

**Peace Lutheran Church
Child Abuse Prevention Policy & Procedures**

Ref: a) NEB. Rev. Stat. §28-711
b) NEB. Rev. Stat. §28-716

Purpose: To ensure the physical safety of all children and youth that attend Peace Lutheran Church, as well as to protect the church leaders and volunteers if allegations of misconduct are brought against them, and to safeguard the ministry of the church and to spare it from devastation that can result from litigation.

Background: This policy is intended to help our congregation make Peace Lutheran Church a safe and caring place for all people.

Although our Christian concern for children/youth makes us sad when any form of child abuse takes place anywhere, our major policy focus is to be certain that abuse does not occur within the framework of any of Peace Lutheran Church's programs or ministries to children/youth.

Policy:

A. Selection and Screening

1. Anyone desiring to work with or lead children or youth must regularly attend Peace Lutheran Church a minimum of six months prior to doing so. (This does not apply to the Preschool Teachers)
2. Under no circumstances will a previously convicted child abuse offender be permitted to work with children or youth at Peace Lutheran Church.
3. Adult and youth workers and leaders must be approved by the Board of Education.

B. Supervision

1. All youth activities or events sponsored by the church must be approved in advance by the Board of Education.
2. Two approved workers will be present (in the building) at any church activity involving minor children. Approved workers must monitor the facilities, including unoccupied areas and restrooms, during the activity.
3. Parental permission forms will be required for all off-campus activities. There must be at least two leaders chaperoning any event which will take place off-campus or overnight. Under no circumstance should a worker be left alone with a minor. Parents will be made aware of housing accommodations.
4. When helping a toddler with using the restroom, workers should stand by the door and may assist only if the child is having difficulties with clothing (i.e., buttons, zippers).

5. Any type of inappropriate behavior between church workers and minors must be immediately reported to the Board of Education or the Pastor.
6. Rule of three: When there are children and adults present in the same room, it is preferred that there be a minimum of three persons present (two adults and one child/youth, or, one adult and two children/youth).
7. If it is not feasible to follow the "Rule of three", than the door to the room should remain open to allow easy viewing.

C. Transportation

1. The designated leader of the event will not permit any adult to drive who appears to be under the influence of alcohol or drugs.
2. Drivers must be at least 21 years of age.
3. Drivers must have a valid state driver's license for the vehicle being operated.

D. Recognizing and Reporting Child Abuse

1. Physical Abuse is non-accidental physical injury which is intentionally inflicted upon child or youth
2. Sexual Abuse is any contact or activity of a sexual nature that occurs between a child or youth and an adult or between children or youth depending on ages, whether or not there is apparent consent from the individual.
3. Sexual Harassment is a situation, contact or activity where there is an employment, mentor or colleague relationship between the person involved, including, but not limited to, sexually-oriented humor or language; questions or comments about sexual behavior or preference unrelated to employment qualification; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated unwelcome requests for social engagements.
4. Sexual Exploitation includes but is not limited to the development of or the attempt to develop a sexual or romantic relationship between a called church worker or lay employee or volunteer and a person with whom he/she has an oversight relationship, whether or not there is apparent consent from the individual.
5. Emotional Abuse is mental or emotional injury to a child or youth that could reasonably be determined to result in a material impairment in the child or youth's growth, development or psychological functioning.
6. Neglect is the failure to provide for a child or youth's basic needs or the failure to protect a child or youth from harm.

7. Economic Exploitation is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a child or youth's or vulnerable adult's belongings or money.

E. If an allegation of abuse is reported, the following procedure must be followed:

1. Immediately stop anything you are doing and focus on the event.
2. Intervene if necessary and get help.
3. Do not confront the accused until the safety of the minor child is assured.
4. Do not make any accusing statement to anyone except the proper authorities.
5. Treat the accused with dignity and support, but relieve them of current duties.
6. Document the situation to include events, witnesses, claimants, date, time and conversations.
7. Be mindful of privacy and confidentiality of all concerned.
8. Any staff (volunteer or paid) who are "mandated reporters" under Nebraska law are required to notify the Pastor before making a report on any incident or suspicion in which the Church is implicated and to provide the Church with a copy of their report.

F. The church will:

1. Contact the proper law enforcement agency or the Department of Health and Human Services and follow all requirements listed in the NEB. Rev. Stat. §28-711, a copy of which is attached hereto and incorporated into this document by reference.
2. Contact the church insurance company and attorney.
3. Be responsible for any other related action.
4. Appoint a spokesperson to answer all questions and inquiries from inside and outside the church.
5. The parent or legal guardian of the victim will be notified by a staff member and steps taken to assure the safety of the child or youth until the parent(s) arrive. It is important to emphasize that the proper authorities must be notified even if the parent(s) do not wish the incident to be recorded.
6. If a staff member (volunteer or paid) is alleged to be the abuser, the Pastor will tell the accused that a report has been made. That staff member will be temporarily relieved of his or her duties, pending investigation of the allegations. If a paid staff member, the Pastor will consult with the Board of Elders concerning whether to maintain or suspend his or her salary until the allegations are cleared or substantiated.

7. Any person participating in an investigation or making the report of child abuse or neglect required by §28-711 shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements (Drawn from the intent of Rev NEB. Rev Stat. §28-716)

NEB. Rev. Stat. Attachment

§28-711 Child subjected to abuse or neglect; report; contents; toll-free number. (1) When any physician, medical institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll-free number established by subsection (2) of this section. Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the child abuse or neglect or the conditions and circumstances which would reasonably result in such child abuse or neglect, any evidence of previous child abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such child abuse or neglect and the identity of the perpetrator or perpetrators. Law enforcement agencies receiving any reports of child abuse or neglect under this subsection shall notify the department pursuant to section 28-718 on the next working day by telephone or mail.

(2) The department shall establish a statewide toll-free number to be used by any person any hour of the day or night, any day of the week, to make reports of child abuse or neglect. Reports of child abuse or neglect not previously made to or by a law enforcement agency shall be made immediately to such agency by the department.

Source: Laws 1977, LB 38, § 150; Laws 1979, LB 505, § 2; Laws 1982, LB 522, § 4; Laws 1988, LB 463, § 43; Laws 2002, LB 1105, § 432; Laws 2005, LB 116, § 2.

§28-716 Person participating in an investigation or making report; immune from liability; civil or criminal. Any person participating in an investigation or the making of a report of child abuse or neglect required by section 28-711 pursuant to or participating in a judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

Source: Laws 1977, LB 38, § 155; Laws 1994, LB 1035, § 5; Laws 2005, LB 116, § 7.

The immunity from liability under state law provided by this section does not apply to a claim advanced under federal law, even if that claim is litigated in a Nebraska court. *Shearer v. Leuenberger*, 256 Neb. 566, 591 N.W.2d 762 (1999).