

Reformed Presbyterian Church of North Hills

Policy in Response to Act 153 and related PA Acts

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court.

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I. Introduction

In 2014 the state of Pennsylvania passed Act 153, known as the Child Protection Services Law (CPSL). In 2015 the session of the Reformed Presbyterian Church of North Hills began to explore its ramifications on the life and ministry of the church. Almost a decade ago, the session of the Reformed Presbyterian Church of North Hills adopted a formal policy requiring that both the State Police criminal background check and Child Abuse clearances be obtained by all members teaching children under the age of 18 in the Christian Education program. Further the Session, adopted the informal policy of seeking, whenever possible, the presence of two adults in each classroom. Act 153 has mandated that churches obtain these clearances for a far more comprehensive set of people who have volunteered to be an active part of the life and ministry of the church.

After considerable research, training, and thought, the session of the Reformed Presbyterian Church of North Hills has adopted/endorsed the following policy manual as our response to the requirements of the CPSL. This policy manual includes procedures for screening, procedures for reporting suspected incidents of abuse, and a response plan that will be implemented in the event of an allegation of abuse. The policy requires an evaluation of the safety of the building to ensure that it is free from potential dangerous environments. The pastoral staff, ordained officers and congregation will be trained annually how to respond to cases of abuse first in a biblical manner and in a manner that seeks to conform to the mandates of the civil magistrate.

II. Theological Rationale and Commitment

The Reformed Presbyterian Church of North Hills is a Confessional Church and is part of, and is subject to, a larger denomination called the Reformed Presbyterian Church of North America. Our final authority in all matters pertaining to belief and practice is the word of God, found in the scriptures of the Old and New Testaments.ⁱ Our doctrinal standards are clearly spelled out in the Westminster Confession of Faith, the Larger and Shorter Catechisms. These documents along with the structure of our church government (*Directory of Church Government*), our procedures for the administration of church discipline (*The Book of Discipline*), and our *Directory for the Worship of God*, can all be found in the publication: *The Constitution of the Reformed Presbyterian Church of North America*. These documents form our confession of faith, our understanding of what the scriptures teach and are known as our secondary standards. Arising from these fundamental convictions we maintain:

- 1) That the conscience of man can only be bound to the word of God. Hence in situations where demands are placed on the church that are contrary to the word of God “we must obey God rather than men.”ⁱⁱ
- 2) That all people are to be subject to the civil magistrate, as God has appointed the magistrate to punish the evil doer. No person who walks faithfully according to the Word of God, should have reason to fear the magistrate.ⁱⁱⁱ

- 3) That the role of the church is to preach the good news of the gospel of the LORD Jesus Christ. Jesus Christ having lived a life without sin, was crucified by Pontius Pilate, died, was buried, and three days later arose from the dead so that sinful men could have their sins forgiven and receive eternal life when they repent and place their faith in Christ and His work on the cross. The power of the gospel then changes people. Freedom from sin and fundamental change in character take place as a result of the transforming power of the Gospel. Men and women are given new hearts and the law of God is written on their hearts and minds. The church alone holds the keys of the Kingdom of God.
- 4) That the governments of the church and state have different functions and prerogatives in the advancement of the Kingdom of God. The means of enforcement of the civil government are physical, while those of church government are not. Neither government has the right to invade or assume the authority of the other. They should cooperate to the honor and glory of God, while maintaining their separate jurisdictions. The role of the church includes calling the Civil Magistrate to govern according to biblical principle.^{iv}
- 5) That no civil government which deprives men of civil liberty or liberty for the true religion, fails to protect human life, or proposes to force men to do violence to the spirit and precepts of the Christian religion or interferes unjustly with private ownership of property, can in such matters rightfully expect the submission of its citizens or the blessings of God promised for obedience to Him.^v
- 6) That child abuse, properly defined, is, at minimum, a violation of the sixth commandment.^{vi}
- 7) That in churches like ours it is possible that the sins of society will be reflected in our midst.^{vii} Cases of child abuse have and will occur. People are sinful and it is naïve to not expect that this sinful nature will be manifest in our midst. Just as the church would not protect a known murderer, the church should not protect a person who abuses a child. We acknowledge that the civil magistrate has the authority to punish the evil doer. We also acknowledge that the church must work to bring a member caught in sin to repentance. The Reformed Presbyterian Church has, and will continue to, practice redemptive church discipline.

Further, the nature of the church is organic. The scriptures use the imagery of a body, where Christ is the head and each member has a different function.^{viii} When we join the church we enter a covenant relationship with God and with each other. As members of the covenant community we assume responsibility for the temporal and spiritual well being of our fellow members. As a member of the Reformed Presbyterian Church of North Hills, each person responds affirmatively to the following query:

“Do you promise to submit in the LORD to the teaching and government of this church as being based upon the Scriptures and described in substance in the *Constitution of the Reformed Presbyterian Church of North America*? Do you recognize your responsibility to work with others in the church and do you

promise to support and encourage them in their service to the LORD? In case you should need correction in doctrine of life, do you promise to respect the authority and discipline of the church?"^{ix}

In Baptism, parents affirm the Covenant of Baptism^x and the congregation promises love and support in response.^{xi}

Arising from these fundamental theological convictions, and recognizing the principle of Liberty of Conscience as defined in our standards,^{xii} the Session of the Reformed Presbyterian Church of North Hills has compiled the following policy manual as our guideline for how we will seek to submit to the civil magistrate in matters pertaining to, and arising from, Act 153. Detailed in the document are procedures for screening and procedures for reporting suspected incidents of abuse, and the policy includes accountability guidelines related to contact with children. Ordained officers and congregational members will be trained annually about abuse, first in a biblical manner and then in a manner that seeks to comply with the mandates of the civil magistrate.

III. Definitions

The following definitions will be assumed throughout the policy manual:

Adult: Person 18 years of age and older

Certification: The process of volunteer training and instruction on the requirements of church policy related to the implementation of the church's response to Act 153 (CPSL) and the successful completion of the necessary criminal; child abuse; and when necessary, FBI national finger-print clearances.

Certified Adult Volunteer: An adult employee or volunteer (18+), who has fulfilled the requirements for certification.

Child Abuse: Egregious and actionable violations of the concepts described in the Westminster Larger Catechism Question 129 and the Westminster Larger Catechism Questions 130. Accordingly, we agree with the states definitions with the following exceptions:

- 1) We reject the idea that corporal punishment is equated with mental/physical abuse.
- 2) We reject the assumption that a psychologist can authoritatively define psychological/mental trauma.

Children or Youth: Persons up to 18 years of age and younger. These terms (children and youth) are used interchangeable for the purpose of this policy statement.

Direct contact with children: (as defined in PA6303 relating to definitions) the care, supervision, guidance, or control of children or routine interaction with children.

Probationary Adult Volunteer: An adult volunteer who has completed the paperwork for certification and signed affidavits affirming their suitability for volunteer work with children and youth, but has not received the official results of their background checks from the state.

Uncertified Adult Volunteer: An adult volunteer who has not fulfilled requirements of certification. He/she may be used to assist and work under the direction of a certified adult.

IV. POLICY GUIDELINES

A. Serving in Ministry

Everyone in the church is called and gifted to serve others, and to the extent possible, this involvement in ministry is to be encouraged and strengthened, not hindered.

In order to satisfy the State's interest in protecting children, we will be asking members whose work in the church integrally includes regular, close contact with children in their charge to submit to background checks as prescribed by law. If background checks reveal information that preclude this kind of work among children, members will be directed by the session to other areas of service.

We believe that newness of heart, and change of life are available abundantly to those who believe in Christ. We also believe that the church itself, not the State, calls and ordains its ministers. We, the church, will make final determinations regarding fitness for ministry, consistent with our biblical responsibility to guard the people of God. (Acts 20:28)

B. Clearances

Members 18 years or older who routinely interact with children will be required to complete clearance forms and submit them to the church for review and processing. Individuals should submit their information and provide copies of the forms they have submitted to the church. The church will cover the appropriate fees, where required. These clearances include the following three forms:

1. Child Abuse Clearance (Appendix A)
2. State Police Criminal Record Check (Appendix B)
3. Affirmation of Residency and Disclosure of Convictions (Appendix C)

Volunteers who are not eligible to use the Affirmation/Disclosure and Church employees who work with children will be required to obtain the *Federal Criminal History Record Information*. Instructions are listed in the Appendix C.

If a person has clearances that are less than 24 months old from an outside source and they have been present in our congregation for the time period, she/he may give us copies of the forms for our files. The Affirmation/Disclosure will still need to be completed.

C. LIST OF POSITIONS IDENTIFIED AS HAVING DIRECT CONTACT WITH CHILDREN

- 1 – Pastors and Elders
- 2 – CE Committee and Teachers
- 3 – Leader at youth events and Youth Group
- 4 – Nursery supervisors

The session can help others evaluate if volunteers are working with children in the sense identified above.

IV. POLICY GUIDELINES continued

D. Training

The church provides instruction regarding abuse. Broadly speaking, abuse consists of either not rendering to children the care that is due them as special creations of God, or using them for one's own sinful purposes in a way that is potentially damaging to them.

We agree with the state's definition of abuse in most areas:

- Sexual involvement
- Physical harm
- Neglect

We are unsure if we can agree with the State in at least two areas:

- 1) The State identifies "Forceful slapping or other striking" of a child under one year of age as abuse. It is not clear if this definition precludes parental corporal punishment of disobedient children less than one. Parental corporal punishment of children can be a legitimate part of discipline. Such discipline must include instruction, and therefore corporal punishment should not be applied to those incapable of understanding the rule or instruction being enforced.
- 2) The State seems to give authority to certain psychological professionals to determine if therapies are required to be provided to minors. To the extent that psychological professionals assign medical theories to spiritual problems, they are incapable of giving authoritative instruction about what therapies are required to address problems.

Corporal punishment of small children and addressing problems that some consider to be mental health issues require careful consideration. Members are encouraged to seek counsel in these areas.

E. Reporting Abuse Situations

In the event that a member of the church believes that child abuse may have occurred, he or she should report the matter to the session and the appropriate civil authorities.

V. Accountability

At church events involving children, the following guidelines are suggested:

It is desirable that no single child be in the care of an individual adult. In most cases there should be two adults present at events involving youth. On rarer occasions, such as unplanned absences, one adult may be alone with multiple children. **In no circumstance should one adult be alone in private with an individual child.**

VI. UNCERTIFIED VOLUNTEERS

The session or its designated representative will interview new volunteers. Volunteers will be given up to three months to receive their certifications. Until they are certified, volunteers will be assigned to work with others who are certified. At no time should an uncertified volunteer work alone with children or youth.

VII. Certification and Records Committee

The committee responsible for assuring that the RPCNH is in compliance with the CPSL will consist of 1) the session representative to the C.E. Committee (who shall be appointed the chair of this committee), 2) the Clerk of session, and 3) one representative of the deacon board.

VIII. Responsibilities of the Certification and Records Committee

The committee shall work to supervise certification and maintain records pertaining to stipulations of the CPSL.

Record Keeping:

The committee shall:

- 1) Maintain records for all employees and all volunteers including copies of all required clearances (3) and affidavits.
- 2) Maintain a record of the expiration dates of all clearances and ensure that the mandatory clearances are updated every five years.
- 3) Ensure that all required fees for clearances are paid for by the church.

VIII. Responsibilities of the CPSL Compliance Committee continued:

Training:

The committee shall:

- 1) Develop training for employees and volunteers in the RPCNH that seeks to comply with the scriptures and with the CPSL.
- 2) Lead employees and volunteers in an annual training (required) course.

Miscellaneous:

The committee shall:

- 1) Monitor and review the effectiveness of the CPSL policy as adopted by the session of the RPCNH.
- 2) Propose changes and improvements to the RPCNH CPSL policy. All proposed changes must be approved by the session of the RPCNH.
- 3) Hold annual meetings to administer the RPCNH CPSL policy. Additional meetings can be called by the chair (Session representative to the Christian Education Committee)
- 4) Take responsibility to communicate with the congregation and the community on any matters pertaining our conformity to the CPSL.
- 5) On an annual basis, print for distribution to all employees and certified adults, a copy of the policy manual with any approved revisions. An updated version posted to the church web-site will also suffice.

Appendices

APPENDIX A - CRIMINAL HISTORY RECORD

Paper Form - http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx#.VT08_pPjLyA

Electronic Form - <https://epatch.state.pa.us/Home.jsp> or: www.compass.state.pa.us/CWIS/PUBLIC/FAQ

APPENDIX B - PA CHILD ABUSE CLEARANCE FORM

Paper Form http://www.dpw.state.pa.us/cs/groups/webcontent/documents/form/s_001762.pdf

Electronic Form - <https://www.compass.state.pa.us/CWIS/Public/ClearanceLearnMore> or:
www.compass.state.pa.us/CWIS/PUBLIC/FAQ

APPENDIX C – FBI INFORMATION FORM

Electronic Form only - https://www.pa.cogentid.com/index_dpwNew.htm

Closest location to RPCNH is: UPS Store #5726, 5513 William Flynn HWY #400. Gibsonia, PA 15044

APPENDIX D – Volunteer Affidavit

See attached form

APPENDIX E – Procedure to Report Suspected Child Abuse

See attached form

APPENDIX F – Disclosure Statement Application for Volunteers (Volunteer Statement in lieu of FBI form for PA residents.)

See attached form

APPENDIX D– Volunteer Affidavit

As an adult who will have routine interaction with children or youth we require that you read the following statements and then sign the form as your acceptance of the terms of this covenant.

1. I have not been convicted of child abuse (sexual abuse, physical abuse, or emotional abuse) or of any offense detailed by the state of Pennsylvania (see attached list) that would disqualify to work with children and am willing to volunteer to work with children or youth in any church-sponsored activity.
2. I want to volunteer and be involved with children or youth of our church. I have applied for or have clearances before beginning a volunteer assignment. These clearances are as follows: Act 33, Act 34, and the Federal Criminal History Record Information.*
3. I will attend the training and educational events that are provided by the church to keep volunteers informed of church policies and state laws regarding child abuse.
4. I will immediately report any behavior that seems abusive or inappropriate to one of the pastors or a member of the Session of the Reformed Presbyterian Church of North Hills.
5. I will follow the “Procedure to Report Suspected Abuse” as detailed in Appendix E.
6. I have read and agree to abide by, this policy manual of the Reformed Presbyterian Church of North Hills.

Signature of Volunteer

Date

***The Federal Criminal History Record Information is only required if the volunteer has not lived in Pennsylvania continuously for the past 10 years.**

APPENDIX E – Procedure to Report Suspected Child Abuse

IF ANY ALLEGATIONS ARE MADE CONCERNING CHILD ABUSE, THE FOLLOWING PROCEDURES SHOULD BE FOLLOWED:

1. Treat any allegations of abuse seriously. Do not ignore the allegations in the hope that they will go away.
2. Report the allegation of abuse to the Session.
3. Session will handle the allegation in accordance with the Book of Discipline (Found in the *Constitution of the Reformed Presbyterian Church of North America* pp. E.1-18)
4. Report the allegations to the appropriate law enforcement authorities as is required by state law. (See reporting information.)
5. A member of Session should immediately notify the church's insurance company. (This notification should also be confirmed in writing.)
6. All parties are instructed to refrain from gossip and idle speculation and are admonished to pray for the parties involved in the allegation.
7. The advisability of seeking legal counsel should be discussed with the accused.
8. One of the pastors or the appropriate shepherding elder should notify the parents if it appears that they have no previous knowledge of the matter.
9. The accused should be immediately suspended from his or her duties involving routine interaction with children (Issues of compensation should be dealt with on a case by case basis.)
10. All media inquiries should be referred to a member of Session.
11. Always show care and comfort for the alleged victims, the accused and their families. Communicate a sincere commitment to their spiritual and emotional well-being.

APPENDIX F
DISCLOSURE STATEMENT APPLICATION FOR VOLUNTEERS
Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2 (relating to volunteers having contact with children)

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a clearance through the Federal Bureau of Investigation, because I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Pennsylvania Title 18 or of offenses similar in nature to those crimes.

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3124.2 (relating to institutional sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 3129 (relating to sexual intercourse with an animal)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- Section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) (d) (relating to obscene and other sexual material and performances)
- Section 6301 (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.
- Section 6318 (relating to unlawful contact with minor).
- Section 6319 (relating to solicitation of minors to traffic drugs).
- Section 6320 (relating to sexual exploitation of children).

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this list.

I swear/affirm that I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I understand that I must submit a report of Federal criminal record information (if I have not lived in the Commonwealth of Pennsylvania for the past 10 consecutive years). The applicant shall submit a full set of fingerprints (in a manner prescribed by the Commonwealth of Pennsylvania. The Commonwealth shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information and serve as its intermediary for the purposes of this section), to the Pennsylvania State Police for the purpose of a record check, and the Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

I further understand that I must obtain the certifications every 60 months from the date of the current certifications beginning July 1, 2015.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Date: _____

Witness: _____ Signature: _____

Date: _____

***The Pennsylvania Department of Human Services is utilizing Cogent Systems to process fingerprint-based FBI criminal background checks. The fingerprint based background check is a multiple step process. For more information and to begin the registration process, go to www.pa.cogentid.com/index_dpw.htm For questions about your FBI Clearance, please contact the FBI/Adam Walsh Unit at 717-783-6211 or 1-877-371-5422

End Notes

ⁱ Westminster Shorter Catechism questions #3 & 4

ⁱⁱ Acts 5:1

ⁱⁱⁱ Romans 13:1-5

^{iv} *Constitution of the Reformed Presbyterian Church of North America* A-73&74

^v *Constitution of the Reformed Presbyterian Church of North America* A-74&75

^{vi} *Constitution of the Reformed Presbyterian Church of North America* B-28 The Westminster Longer Catechism Questions #135 & #136. Likely other commandments are violated also.

^{vii} Leviticus 20:11; 1 Corinthians 5:1

^{viii} Romans 12; 1 Cor 12; and Ephesians 4:11-16

^{ix} *Constitution of the Reformed Presbyterian Church of North America* G-1

^x *Constitution of the Reformed Presbyterian Church of North America* F-7

^{xi} *Constitution of the Reformed Presbyterian Church of North America* F-7

^{xii} *Constitution of the Reformed Presbyterian Church of North America* A-58-60