

# Policy Regarding Child Abuse and Sexual Misconduct with Minors in the Church

The Presbytery Of Western New York

- Whereas,* Sexual misconduct by church professionals against children has caused great pain and great scandal in the church of Jesus Christ. The church is obligated to protect the victims of child abuse and sexual misconduct of minors.
- Whereas,* The scandal is exacerbated by the church's institutional tendency to protect itself and the perpetrator from public scrutiny and the possibility of damage claims by maintaining a wall of "confidentiality" which is actually secrecy.
- Whereas,* In New York State, clergy and other church leaders are not mandated by civil law to report known or suspected incidents of child sexual abuse. The reporting of such incidents, however, begins the process of discovery and objective finding of fact for which the church is ill-equipped and lessens the likelihood of this grave form of misconduct being "managed" in secrecy.
- Whereas* Child sexual abuse ranges from non-touching offenses against a child under 18 such as exhibitionism to fondling, intercourse, or using a child for pornographic materials. Child abuse includes physical abuse, physical neglect and emotional abuse of a child under 18 by a parent or other caretaker. Child abuse is non-accidental injury. Physical neglect is failure to provide food, clothing, hygiene, medical care, or supervision. Emotional abuse includes severe rejection, humiliation and actions intended to produce fear or extreme guilt in a child.
- Whereas,* A single incident of known, credible or admitted abuse is rarely an isolated case with child sexual offenders usually being repeat offenders.
- Whereas,* Care must be taken to ensure the credibility of allegations necessitating the reporting to appropriate civil authorities and/or church authorities for investigation as well as at the same time the filing of accusations with the Stated Clerk of the Presbytery so an investigation can be conducted in the church. It is never appropriate for alternative resolution agreements to be entered into by the investigating committee in order for a perpetrator to avoid the filing of charges with the Presbytery Permanent Judicial Commission.
- Whereas,* The church bears a high level of responsibility to ensure that perpetrators are not put into a position to harm children again requiring the full truth be told in public both for the sake of the victim and the perpetrator.
- Whereas,* We must protect our children and can no longer afford practices that allow the possibility that those who engage in sexual misconduct and/or abuse of children have the freedom and access to continue their misconduct. The church requires clear accountability in these matters. The church must deal responsibly with its own leaders if we are to be trusted to lead at all.

THEREFORE,

The Presbytery of Western New York:

1. Requires all its members, staff and volunteers to act as if they were “mandated reporters” to the appropriate civil and/or church authorities for investigation when they become aware of credible allegations involving child abuse or sexual misconduct between adults and children;
2. Urges all its member churches including their staff and volunteers to act as if they were “mandated reporters” to the appropriate civil and/or church authorities for investigation when they become aware of credible allegations involving child abuse or sexual misconduct between adults and children;
3. Counsels Investigating Committees to refuse to enter into confidential agreements or any sealed settlements or “alternative resolutions” that keep credible allegations of child abuse and/or sexual misconduct with minors secret;
4. Instructs all the committees, commissions and staff to make known any such current agreements in situations in which child sexual offenders may remain a danger to children through professional assignment or placement which is enabled by the secrecy of the settlement of credible allegations;
5. Instructs the Permanent Judicial Commission that in situations where child abuse and/or sexual misconduct toward children is admitted by a perpetrator or found to be true by a permanent judicial commission the only appropriate censure is removal from office with notice detailing the admission for the finding of the PJC;
6. Encourages the Committee on Ministry, Investigating Committees, and professional staff to deal with congregations, victims, and perpetrators with both grace and truth: Grace to assure everyone that forgiveness is necessary, but truth to insist that full disclosure of misconduct is required for healing to begin;
7. Requires all staff, ministers and volunteers working with children to attend presbytery sponsored training in identification and prevention of child abuse and sexual misconduct within six months of their first appointment or within one year after the adoption of this policy. Failure to fulfill these requirements will necessitate withholding approval of annual terms of call or removal from positions. The training must be repeated every three years.

Failure to comply with this policy may result in disciplinary action under the Book of Discipline of the Constitution of the Presbyterian Church (USA).

Policy adopted

,2003