Handbook for Those Who Work with Children and Youth
# Index

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1. Code of Conduct

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 children and youth in sincere and genuine relationships.

Relationships in ministry should always be experienced as caring and without intention to do harm or to allow harm to occur. This Code of Conduct has been adopted by the Episcopal Diocese of West Texas to help the church create safe environments for children and youth and for those who minister to them. All Church Personnel are asked to carefully consider each statement in the Code of Conduct before agreeing to abide by them and continuing in service to the church.

Persons who cannot agree to adhere to these policies are not allowed to serve in ministry to children and youth.

The Code of Conduct for the Protection of Children and Youth

- Church Personnel agree to do their best to prevent abuse and neglect among children and youth involved in church activities and services.
- Church Personnel agree to not physically, sexually or emotionally abuse or neglect a child or youth.
- Church Personnel agree to comply with The Policies for General Conduct with Children and Youth as defined in The Diocesan Policies for the Protection of Children and Youth from Abuse.
- Church Personnel agree to comply with The Guidelines for Appropriate Affection with Children and Youth.
- Church Personnel acknowledge their obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities in accordance with these policies.
- In the event that Church Personnel observe any inappropriate behaviors or possible policy violations with children or youth, Church Personnel agree to immediately report their observations as outlined in this policy.
- Church Personnel understand that the church will not tolerate abuse of children and youth and agree to comply in spirit and in action with this position.
2. General Definitions

a. Church Personnel

For the purpose of this policy, the following are included in the definition of Church Personnel when they are functioning in their respective roles for the church.

- **Clergy**, whether stipendiary, non-stipendiary, canonically resident in this Diocese, licensed in this Diocese, or otherwise who are engaged in ministry or service to the church.

- **Paid Personnel**, whether employed in areas of ministry or other kinds of services by the Diocese, its congregations, schools or other agencies.

- **Those who contract their services** to the diocese, its congregations, schools or other agencies. (This could be accomplished by the agency sending a list of those individuals who would be sent to us, along with proof of background check, Safeguarding God’s Children training and reference checks.)

- **Volunteers** in activities for children and youth, including any person who enters into or offers himself or herself for a church related service, or who actually assists with or performs a service.

b. Age Categories

- **A child** is defined as anyone under the age of 12 years.

- **A youth** is defined as anyone who is at least 12 years old, but not yet 18 years old. A youth may also be an individual who is 18 years or older, but still in high school.

- **A vulnerable adult** is defined as anyone 18 years old or older who has special needs of physical, age-related, or mental nature and participates in activities for children and youth.

- **An adult**, for the purpose of this policy, is defined as anyone who is 18 years or older.

c. Types of Abuse

- **Physical Abuse** is non-accidental injury, which is intentionally inflicted upon a child or youth.

- **Sexual Abuse** is any contact or activity of a sexual nature that occurs between a child or youth and an adult. This includes any activity which is meant to arouse or gratify the sexual desires of the adult, child, or youth.

- **Emotional Abuse** is mental or emotional injury to a child or youth that results in an observable and material impairment in the child’s or youth’s growth, development, or psychological functioning.

- **Neglect** is the failure to provide for a child’s or youth’s basic needs or the failure to protect a child or youth from harm.
d. Personnel who Regularly Work with Children and Youth
For the purposes of this policy, the following are included in the definition of church personnel who work with or around children and/or youth. **These individuals must take the Safeguarding God's Children training in the Diocese of West Texas.**

- All clergy, whether stipendiary, non-stipendiary, canonically resident in this Diocese, licensed in this Diocese, or otherwise who are engaged in ministry or service to the church, regardless of their duties.
- All paid church personnel, whether full-time or part-time, regardless whether they work with children or youth.
- All volunteers serving in staff positions, whether full-time or part-time, regardless whether they work with children or youth.
- All volunteers whose work routinely takes them throughout the facility or grounds (examples: volunteer sextons, groundskeepers, etc.)
- All persons who supervise or assist with supervising children or youth in ministries, programs, or activities.
- All persons who provide transportation to children or youth without other adults in the vehicle.
- Any person whose living quarters are on the grounds of the church, school, or other related agency.
- Parents who assist more than six (6) times per year with a program in which their child is enrolled, including transportation.

Exception: Parents who assist *no more than six (6) times per year* with a program in which their child is enrolled, including providing transportation, are exempt from these background screenings and training requirements.

**Examples include, but are not limited to:**
- Children’s or youth choir directors
- Sunday School teachers and staff
- Vacation Bible School teachers and staff
- Lay and/or volunteer Youth Ministers/Directors
- Directors of Christian Education
- Church personnel who work or assist in the nursery
- All staff, whether volunteer or paid, at church camps
- Teachers, substitute teachers, and all school staff in parochial schools
- Adults who participate in overnight activities with children or youth.
3. Safeguards for Children and Youth

a. Screening and Selection
Any and all church personnel who work with or around children and/or youth shall be screened and selected utilizing at least the following tools listed below.

Exception: Parents who assist no more than six (6) times per year with a program in which their child is enrolled, including providing transportation, are exempt from these background screenings and training requirements.

1. **Standard Application** completed by the applicant that includes an authorization for the release of information to conduct background checks

2. **Criminal Records Check**

3. **Sexual Offender Registry Check**

4. **Individual Interview** with the applicant

5. **Reference Checks** with persons who know, but are not related to the applicant

6. **Driving or Motor Vehicle Records Check**

7. **Credit Check** for persons with financial responsibility

8. **Federal Records Check** for employees in greater positions of authority (Clergy, Head of Schools, etc.)

The congregation or institution must obtain the background and reference checks independently and may not accept such checks obtained by others. Questions regarding The Diocesan Policy on Background Screenings should be directed to the bishop’s office.

All information gathered about an applicant will be carefully reviewed and evaluated to make a determination of whether the person is appropriate to work with children or youth. The Canon for Administration shall be consulted if there is any uncertainty.

The following procedures are expected from all diocesan institutions for maintaining current screening records of those working with or around children and youth:

- Background screenings and proof of *Safeguarding God’s Children* training is required for all individuals before they begin their ministry with children or youth.

- Church personnel who work with or around children or youth must have a personnel file that is kept in a locked file cabinet in the church office. This file should contain background screenings and proof of *Safeguarding God’s Children* training.

- Criminal Records check and Sexual Offenders Registry checks must be updated every five (5) years for church personnel who work with or around children or youth.
• Background screenings must be updated every five (5) years. Camp staff and session counselors must be done annually.

• Church personnel who transfer within the Diocese of West Texas, who will be working with or around children and youth are required to undergo the screening process (numbered above). This requirement may be met through transferring a copy of the personnel file to the new congregation, school, or program, as well as completing the following screenings:
  ▪ Standard Application
  ▪ Individual Interview
  ▪ Reference Checks with the congregation, school, or program from which the applicant has worked with or around children or youth since the screening was last done, as shown in the applicant’s personnel file

• Church personnel who transfer from Episcopal congregations outside of the Diocese of West Texas must complete all of the screening process (numbered above).

b. Education and Training Requirements
Child abuse prevention education and training is required for all individuals before they start their work with children or youth. If this is not possible, education and training must be completed within one month; in the interim, individuals who have not completed the required training must always be supervised by a person who is fully trained and background checked.

This training shall be the program *Safeguarding God’s Children* and the training must be administered by a diocesan certified trainer, who must register the training with the diocesan office. No other training is acceptable, and there are no exceptions.

*Safeguarding God’s Children* trainings must be repeated every five (5) years. Camp staff and session counselors must be trained annually.
c. Monitoring and Supervision of Programs

Supervisory personnel and others should monitor and supervise the behavior of adults, youth, and other children with children and youth so that inappropriate behaviors and interactions can be detected and stopped. The behaviors and interactions that need to be monitored and supervised are covered below and in the section on *Guidelines for Appropriate Affection with Children and Youth*.

- Every program for children and youth must meet established ratios for adults and children. Compliance with the established ratio is required at all times, including activities that occur off church premises. These ratios are found in Appendix E.

- Church personnel are prohibited from being alone with a child or youth or multiple children or youth where other adults cannot easily observe them.

- Church personnel over the age of 21 must directly supervise church personnel younger than 21 and be physically present during all activities.

- No person will be permitted to supervise an immediate family member unless another non-related adult is present. An immediate family member is defined as a spouse, parent, child, sibling, grandparent, partner, or co-habitant. This also applies to in-law and step-family relations. Related personnel may minister together as long as an unrelated adult is present.

- An up-to-date list of approved congregation-sponsored programs for children and youth must be maintained in the church office or other place where church records are kept.

- Church personnel are not permitted to develop new activities for children and youth without approval from the rector or canonical equivalent. The rector, or canonical equivalent, will assure that any activity includes adequate adult supervision.

- Each program will follow age-appropriate procedures to insure the safety of children and youth using restrooms and showers or baths. These procedures are found in Appendix F.

- When supervising or assisting private activities, such as dressing, showering, or diapering infants or children, church personnel must remain in an area observable by other adults to work in pairs.

- When both boys and girls are participating in overnight activities or activities away from the church, both male and female chaperones must be present.

- When transporting children in vehicles, two unrelated adults must be in each vehicle unless the group is organized into a caravan, during which all vehicles are in sight of each other. It is suggested that cell phones be available in each car and a list of names and contact numbers be provided to each driver.

- Classrooms or other areas used by children or youth should have windows or a window in the door. If there are no windows, the door must remain open. Doors of occupied classrooms must be unlocked at all times during activities. Unused rooms should be locked.
d. General Guidelines for the Protection of Children and Youth

The following guidelines are intended to assist Church Personnel in monitoring and supervising behaviors and interactions with children and youth. These guidelines will help identify and stop those behaviors and interactions which may be used by child molesters to "groom" children, youth, and their parents, or which may create conditions where abuse can more easily occur. These guidelines are also used to make decisions about interactions with children and youth in church sponsored and affiliated programs. They are not designed or intended to address interactions within families.

- All church personnel who work with children and youth must agree to comply with the Diocese of West Texas Guidelines for Appropriate Affection with Children and Youth found in Appendix A.

- No person will be allowed to volunteer to regularly work with children or youth until the person has been known to the clergy and congregation for at least six (6) months.

- Programs for infants and children under six (6) years old will have procedures to ensure that children are released only to their parents or legal guardians or those designated by them.

- Church personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs or prescription medications while participating in or assisting with programs or activities specifically for children and youth.

- Parents or guardians must complete written permission forms before church personnel transport children and youth for a church sponsored activity or for any purpose. A sample form is found in Appendix G.

- Church personnel will relate to children and youth with respect, consideration and equal treatment, regardless of sex, race, religion, national origin, disability, sexual orientation, culture or socio-economic status. Church personnel will portray a positive role model for children and youth by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism.

- One-to-one counseling with children and youth will be done in an open, public or other place where private conversations are possible but occur in full view of others.

- Church personnel are prohibited from dating or becoming romantically involved with a child or youth.

- Church personnel are prohibited from possessing any sexually oriented materials (magazines, cards, videos, computer files, e-mails, films, clothing, etc.) on church property or in the presence of children and youth except as expressly permitted as part of an educational program that is pre-authorized by the rector or canonical equivalent.
• Church personnel are prohibited from using the internet or hand-held device to view or download any sexually oriented materials on church property or in the presence of children and youth.

• 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 children or youth.

• Church personnel are prohibited from sleeping in the same beds, sleeping bags or tents with other children or youth unless the adult is an immediate family member of one of the children or youth in the bed, sleeping bag or tent. An adult may sleep in the same hotel room with no fewer than three (3) other children, providing adult and all children are of the same sex. The adult must sleep alone in a bed or on a cot or rollaway bed. The adult must never be alone with a child. The adult must use the bathroom facilities alone, dressing/undressing in the bathroom with the door closed and with no children present. Exception to the above is given if any of the children are related to the adult, in which case, the adult may sleep in the same bed with a child who is an immediate family member. It is acceptable to have multiple adults sleep in one open space such as a parish hall or camp lodge with children and youth. A best practice rule is no situation in which one adult is alone with one child unless they are immediate family members.

• Church personnel are prohibited from dressing, undressing, bathing or showering in the presence of children or youth.

• Church personnel are prohibited from using physical punishment in any way for behavior management of children and youth. 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 child, youth or others.

• Church personnel are prohibited from using harsh language, profanity, degrading punishment, or any mechanical restraint for behavior management.

• Church personnel are prohibited from participating in or allowing others to conduct any hazing activities or behaviors which could be construed as hazing.
4. Responding to Problems
   
a. Reporting of Inappropriate Behaviors or Policy Violations
   
   • When church personnel observe any inappropriate behaviors, behaviors that are inconsistent with *The Guidelines for Appropriate Affection with Children and Youth*, or which may violate any provision of *The Diocesan Policies for Protection of Children and Youth from Abuse*, they must immediately report their observations as instructed below.

   (Examples of inappropriate behaviors or policy violations would include seeking private time with children or youth, taking children or youth on over-night trips without other adults, swearing or making suggestive comments to children or youth, or selecting staff or volunteers without the required screening and *Safeguarding God's Children* training.)

   • Such inappropriate behaviors or possible policy violations that relate to interactions with children or youth should be reported immediately in one of the following ways:
      
      ▪ A telephone call or meeting with the rector or canonical equivalent, head of school, or executive director of the diocesan institution. Notification may also be made to the Canon for Administration in the Bishop’s office.
      
      ▪ A telephone call or meeting with the Canon for Administration in the Bishop’s office if the complaint is against the rector or canonical equivalent, head of school, or executive director of the diocesan institution.
      
      ▪ A *Notice of Concern*, signed or unsigned, sent to the Bishop (Appendix B).

   • Any person receiving a report of inappropriate behavior or possible violation of these policies shall immediately inform the Bishop or the Canon for Administration.

   • All reports of inappropriate behavior or policy violations with children or youth will be taken seriously.

   • The Bishop and the Canon for Administration receive reports.
      
      ▪ 111 Torcido Drive, San Antonio, TX 78209
      ▪ Telephone (210/888) 824-5387
      ▪ Bishop's Office fax (210) 824-1312
b. Reporting of Suspected Abuse of Children and Youth

- All church personnel are required by this policy and by the laws of the State of Texas to report known or suspected abuse of children or youth to the police or to Child Protective Services, as noted in Appendix D.

- Failure to report suspected abuse of children or youth is a crime. The four types of abuse are physical abuse, sexual abuse, emotional abuse and neglect.

- Reports may be made confidentially or anonymously. Every state 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.

- In addition to reporting to the state authorities, church personnel are required to report any suspected or known abuse of children or youth that may have been perpetrated by church personnel directly to the rector or canonical equivalent, who will immediately report it to the Bishop or Canon for Administration, so that immediate and proper steps may be taken.

- Reports of suspected or known abuse that involve church personnel must be reported to the Diocese of West Texas in one of the following ways:
  - A telephone call or meeting with the rector or canonical equivalent, head of school or executive director of the diocesan institution. Notification may also be made to the Canon for Administration in the Bishop's office.
  - A telephone call or meeting with the Canon for Administration in the Bishop's office if the complaint is against the rector or canonical equivalent, head of school or executive director of the diocesan institution.
  - A Notice of Concern, signed or unsigned, sent to the Bishop (Appendix B).

- The Diocese of West Texas will cooperate fully with any investigation by law enforcement authorities.
GUIDELINES FOR APPROPRIATE AFFECTION WITH CHILDREN & YOUTH
APPENDIX A

The Diocese of West Texas is committed to creating and promoting a positive, nurturing environment for our children and youth ministries that protect our children and youth from abuse and our church personnel from misunderstandings. Stating which behaviors are appropriate and which are inappropriate allows church personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with children and youth. The guidelines are based, in large part, on avoiding behaviors known to be used by child molesters to “groom” children, youth and their parents for future abuse. The following guidelines are to be carefully followed by all church personnel working around or with children and youth.

a. Positive and Appropriate Forms of Affection

Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with children and youth. Examples of 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 children or youth
- Arms around shoulders
- Holding hands while walking with small children
- Sitting beside small children
- Keeling 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)
b. Inappropriate Forms of Affection
The following forms of affection are considered inappropriate with children and youth in ministry settings because many of them are the behaviors that child molesters use to “groom” children or youth for later molestation or can be, in and of themselves, sexual abuse.

- Inappropriate or lengthy embraces
- Kisses on the mouth
- Holding children 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 or lying next to a child or youth
- Wrestling with children or youth
- Touching knees or legs of children or youth
- Tickling children or youth
- Piggyback rides.
- Any type of massage given by a child or youth to an adult.
- Any type of massage given by an adult to a child or youth
- Any form of unwanted affection
- Comments or compliments (spoken, written or electronic) that relate to physique or body development
- 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 children or youth
- Private meals with individual children or youth
- “Sexting” or sharing inappropriate pictures of yourself or others through cell phones or other social media
CONFIDENTIAL NOTICE OF CONCERN
APPENDIX B

Once completed, this form can be sent to the confidential fax line in the Bishop’s office: (210) 824-1312 or mailed to the Bishop’s office: P.O. Box 6885, San Antonio, TX 78209

Overview

Who is the complaint about? ____________________________________________________________

Date of Notice: ________________ Congregation: ________________________________

Type of Concern: ________________________________________________________________

   _____ Inappropriate behavior with a child or youth       _____ Policy violation with a child or youth
   _____ Reason to believe abuse occurred/ is occurring       _____ Other __________________________

Describe the Situation

What happened? ________________________________________________________________

______________________________________________________________________________

When did it happen? ________________ Has it happened before? ________________

Was anyone else present? __________________________________________________________

Was it reported to authorities? ________________ If reported, to whom? ________________

What action was taken? ___________________________________________________________

Follow-up

Does anyone else need to be contacted? _____________________________________________

Would you like someone to call you to discuss the situation? _________________________
(If yes, please provide contact information below.)

Optional Information

Name ____________________________ Phone ____________________________

Signature ___________________________ Date _________________________
TEXAS CHILD ABUSE REPORTING
APPENDIX D

Report Abuse or Neglect of Children, Elderly, or People with Disabilities
To report an emergency, call 911. To report child abuse or neglect, call 1-800-252-5400 or use a secure website: www.txabusehotline.org. Other states can call 512-834-3784 to report abuse or neglect that has occurred in Texas.

- Child abuse and neglect are against the law in Texas, and so is failure to report it.
- If you suspect a child has been abused or mistreated, you are required to report it to the Texas Department of Family and Protective Services or to a law enforcement agency.
- You are required to make a report within 48 hours of the time you suspected the child has been or may be abused or neglected.

What is Abuse?
Abuse is mental, emotional, physical, or sexual injury to a child or failure to prevent such injury to a child.

What is Neglect?
Neglect includes 1) failure to provide a child with food, clothing, shelter, and/or medical care; and/or 2) leaving a child in a situation where the child is at risk of harm.

How Do I Make a Report?
- Call the abuse and neglect hotline 1-800-252-5400
- When you make a report, be specific. Tell exactly what happened and when. Be sure to record all injuries or incidents you have observed, including dates and times of day and keep this information secured.
- Reports should be made as soon as possible, but no later than 48 hours before bruises and marks start to fade. It is important for the investigators to be able to see the physical signs.
- Give the agency person any information you have about the relationship between the child and the suspected abuser.
- Please provide at least the following information in your report
  - Name, age, and address of the child
  - Brief description of the child
  - Current injuries, medical problems, or behavior problems
  - Parents names and names of any siblings in the home
**Will the Person Know I’ve Reported Him or Her?**
Your report is confidential and is not subject to public release under the Open Records Act. The law provides for immunity from civil or criminal liability for innocent persons who report even unfounded suspicions, as long as your report is made in good faith. Your identity is kept confidential.

**What if I’m Not Sure?**
If you have reason to suspect child abuse, but are not positive, make the report. If you have any doubts about whether or not it is abuse, call the hotline. They can advise you on whether the signs you have observed are abuse.
TEXAS STATUTES FAMILY CODE
TITLE 5, SUBTITLE E, CHAPTER 261

TITLE 5: THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP
SUBTITLE E: PROTECTION OF THE CHILD
CHAPTER 261: INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT

SUBCHAPTER A: GENERAL PROVISIONS
SECTION 261.001

Definitions
In this chapter:

1. “Abuse” includes the following acts or omissions by a person:
   a. mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
   b. causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
   c. physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
   d. failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
   e. sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
   f. failure to make a reasonable effort to prevent sexual conduct harmful to a child;
   g. compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
   h. causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
i. the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

j. causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

k. causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

l. knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

m. forcing or coercing a child to enter into a marriage.

2. “Department” means the Department of Family and Protective Services

3. “Exploitation” means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.

4. “Neglect” includes:
   a. the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

   b. the following acts or omissions by a person:
      i. placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

      ii. failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

      iii. the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

      iv. placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
v. placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child;

c. the failure by the person responsible for a child’s care, custody, or welfare to permit the child to return to the child’s home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having a run away; or

d. a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

5. “Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

a. a parent, guardian, managing or possessory conservator, or foster parent of the child;

b. a member of the child's family or household as defined by Chapter 71;

c. a person with whom the child's parent cohabits;

d. school personnel or a volunteer at the child's school;

e. personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or

f. an employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42, Human Resources Code.

6. “Report" means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

7. "Severe emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities.

Amended by 85th Leg., September 1, 2017
SUBCHAPTER B: REPORT OF ABUSE OR NEGLECT; IMMUNITIES
SECTION 261.101

Persons Required to Report; Time to Report

A. A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

B. If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

In addition to the duty to make a report under Subsection (a) or (b), a person or professional shall make a report in the manner required by Subsection (a) or (b), as applicable, if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

1. another child or
2. an elderly person or person with a disability as defined by Section 48.002, Human Resources Code.

C. The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

D. Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

1. as provided in Section 261.201; or
2. to a law enforcement officer for the purposes of conducting a criminal investigation of the report.
SECTION 261.102

Matters to be Reported
A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect.

SECTION 261.103

Report Made to Appropriate Agency
A. Except as provided by Subsections (b) and (c) and Section 261.405, a report shall be made to:
   1. any local or state law enforcement agency;
   2. the department
   3. the state agency that operates, licenses, certificates, or registers the facility in which the alleged abuse or neglect occurred.

B. A report may be made to the Texas Juvenile Justice Department instead of the entities listed under Subsection (A) if the report is based on information provided by a child while under the supervision of the Texas Juvenile Justice Department concerning the child's alleged abuse of another child.

C. Notwithstanding Subsection (A), a report, other than a report under Subsection (A)(3) or Section 261.405, must be made to the department if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

SECTION 261.104

Contents of Report
The person making a report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.
SECTION 261.105

Referral of Report by Department or Law Enforcement

A. All reports received by a local or state law enforcement agency that allege abuse or neglect by a person responsible for a child's care, custody, or welfare shall be referred immediately to the department.

B. The department shall immediately notify the appropriate state or local law enforcement agency of any report it receives, other than a report from a law enforcement agency, that concerns the suspected abuse or neglect of a child or death of a child from abuse or neglect.

C. In addition to notifying a law enforcement agency, if the report relates to a child in a facility operated, licensed, certified, or registered by a state agency, the department shall refer the report to the agency for investigation.

Notwithstanding Subsections (B) and (C), if a report under this section relates to a child with an intellectual disability receiving services in a state supported living center as defined by Section 531.002, Health and Safety Code, or the ICF-IID component of the Rio Grande State Center, the department shall proceed with the investigation of the report as provided by Section 261.404.

D. If the department initiates an investigation and determines that the abuse or neglect does not involve a person responsible for the child's care, custody, or welfare, the department shall refer the report to a law enforcement agency for further investigation. If the department determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the school district in which the employee is employed about the investigation.

E. In cooperation with the department, the Texas Juvenile Justice Department by rule shall adopt guidelines for identifying a report made to the Texas Juvenile Justice Department under Section 261.103(B) that is appropriate to refer to the department or a law enforcement agency for investigation. Guidelines adopted under this subsection must require the Texas Juvenile Justice Department to consider the severity and immediacy of the alleged abuse or neglect of the child victim.
SECTION 261.106

Immunities

A. A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that might otherwise be incurred or imposed.

B. Immunity from civil and criminal liability extends to an authorized volunteer of the department or a law enforcement officer who participates at the request of the department in an investigation of alleged or suspected abuse or neglect or in an action arising from an investigation if the person was acting in good faith and in the scope of the person's responsibilities.

C. A person who reports the person's own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability.

SECTION 261.109

Failure to Report; Penalty

A. A person commits an offense if the person is required to make a report under Section 261.101(A) and knowingly fails to make a report as provided in this chapter.

A person who is a professional as defined by Section 261.101(B) commits an offense if the person is required to make a report under Section 261.101(B) and knowingly fails to make a report as provided in this chapter.

B. An offense under Subsection (A) is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the child was a person with an intellectual disability who resided in a state supported living center, the ICF-IID component of the Rio Grande State Center, or a facility licensed under Chapter 252, Health and Safety Code, and the actor knew that the child had suffered serious bodily injury as a result of the abuse or neglect.

C. An offense under Subsection (A-1) is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the actor intended to conceal the abuse or neglect.
The presence of two unrelated adults is required at all times for any church program or activity for children or youth.

In addition to this requirement, the following adult-to-child ratios must be maintained:

- **Infants (ages 0-1)**
  1 adult : 3 infants

- **Toddlers (ages 1-2)**
  1 adult : 6 toddlers

- **Ages 2 – 8th Grade**
  1 adult : 8 children

- **9th Grade – 12th Grade**
  1 adult : 12 youth

*Diocesan schools that are accredited or licensed may observe adult-to-child ratios as established by the licensing or accrediting agencies.
PROCEDURES FOR RESTROOM USE, SHOWERS, OR BATHS
FOR CHILDREN OR YOUTH PROGRAMS

APPENDIX F

1. No adult may shower, bathe, or use the restroom facilities in the presence of children or youth. Hand washing is expected of all persons after any use of restroom facilities.

2. Diapering should be done in diapering stations in close proximity to other care providers. It is not appropriate for diapering to occur behind closed doors or in isolated places.

3. An adult caregiver must accompany all children age 2 through kindergarten to the restroom. If facilities are removed from the classroom, the caregiver must check the bathroom to see if other adults are present before allowing the child to go in. If there is no stall in the restroom, the caregiver stands outside the door while the child uses the bathroom. If there are stalls, the child goes in alone. The caregiver will assist the child only if necessary, in which case the staff door and the outer door shall remain ajar. The caregiver should not go into the restroom with the child and close the door, or into the stall and close the door.

4. If the restroom is in the classroom with only one toilet, the child should go alone into the restroom. If the restrooms are removed from the classroom, the caregiver must accompany children age 2 through kindergarten, following the procedures outlined above.

5. In a classroom with attached restrooms with only one toilet, the first through fifth grade child will go alone. If the restrooms are located away from the room, another child of the same sex will accompany the child to the restroom. Children in this age group may not go to the restroom alone. In no instance should a door be completely closed if adult assistance is needed.

6. Youth in sixth through twelfth grades are encourages to use the buddy system if restrooms are located some distance away from the activity.

7. When there are special needs or extenuating circumstances, a specific policy may be formulated, approved by the rector, or canonical equivalent, and the parent(s) of the child, and implemented with appropriate monitoring and supervision. If assistance is needed in formulating such a policy, please contact the bishop’s office.
Appendix H: Background Screenings

Background screenings are required on all clergy, their staff members, school teachers and staff, youth workers, nursery workers, volunteers, and non-professionals. These screenings need to be completed through the diocesan office. We currently use the firm of SPIS, who is based in San Antonio.

There are three types of screens:

- **Level 1**
  $25.00 charge for Level 1 screen. It is used for non-paid positions (volunteers).
  It covers the following:
  - Identity verification
  - Local criminal search
  - Statewide criminal search
  - Sex offender registry
  - Driving records

- **Level 2**
  $65.00 charge for Level 2 screen. It is used for most paid positions including clerical, administrative, and teaching positions.
  It covers the following:
  - All of the Level 1 searches
  - Civil litigation
  - Financial responsibility
  - Education - 1 facility (each additional facility - $6)
  - Previous employment - 2 employers (each additional facility - $6)

- **Level 3**
  $75.00 charge for Level 3 screen. It is used for employees in a greater position of authority, like clergy, heads of schools, etc.
  It covers the following:
  - All of the Level 1 and 2 searches
  - Federal records search

Each screening request should be sent to the diocesan office with a check made out to Diocese of West Texas. The diocese will then forward the request to SPIS and will notify you of screening results. This generally takes one week from the time the diocese receives the forms.

If you have any questions regarding this policy, please contact the diocesan office at 210-824-5387.
LEVEL 1 CONSENT DOCUMENT
FOR VOLUNTEERS AND NON-PAID POSITIONS

The Episcopal Diocese of West Texas contracts with SPIS, a licensed, Private Investigations Agency, to verify certain information contained in your application for employment, conditional job offer, or provided by you during the interview process. The information requested below is necessary to complete the screening. This is information is **not** part of the application for employment and will be used for the sole purpose of verification of information and/or statements made by you. Please complete all requested information.

Prospective Employer (church or school): _____________________________________________

Position Applying for: ___________________________________________________________

Applicant Name: __________________________________________________________________

Last                                                  First                                                  M.I.

Address: ________________________________________________________________

  Street
  City
  State
  Zip

Date of Birth: ___________________ Social Security #: ___________________

  Month/Day/Year

Driver’s License #: ___________________ DL State: ___________________

APPLICANT CONSENT

I understand and agree that SPIS, employee screening services, will verify all or part of the information I have given my prospective employer. I understand that this verification will cover identity verification, motor vehicle driving record, local criminal search, statewide criminal search, and the sex offender registry, as well as other public record information. I authorize the release of such information as may be necessary to verify the information I have provided. I release and hold harmless from all liability any individual or entity requesting or supplying information with respect to my application for employment.

Applicant Signature ___________________ Date ___________________
LEVEL 2 & 3 CONSENT DOCUMENT
FOR PAID POSITIONS & CLERGY, HEAD OF SCHOOL

The Episcopal Diocese of West Texas contracts with SPIS, a licensed, Private Investigations Agency, to verify certain information contained in your application for employment, conditional job offer, or provided by you during the interview process. The information requested below is necessary to complete the screening. This is information is not part of the application for employment and will be used for the sole purpose of verification of information and/or statements made by you. Please complete all requested information.

Prospective Employer (church or school):

Position Applying for:

Applicant Name: ________________________________

Last                                                  First                                                  M.I.

Address: _____________________________________________

Street                          City                          State                          Zip

Date of Birth: ________________     Social Security #: __________________

Month/Day/Year

Driver’s License #: __________________    DL State: __________________________

Education History
List all schools attended beyond high school

School: ____________________________     Dates Attended: ______________________

From                           To

Location: ____________________________     Degree Earned: ______________________

City                        State                   AA, BA, MA, etc. / Incomplete

Major: ____________________________    Minor: ____________________________

School: ____________________________     Dates Attended: ______________________

From                           To

Location: ____________________________     Degree Earned: ______________________

City                        State                   AA, BA, MA, etc. / Incomplete

Major: ____________________________    Minor: ____________________________
Applicant Name: ________________________________

**Employment History**

*List all jobs held in the last 7 years*

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May we contact this employer?  __Yes  ___No

**APPLICANT CONSENT**

I understand and agree that SPIS, employee screening services, will verify all or part of the information I have given my prospective employer. I understand that this verification will include an inquiry into my credit history, motor vehicle driving record, criminal and civil records, education, prior employment as well as other public record information. I authorize the release of such information as may be necessary to verify the information I have provided. I release and hold harmless from all liability any individual or entity requesting or supplying information with respect to my application for employment.

________________________________________  ______________________
Applicant Signature                     Date