed by the Office of Licensing, created in Section **62A-1-105**, as a residential support program.

(f) "Youth services center" means a center established by, or under contract with, the Division of Juvenile Justice Services, created in Section **62A-1-105**, to provide youth services, as defined in Section **62A-7-101**.

(2) A person is guilty of a class B misdemeanor if the person:

- (a) knowingly and intentionally harbors a minor;
- (b) knows at the time of harboring the minor that the minor is a runaway; and
- (c) except as provided in Subsection (3), fails to promptly notify one of the following, by telephone or other reasonable means, of the location of the minor:
 - (i) the parent or legal guardian of the minor;
 - (ii) the division; or
 - (iii) a youth services center.

(3) A person described in Subsection (2) is not required to comply with Subsection (2)(c), if:

- (a) a court order is issued authorizing a peace officer to take the minor into custody; and
- (b) the person promptly notifies a peace officer or the nearest detention center, as defined in Section **62A-7-101**, by telephone or other reasonable means, of the location of the

minor.

(4) It is an affirmative defense to the crime described in Subsection (2) that:

(a) the person failed to promptly provide notice as described in Subsection (2)(c) or (3) due to circumstances beyond the control of the person providing the shelter; and

(b) the person provided the notice described in Subsection (2)(c) or (3) as soon as it was reasonably practicable to do so.

(5) Upon receipt of a report that a runaway is being harbored by a person:

(a) a youth services center shall:

(i) notify the parent or legal guardian that a report has been made; and

(ii) inform the parent or legal guardian of assistance available from the youth services center; or

(b) the division shall:

(i) determine whether the runaway is abused, neglected, or dependent; and

(ii) if appropriate, make a referral for services for the runaway.

(6) A parent or legal guardian of a runaway who is aware that the runaway is being harbored may notify a law enforcement agency and request assistance in retrieving the runaway. The local law enforcement agency may assist the parent or legal guardian in retrieving the runaway.

(7) Nothing in this section prohibits an individual or a temporary homeless youth shelter from continuing to provide shelter to a runaway, after giving the notice described in Subsection (2)(c) or (3), if:

(a) a parent or legal guardian of the minor consents to the continued provision of shelter; or

(b) a peace officer or a parent or legal guardian of the minor fails to retrieve the runaway.

(8) Nothing in this section prohibits an individual or a temporary homeless youth shelter from providing shelter to a non-emancipated minor whose parents or legal guardians have intentionally:

(a) ceased to maintain physical custody of the minor;

(b) failed to make reasonable arrangements for the safety, care, and physical custody of the minor; and

(c) failed to provide the minor with food, shelter, or clothing.

(9) Nothing in this section prohibits:

(a) a receiving center or a youth services center from providing shelter to a runaway in accordance with the requirements of Title 62A, Chapter 7, Juvenile Justice Services, and the rules relating to a receiving center or a youth services center; or

(b) a government agency from taking custody of a minor as otherwise provided by law.

(10) Nothing in this section releases a person from the obligation, under Section **62A-4a-403**, to report abuse or neglect of a child.

Amended by Chapter 19, 2009 General Session

Appendix D: Utah Vulnerable Adult Abuse Reporting Statutes

76-5-111. Abuse, neglect, or exploitation of a vulnerable adult -- Penalties.

(1) As used in this section:

(a) "Abandonment" means a knowing or intentional action or inaction, including desertion, by a person or entity acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or medical or other health care.

(b) "Abuse" means:

(i) attempting to cause harm, intentionally or knowingly causing harm, or intentionally or knowingly placing another in fear of imminent harm;

(ii) causing physical injury by knowing or intentional acts or omissions;

(iii) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult that is in conflict with a physician's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the adult; or

(iv) deprivation of life-sustaining treatment, except:

(A) as provided in Title 75, Chapter 2a, Advance Health Care Directive Act; or

(B) when informed consent, as defined in this section, has been obtained.

(c) "Business relationship" means a relationship between two or more individuals or entities where there exists an oral or written agreement for the exchange of goods or services.

(d) (i) "Caretaker" means any person, entity, corporation, or public institution that assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, or other necessities.

(ii) "Caretaker" includes a relative by blood or marriage, a household member, a person who is employed or who provides volunteer work, or a person who contracts or is under court order to provide care.

(e) "Deception" means:

(i) a misrepresentation or concealment:

(A) of a material fact relating to services rendered, disposition of property, or use of property intended to benefit a vulnerable adult;

(B) of the terms of a contract or agreement entered into with a vulnerable adult; or

(C) relating to the existing or preexisting condition of any property involved in a contract or agreement entered into with a vulnerable adult; or

(ii) the use or employment of any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit a vulnerable adult to enter into a contract or agreement.

(f) "Elder adult" means a person 65 years of age or older.

(g) "Endeavor" means to attempt or try.

(h) "Exploitation" means an offense described in Subsection (4) or Section **76-5b-202**.

(i) "Harm" means pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, suffering, or distress inflicted knowingly or intentionally.

(j) "Informed consent" means:

(i) a written expression by the person or authorized by the person, stating that the person fully understands the potential risks and benefits of the withdrawal of food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health, and that the person desires that the services be withdrawn. A written expression is valid only if the person is of sound mind when the consent is given, and the consent

is witnessed by at least two individuals who do not benefit from the withdrawal of services; or

(ii) consent to withdraw food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health, as permitted by court order.

(k) "Intimidation" means communication conveyed through verbal or nonverbal conduct which threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or which threatens isolation or harm.

(l) (i) "Isolation" means knowingly or intentionally preventing a vulnerable adult from having contact with another person by:

(A) preventing the vulnerable adult from receiving visitors, mail, or telephone calls, contrary to the express wishes of the vulnerable adult, including communicating to a visitor that the vulnerable adult is not present or does not want to meet with or talk to the visitor, knowing that communication to be false;

(B) physically restraining the vulnerable adult in order to prevent the vulnerable adult from meeting with a visitor; or

(C) making false or misleading statements to the vulnerable adult in order to induce the vulnerable adult to refuse to receive communication from visitors or other family members.

(ii) The term "isolation" does not include an act intended to protect the physical or mental welfare of the vulnerable adult or an act performed pursuant to the treatment plan or instructions of a physician or other professional advisor of the vulnerable adult.

(m) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause to the extent that a vulnerable adult lacks sufficient understanding of the nature or consequences of decisions concerning the adult's person or property.

(n) "Neglect" means:

(i) failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care, or dental or other health care, or failure to provide protection from health and safety

hazards or maltreatment;

(ii) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise;

(iii) a pattern of conduct by a caretaker, without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult's well being;

(iv) intentional failure by a caretaker to carry out a prescribed treatment plan that results or could result in physical injury or physical harm; or

(v) abandonment by a caretaker.

(o) "Physical injury" includes damage to any bodily tissue caused by nontherapeutic conduct, to the extent that the tissue must undergo a healing process in order to be restored to a sound and healthy condition, or damage to any bodily tissue to the extent that the tissue cannot be restored to a sound and healthy condition. "Physical injury" includes skin bruising, a dislocation, physical pain, illness, impairment of physical function, a pressure sore, bleeding, malnutrition, dehydration, a burn, a bone fracture, a subdural hematoma, soft tissue swelling, injury to any internal organ, or any other physical condition that imperils the health or welfare of the vulnerable adult and is not a serious physical injury as defined in this section.

(p) "Position of trust and confidence" means the position of a person who:

(i) is a parent, spouse, adult child, or other relative by blood or marriage of a vulnerable adult;

(ii) is a joint tenant or tenant in common with a vulnerable adult;

(iii) has a legal or fiduciary relationship with a vulnerable adult, including a court-appointed or voluntary guardian, trustee, attorney, or conservator; or

(iv) is a caretaker of a vulnerable adult.

(q) "Serious physical injury" means any physical injury or set of physical injuries that:

(i) seriously impairs a vulnerable adult's health;

(ii) was caused by use of a dangerous weapon as defined in Section **76-1-601**;

(iii) involves physical torture or causes serious emotional harm to a vulnerable adult; or

(iv) creates a reasonable risk of death.

(r) "Undue influence" occurs when a person uses the person's role, relationship, or power to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or fear of a vulnerable adult, or uses the person's role, relationship, or power to gain control deceptively over the decision making of the vulnerable adult.

(s) "Vulnerable adult" means an elder adult, or an adult 18 years of age or older who has a mental or physical impairment which substantially affects that person's ability to:

(i) provide personal protection;

(ii) provide necessities such as food, shelter, clothing, or medical or other health care;

(iii) obtain services necessary for health, safety, or welfare;

(iv) carry out the activities of daily living;

(v) manage the adult's own resources; or

(vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

(2) Under any circumstances likely to produce death or serious physical injury, any person, including a caretaker, who causes a vulnerable adult to suffer serious physical injury or, having the care or custody of a vulnerable adult, causes or permits that adult's person or health to be injured, or causes or permits a vulnerable adult to be placed in a situation where the adult's person or health is endangered, is guilty of the offense of aggravated abuse of a vulnerable adult as follows:

(a) if done intentionally or knowingly, the offense is a second degree felony;

(b) if done recklessly, the offense is third degree felony; and

(c) if done with criminal negligence, the offense is a class A misdemeanor.

(3) Under circumstances other than those likely to produce death or serious physical injury any person, including a caretaker, who causes a vulnerable adult to suffer harm, abuse, or neglect; or, having the care or custody of a vulnerable adult, causes or permits that adult's person or health to be injured, abused, or neglected, or causes or permits a vulnerable adult to be placed in a situation where the adult's person or health is endangered, is guilty of the offense of abuse of a vulnerable adult as follows:

(a) if done intentionally or knowingly, the offense is a class A misdemeanor;

(b) if done recklessly, the offense is a class B misdemeanor; and

(c) if done with criminal negligence, the offense is a class C misdemeanor.

(4) (a) A person commits the offense of exploitation of a vulnerable adult when the person:

(i) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the adult's property, for the benefit of someone other than the vulnerable adult;

(ii) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of his property for the benefit of someone other than the vulnerable adult;

(iii) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult;

(iv) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult; or

(v) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.

(b) A person is guilty of the offense of exploitation of a vulnerable adult as follows:

(i) if done intentionally or knowingly and the aggregate value of the resources used or the profit made is or exceeds \$5,000, the offense is a second degree felony;

(ii) if done intentionally or knowingly and the aggregate value of the resources used or the profit made is less than \$5,000 or cannot be determined, the offense is a third degree felony;

(iii) if done recklessly, the offense is a class A misdemeanor; or

(iv) if done with criminal negligence, the offense is a class B misdemeanor.

(5) It does not constitute a defense to a prosecution for any violation of this section that the accused did not know the age of the victim.

(6) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.

Amended by Chapter 320, 2011 General Session

76-5-111.1. Reporting requirements -- Investigation -- Immunity -- Violation -- Penalty -- Physician-patient privilege -- Nonmedical healing.

(1) As provided in Section **62A-3-305**, any person who has reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation shall immediately notify the nearest peace officer, law enforcement agency, or Adult Protective Services intake within the Department of Human Services, Division of Aging and Adult Services.

(2) Anyone who makes that report in good faith to a law enforcement agency, the Division of Aging and Adult Services, or Adult Protective Services of suspected abuse, neglect, or exploitation is immune from civil and criminal liability in connection with the report or other notification.

(3) (a) When the initial report is made to a peace officer or law enforcement agency, the officer or law enforcement agency shall immediately notify Adult Protective Services intake. Adult Protective Services and law enforcement shall coordinate, as appropriate, their investigations and provide protection to the vulnerable adult as necessary.

(b) Adult Protective Services will notify the Long-Term Care Ombudsman, as defined in Section 62A-3-202, when the initial report to Adult Protective Services involves a resident of a long-term care facility as defined in Section 62A-3-202. The Long-Term Care Ombudsman and Adult Protective Services shall coordinate, as appropriate, in conducting their investigations.

(c) When the initial report or subsequent investigation by Adult Protective Services indicates that a criminal offense may have occurred against a vulnerable adult, Adult Protective Services shall immediately notify the nearest local law enforcement agency. That law enforcement agency shall initiate an investigation in cooperation with Adult Protective Services.

(4) A person who is required to report suspected abuse, neglect, or exploitation of a vulnerable adult under Subsection (1), and who willfully fails to do so, is guilty of a class B misdemeanor.

(5) Under circumstances not amounting to a violation of Section 76-8-508, a person who threatens, intimidates, or attempts to intimidate a vulnerable adult who is the subject of a report, a witness, the person who made the report, or any other person cooperating with an investigation conducted pursuant to this chapter is guilty of a class B misdemeanor.

(6) The physician-patient privilege does not constitute grounds for excluding evidence regarding a vulnerable adult's injuries, or the cause of those injuries, in any judicial or administrative proceeding resulting from a report made in good faith pursuant to this part.

(7) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.

Amended by Chapter 50, 2004 General Session

Appendix E: Interviewing Guide for Prospective Employees and, as Applicable, Volunteers

I. Pre-Interview Preparation

- A. Create a clear job description, including description of the title, role, responsibilities, scope of authority, and performance expectations. If the position is paid staff, include job classification (exempt or non-exempt) and elements of compensation.
- B. Recruiting via public or internal advertising and word of mouth.
- C. Written application (not just a resume). For a sample of form application, refer to Part A of Form 002, Application for Employment or Volunteer Appointment, Acknowledgment, Release and Signature.
- D. Prescreen all applications received, arranging to interview only apparently qualified applicants.
- E. Retain all written applications for three years and respond appropriately to all who apply.

II. Interviewing Preparation

- A. Decide who from within the organization is to be included in personal interviews and the role each will take in the interview.
- B. Agree on the selection criteria before beginning the interviews.
- C. Plan questions to be used in each interview to assure consistency and to make sure that the questions are job related.

III. Interview Tips (Employment):

- Before the candidate arrives: Prepare a set of questions to be used, ask questions that will require more than one word answers, have a copy of the job description to refer to during the interview and select an appropriate private place for the interview.
- Set a comfortable tone: Greet the applicant by name, offering hospitality including a beverage, ask the applicant about his or her work experience and training and why she or he is interested in the job.
- Listen to the applicant to (1) verify your understanding of the applicant's skills and prior experience, (2) verify any gaps in employment with

explanations, and (3) identify strengths and weaknesses and the individual's degree of insight about themselves and their abilities, and indications of working style and how the applicant has worked with others.

- Mid-way through the interview, move from the individual's past to questions regarding how he or she would approach the expectations of this job. Referring to the job description, discuss responsibilities and duties of the position and ask questions about how the individual would fulfill each if qualified.
- Leave time for open-ended questions of the applicant and by the applicant.

IV. Post-Interview Assessment. Prepare a written assessment or report of each interview and of any telephone reference checks undertaken. This will aid in making your selection and in documenting reasons for non-selection of others for reasons that are not discriminatory.

V. Examples of Interview Questions (Employment):

A. Questions regarding professionalism (includes factors such as dependability, teamwork and initiative).

- What do you do when you have a lot of work to do and you're not sure you're going to get it done on time?
- Can you describe a situation where you did not see eye to eye with someone at work and how you resolved it?
- Can you give me an example of a situation where you were able to make an improvement in the way things were done?
- Our expected work hours are _____. Do you see any problem being able to meet this schedule including occasional extra hours?
- We have a very small staff, so we expect everyone to pitch in and help when there's a crunch time. Can you give me an example from your own work experience when you've had to do this?
- How would the people that you have worked with in the past described you as a co-worker?
- What would you say are your greatest strengths?
- What would others say you might consider doing to improve your skills or work relationships?

B. Questions regarding relevant experience and training.

- Tell me how your experience and training would be an asset in our work place.

- What are some of the things that you have done in your last job that gave you the most satisfaction?
- What are some of the things that you were able to accomplish in your last job that you feel made the most difference?
- What kinds of skills would you hope to learn or improve while working here?

C. Avoid questions related to:

- Age
- Marital status
- National origin
- Race
- Disability
- Religion, if the position is not involved in the ministries of the Church

Appendix F: Instructions for Doing Utah On-Line Sex Offender Search

For Utah searches, go to

<http://corrections.utah.gov/index.php/probation-parole/sex-offender-registry-unit.html>

For questions concerning the Utah Sex Offender Community Awareness Program, please contact:

State of Utah

801-495-7700

registry@utah.gov

corrections.utah.gov

IMPORTANT NOTE: It is a good idea to search by all possible names and name combinations. For example, use any maiden or other married names. Use the first name and last name for one search and another by middle name and last name. Check any aliases or also known as (aka) names. If an individual is in the Utah system and has gone by an alias, the search results will indicate all known aliases.

Appendix G: A Pastoral Letter from the Bishops of the Episcopal Church

Dear Brothers and Sisters in Christ,

We your bishops are steadfastly committed to seeing that the Episcopal Church is a community of safety and health for all people. The Body of Christ, the Church, must be a place where adults, children, and young people find the love and blessing of God, and where no one might be hurt and where their hurts may be healed.

We are all aware of the reports in the media, during the past year and more, of incidents of sexual misconduct in churches. Many of these tragedies have involved children and young people. While the Roman Catholic Church and many secular agencies have also been caught up in trying to address the damage done to our children by sexual predators, the Episcopal Church is not immune to this scourge in our society and we must respond to it honestly and forthrightly.

Our Church has repeatedly upheld our mandate to be a haven of safety for all. The Scriptures teach us that every human being is made in the image of God; and our Lord enjoins us to receive and serve the least among us as we would receive and serve him. The mandates of our baptismal covenant include seeking and serving Christ in all persons, loving our neighbors as ourselves, striving for justice and peace for all people, and respecting the dignity of every human being.

Because of these mandates of love, respect, service, and justice, we have acknowledged our obligation to articulate clear standards about sexual harassment and misconduct, and to ensure that all our work and ministry is guided by them. We have been committed to sexual conduct training and abuse prevention for all our clergy and lay leaders. We have been clear that exploitation and abusiveness are always unacceptable in our common life. We have made efforts to become aware of the spiritual and emotional damage that is done by sexual misconduct, and to do our best to guarantee that none who come to us will suffer such harm. In spite of our best efforts, it is sad when we discover that we have not done enough.

While we were in conference together at Kanuga, North Carolina in the spring, many of us had the opportunity to learn more about pedophilia, a form of predatory sexual behavior that has caused untold harm in our society and in the Body of Christ. It is especially important that we as a church focus on understanding and preventing pedophilia.

We need to be aware that pedophilia is a reality in our society, which can be manifest in the church, and we must be very clear about the nature of this tragic problem. Pedophilia is pervasive; one in eight males and one in four females will be molested before they reach the age of eighteen. Of reported cases in the general population, sixty percent (60%) of abusers are known to their victims, thirty percent (30%) are family members or relatives, and ten percent (10%) are strangers. We must be aware that the Church is a community which offers predators the opportunity to become known and trusted by parents and their children.

We also know that offenders are predominantly male and heterosexual. We must take great care not to equate pedophilia with homosexuality in our minds or our conversation and we must never assume that only men molest children in this way.

What we have learned most recently about the repetitive nature of pedophilia makes it imperative that we take very clear steps together to do the screening necessary to ensure that our children encounter God's love among us, and that we do all in our power to protect them from the distorted perceptions of love offered by predators.

In a Mind of The House Resolution passed at Kanuga in March 2003, we committed ourselves to support the development of church-wide policies to safeguard our children; and until such time as these policies are adopted, to revisit and revise our diocesan policies to ensure that ministries provided to the children among us will be life-giving and free from abusiveness of any kind.

Among the basic provisions we have committed to implement, delineated in Resolution B008 on the "Protection of Children and Youth from Abuse" adopted at the 74th General Convention in 2003, are:

1. Thorough screening and selection of clergy, lay employees and volunteers who work with children and youth;
2. Articulation of clear behavioral standards for interactions between clergy, lay employees, volunteers and children and youth;
3. Careful, continuous monitoring of all programs and interactions involving children and youth;'
4. Provision for education and training of clergy, lay employees and volunteers for work with children and youth; and
5. Guidelines for responding to concerns about behavior or Allegations of abuse.

In addition we asked the Presiding Bishop to create a working group from among our members to partner with the Church Pension Group, the Church Insurance Corporation

and other agencies and appropriate organizations to develop the materials necessary to provide the Church with consistent expectations and standards.

We realize that in many of our congregations, persons who offer to take on ministries with children and youth are a blessing to an understaffed education or formation program for children or youth. The overwhelming majority are trustworthy and caring persons whose ministry will bear great good fruit.

But we must acknowledge that there are times when predators use the church as an opportunity for sexual abuse of children and adolescents who can suffer severe spiritual, emotional, and sometimes physical damage as result. In response to such times we are called to acknowledge two truths: that human sin and failure are very real, and that God's grace, mercy and power are always strong enough to heal and transform our pain.

We have no intention to call our members to suspicion and mistrust. We do recognize the need to call our members beyond the naiveté of unquestioning confidence and into the care and discipline, which must characterize our choices where children are concerned. Jesus called us to be as wise as serpents and as gentle as doves. In the case of pedophilia, our consistency is carefully screening, choosing and training all who work with children and youth will serve to allay any concerns about favoritism or carelessness, prohibiting those who have harmed children from ministries involving children, while providing the ability to firmly guide those who might harm children into other areas of ministry which serve Church and contribute to our mission.

Some helpful materials will be available through your diocesan office after the first of the year. We ask that as you make use of them you will remember the challenge our Lord provided to his followers, "unless you become as children you cannot enter the kingdom of God," We renew our commitment to ensure that our church is a community of love and care for every person. We ask that you join us in doing all in our power to see that all our members find among us a safe place where they can be open and trusting and able to know the reconciling love of God in Christ that makes all things new.

A Collect for the Care of Children

Almighty God, heavenly Father, you have blessed us with the joy and care of children; Give us calm strength and patient wisdom as we bring them up, that we may teach them to love whatever is just and true and good, following the example of our Savior Jesus Christ. Amen. (BCP 829)

Bishops of the Episcopal Church
August 6, 2003

Appendix H: Resolution B008 as adopted by the 74th General Convention

Resolved, That the 74th General Convention of The Episcopal Church recommit itself to the vision of the role of children in the church as articulated in *A Children's Charter for the Church* as adopted by the 72nd General Convention in 1997. The *Charter*, among other things, calls the church to:

- Receive, nurture, and treasure each child as a gift from God;
- Love, shelter, protect, and defend children within its own community and in the world, especially those who are abused, neglected, or in danger; and
- Advocate for the integrity of childhood and the dignity of all children at every level of our religious, civic and political structures; and be it further

Resolved, That this Church acknowledge that the times and circumstances demand that the church articulate a clear and firm commitment to the safety of all, especially children; that we support this commitment with clear and firm policies and procedures for the well-being of all; and that we commit this Church to being and becoming a place where children and youth are safe, especially from abuse and neglect; and be it further

Resolved, That each diocese develop and adopt policies for the protection of children and youth from abuse that address the following:

1. A screening and selection process for all clergy, lay employees, and volunteers who regularly work with children or youth. Dioceses are encouraged to consider:
 - a. A written application
 - b. A public records check
 - c. An interview
 - d. Reference checks
 - e. A general provision that volunteers not work with children or youth until they have been known to the clergy or congregation for at least six months
2. The articulation of behavioral standards for clergy, lay employees, and volunteers working with children or youth. Dioceses are encouraged to consider:
 - a. Respect for the privacy and dignity of children and youth by not putting them in inappropriate unmonitored one-to-one situations
 - b. Age-appropriate arrangements for sleeping, bathing, dressing, or showering
 - c. The prohibition of dating, romantic involvements, or sexual contact with a child or youth

- d. The prohibition of any sexually oriented materials (magazines, cards, videos, films, clothing, etc.) in the presence of children and youth except as expressly permitted as part of a pre-authorized educational program
 - e. Guidelines for physical contact and expressions of affection that define appropriate and inappropriate behaviors
 - f. The prohibition of discussing their own sexual activities and fantasies with children or youth
 - g. The prohibition of the non-sacramental use, possession, distribution or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs
3. The monitoring of programs and interaction with children and youth. Dioceses are encouraged to consider:
 - a. The prohibition of the development or initiation of new activities for children or youth without prior approval from the appropriate decision-maker(s)
 - b. The recognition that the ordinary standard is the presence of two unrelated adults for any activities involving children or youth
 4. Education and training. Dioceses are encouraged to consider:
 - a. Child abuse prevention for clergy, lay employees, and volunteers who regularly work with children or youth
 - b. Specialized training for those who recruit, screen, or select persons to work with children or youth
 5. Guidelines for responding to concerns. Dioceses are encouraged to consider:
 - a. Inappropriate behavior with children or youth
 - b. Violation of policies for the protection of children or youth
 - c. Suspected abuse of children or youth; and be it further

Resolved, That each diocese shall report to the House of Bishops Committee on Pastoral Development prior to the Spring 2006 meeting of the House of Bishops with a copy of its adopted and implemented policy and an evaluation of the history of its use. A summary report shall be made to the House of Bishops Spring 2006 meeting and a full report made to the 75th General Convention.

Appendix I: History and Policy for the Protection of Children and Youth

History of these Policies for the Protection of Children and Youth from Abuse

The Committee on Sexual Exploitation ("COSE") was created by resolution of the 70th General Convention in 1991 to address issues of sexual misconduct in the Episcopal Church and has continued its work through the 74th General Convention in 2003. In 1999 in preparation for the 73rd General Convention in 2000, it conducted a survey of 100 percent of the domestic dioceses on how dioceses were dealing with issues of sexual misconduct. The survey indicated, among other things, that a conference for those who work on issues of sexual misconduct in the church was needed.

As a result, in June 2001 COSE and the Office of Pastoral Development sponsored the first national Pastoral Standards Conference. An extraordinary gathering of 125 bishops, chancellors, clergy and laity from 70 dioceses attended and unanimously called for review of existing sexual misconduct policies and development of the "next generation" of policies.

COSE gathered and reviewed policies submitted by 70 dioceses with the intention of circulating as model policies those that incorporated and reflected current best practices based on the Church's experience in the area of sexual misconduct over the past decade. COSE concluded that none of the policies gathered was a truly state-of-the-art, "next generation" policy that could serve as a model for those dioceses planning on revising and updating their current policies. COSE determined that it did not have the time or resources to create new state-of-the-art, next generation policies.

Encouraged to do so by COSE, with requests from a number of dioceses to do so, to support prevention efforts, and based on its own perception of the need, The Church Pension Group undertook to develop model child sexual abuse prevention and response policies.

Just prior to the meeting of the House of Bishops in March 2003, 47 bishops attended a training session on "What Every Bishop Should Know About Pedophiles and Preventing Child Sexual Abuse in the Church" put on by the Office of Pastoral Development and The Church Pension Group. Out of this training session came a Mind of the House Resolution presented by the

47 bishops in attendance that was approved unanimously by the House of Bishops.

Among other resolves, the resolution called for development of a statement of general expectations of behavior in this Church by clergy, lay employees, and volunteers, when engaged in ministry with children and youth. The resolution stated that these expectations should be specific enough to serve as clear directions and guidelines, but general enough that each diocese would expand upon or develop the specific content of policies and procedures and implementation according to the particularities of each diocese. The Bishops unanimously committed to reviewing current diocesan policies, and revising them as needed. In addition, the Bishops committed to working together to provide appropriate training, education, and materials to support each diocese in the five identified areas.

The Bishops also committed to putting forth a resolution to the 74th General Convention in 2003 as the statement of general expectations called for by the March 2003 House of Bishops Mind of the House Resolution. Resolution B008, Protection of Children and Youth from Abuse, was submitted and passed at that General Convention.

[This History section was drawn, in large part, from the Explanation section of Resolution B008 as submitted to the 74th General Convention in 2003.]

Children's Charter and Safe Church Ministry at the Beginning of the 21st Century

Resolution B008 and the *Model Policies for the Protection of Children and Youth from Abuse* call the church to respond in new and intentional ways to care for, be responsible to, and create safe space for children. Foundational to Resolution B008 and the work of the Church Pension Group's partnership with The Nathan Network is the *Children's Charter for the Church* (General Convention Resolutions 1997-- B005 and 2000 – D045). The *Children's Charter* holds advocacy for children as central to the mission and ministry of the church. The *Charter* calls the Church to love, shelter, protect, and defend children within its own community and in the world, especially those who are abused, neglected, or in danger.

Acknowledgments

The *Model Policies for the Protection of Children and Youth from Abuse* were written in response to those expressing a need for updated or revised child sexual abuse policies based on the Church's experience with these issues over the past decade. Nearly two years in development, the *Model Policies* evolved through several iterations before taking the form from which the Diocese of Utah developed the foregoing policy.

Principal author of the *Model Policies*, Dr. Monica Applewhite, is President of Religious Services for Praesidium, Inc., a Texas consulting firm specializing in the development of policies and training materials for the prevention of child sexual abuse in organizational settings.

Sally Johnson, Vice President- Risk Management and Education headed up the project team at The Church Pension Group responsible for the development of the *Model Policies*.

Many groups in the Church reviewed drafts or responded to presentations about the content of various iterations of the *Model Policies* and we are grateful for their candid and thoughtful feedback and suggestions. These included The Nathan Network Steering Committee, the National Committee on Sexual Exploitation, the Bishops and Chancellors of Province I, the Bishops and Chancellors of Province IV, the Western Chancellors Conference, the 2003 Conference of Diocesan Administrators, the 2003 Business Management Institute, the Office of Pastoral Development of the House of Bishops. Inclusion of a group in the Acknowledgements does not imply the group's endorsement, approval, or any other action regarding the *Model Policies*; it simply acknowledges their participation and contributions to the development process.