

**Child Protection and Vulnerable Adult Policy
PALO DURO PRESBYTERY**

The members of Palo Duro Presbytery believe that we are called to create a safe haven for all children, youth, and vulnerable adults in our care, nurturing, protecting, and empowering them through faith and trust. This commitment includes taking appropriate steps to reduce the risk to the young people and vulnerable adults in our care. The following policy was established to minimize the risk of any of our children, youth, or vulnerable adults being subjected to sexual, physical, mental, or financial abuse. These policies and procedures are also intended to respect the rights and afford due process to persons accused of improper conduct.

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Definitions

The following list of definitions and terms is intended for use in the Policy and for the purpose of this Policy:

Child/children: A person between the approximate ages of 0-11 and or prior to the completion of 5th grade/elementary school.

Youth: A person who is the age of 11+ years old and is currently enrolled in grades 6th-12th and/or participating in the event as a student

Minor: A person who is 0-17 years of age.

Child/youth worker: Any person, volunteer, paid staff, or contractor who participates at any level at Palo Duro Presbytery entity-sponsored events or activities involving children/youth. This includes chaperons who accompany children/youth to and during meetings, events, and activities covered by this policy. They may also be referred to as sponsors throughout this Policy.

Common Life Ministry (CLM): The Children, Youth, and Vulnerable Adult Protection Ministry Committee (CYVAPMC) shall be a subcommittee of the CLM. This is a group of adults and youth from the presbytery who serve a one- to three-year term and plan and oversee events and activities in Palo Duro Presbytery.

Vulnerable Adult: Those who are 65 or older and those 18 to 64 with mental, physical, intellectual, or developmental disabilities that substantially impair their ability to live independently or care for or protect themselves.

Sexual Conduct: Offensive, obsessive, or suggestive language or behavior; unacceptable visual contact, unwelcoming touching, or fondling that is injurious to the physical or emotional health of another.

Sexual Malfeasance is defined by broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

SCREENING AND SELECTION OF VOLUNTEERS AND STAFF

A. SCREENING AND SELECTION OF STAFF AND EVENT LEADERSHIP:

1. The Presbytery will not allow a Presbytery event involving children, youth, or vulnerable adults or where childcare or vulnerable adult care is offered to be held at a church unless the host church has a sufficient Child and Vulnerable Adult Protection Policy in place.
2. A Volunteer Information Form must be completed by each member of the Event Leadership Team unless they can provide documentation that a background check has already been completed by their congregation or governing body. These forms will provide personal and confidential information necessary to perform criminal background and reference checks on each applicant, which will be completed by the designated Presbytery staff person. The CYVAPMC will review and update these forms annually.
3. The Volunteer Information Form authorizing Palo Duro Presbytery to conduct criminal background checks will be kept on file at Palo Duro Presbytery.
4. The designated Palo Duro Presbytery staff person, on behalf of the appropriate presbytery committee or task group, will conduct the background checks and may consult with the moderator of the committee or task group concerning the results of any background check. Background checks will be destroyed when a decision has been made regarding that person's involvement with the planned conference or event. Names, dates of birth, dates of background checks, and Social Security numbers of cleared persons will be kept on file at the Palo Duro Presbytery Office. (If a church or other entity has already conducted such a background check, further efforts will not be necessary.)
5. "Whether disclosed voluntarily or by result of the security background check, the following items will automatically disqualify a person from participating in the leadership or sponsorship of any children's, youth, or vulnerable adult activity or program related to Palo Duro Presbytery:
 - Any conviction for: murder; aggravated assault; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child or vulnerable adult; incest; indecency with a child or vulnerable adult; inducing sexual conduct or sexual performance with a child or vulnerable adult; possession or promotion of child or vulnerable adult pornography; the sale, distribution, or display of harmful materials or prohibited substances to a minor or vulnerable adult; employment harmful to children or vulnerable adults; or abandonment or endangerment of a child or vulnerable adult. All other convictions or charges for any other crimes not listed above will be reviewed by the appropriate committee seeking to secure the particular employee or volunteer."

B. SCREENING AND SELECTION OF VOLUNTEERS, ADVISORS, AND/OR SPONSORS:

1. The Presbytery strongly urges each local church to adopt its own screening procedure, which includes a security background check to ensure the safety and protection of its own children, youth, and vulnerable adults. The Presbytery relies on the local church session to fulfill its own responsibility to its children, youth, and vulnerable adults.
2. Ordinarily, adult volunteers and advisors/sponsors will only be permitted to serve as sponsors at presbytery events if they have been members of the local church for a period of not less than six months, unless the adult volunteer or advisor/sponsor is transferring from active membership in another church where references can be attained.
3. All volunteers and adult advisors/sponsors for Palo Duro Presbytery Youth Events are required to sign a Covenant of Conduct Form, which includes a question about previous infractions regarding sexual misconduct.
4. Each church must annually (by October 1st) submit an “Acknowledgment of Child Abuse Prevention Form,” which lists those adults who have had security background checks and are approved to serve as leaders and sponsors in order to participate in Presbytery events. A file will be kept at the Presbytery office and can be amended throughout the year.
5. All forms will be reviewed and updated annually by the CYVAPMC.
6. An Information Form, along with a Consent Form, will be completed by each individual who is volunteering for CYVAPMC events unless they can provide documentation that a background check has already been completed by their congregation or governing body. The form collects personal and confidential information necessary to conduct criminal background and reference checks. Consent Forms authorizing Palo Duro Presbytery to conduct criminal background checks will be kept on file at Palo Duro Presbytery. The designated Palo Duro Presbytery staff person, on behalf of the appropriate presbytery committee or task group, will conduct the background checks on CYVAPMC Volunteers and may consult with the moderator of that committee or task group concerning the results of any background check. Background checks will be destroyed after a decision has been made regarding that person’s involvement with the planned conference or event. Names, dates of birth, dates of Background checks, and Social Security numbers of cleared persons will be kept on file at the Palo Duro Presbytery Office. The designated presbytery staff person, or their designee, will contact references by telephone or mail.
7. At each retreat or overnight event, an orientation will be held for volunteers and sponsors, which will include the subject of preventing sexual abuse. “Whether disclosed voluntarily or by result of the criminal background check, the following items will automatically disqualify a person from participating in the leadership or sponsorship of any children’s, youth, or vulnerable adult activity or program related to Palo Duro Presbytery: Any conviction for: murder; aggravated assault; sexual abuse; sexual assault (rape); aggravated sexual assault; injury to a child or vulnerable adult; incest; indecency with a child; inducing sexual conduct or sexual performance with a child or vulnerable adult; possession or promotion of

child or vulnerable adult pornography; the sale, distribution, or display of harmful materials or prohibited substances to a minor or vulnerable adult; employment harmful to children or vulnerable adults; or abandonment or endangerment of a child or vulnerable adult. All other convictions or charges for any other crimes not listed above will be reviewed by the appropriate committee seeking to secure the particular employee or volunteer.”

SUPERVISION OF ADULT VOLUNTEERS AND STAFF

- A. “Two Adult Rule”
As often as possible, there should be at least two adults in each small group. At Planning Team planning sessions and on the retreat or conference grounds, make sure, insofar as possible, that an adult is not left alone one-on-one with a child, youth, or vulnerable adult. This should be emphasized at the organizational meeting of the Planning Team and Sponsors Meeting at the event. *If an adult needs to be alone with a young person or vulnerable adult, that contact should take place in a public setting and with the knowledge of another staff member (for example, at the far end of a dining hall or on one end of the basketball court away from activities.)*
- B. Safety suggestions: always meet in a public space when only one youth (or vulnerable adult) and one adult are present; remain in sight of others; make sure that at least one other adult is aware of what is taking place.
- C. Adults should always use appropriate language, boundaries, and report any prohibited behavior or acts to the appropriate leadership immediately.

PROHIBITED ACTS

“The following acts are prohibited by this Policy and will not be tolerated or accepted during any Palo Duro Presbytery Activity or Program. Any observations or personal knowledge of such violations must be immediately reported to the Moderator of the Session, Director of the Event or Program, or designated program staff representing Palo Duro Presbytery after the safety of the child, children, youth, or vulnerable adult involved has been assured.

- A. Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct towards a child, youth, or vulnerable adult by an adult;
- B. Sexual advances or sexual activity of any kind between any adult and a child, youth, or vulnerable adult;
- C. Sexual advances or sexual activity of any kind between a youth and a child (or vulnerable adult);
- D. Threat of infliction of physically abusive behavior or bodily injury to a child, youth, or vulnerable adult;
- E. Physical neglect of a child, children, youth, or vulnerable adult, including failure to provide adequate supervision in relation to the activities of the presbytery;
- F. Causing mental or emotional injury to a child, children, youth, or vulnerable adult;
- G. Possessing or viewing obscene or pornographic materials at any function of Palo Duro Presbytery, with the exception of sex education materials (NOTE: Palo Duro Presbytery does not consider sex education materials to be obscene or pornographic, especially those which have been produced by the denomination for use in church-related programs.);

- H. Consuming or being under the influence of alcohol or any illegal or controlled substance while leading or participating in a children’s, youth, or vulnerable adult function of the presbytery.”

SOCIAL MEDIA AND DIGITAL SAFETY

We live in a digital age, and we have the opportunity to use social media to enhance ministry. Social media and digital communication can keep the conversation going and cultivate positive relationships. These tools can be used to reach people in ways physical space cannot. As we seek to use social media and digital communication, we must do so recognizing the possible danger it poses. When using social media in ministry, we need to be intentional and careful. We approach the use of social media and digital communication with the understanding that:

- The digital world is not private, and posted content can be stolen and used in ways not intended by the originating person or organization.
- The digital world is at risk for abuse.
- The digital world is rapidly evolving, creating the challenge of identifying and proactively addressing areas of potential risk in the digital world.
- These policies are intended to be applied to any digital communication and social media platform.

DIGITAL COMMUNICATION AND SOCIAL MEDIA POLICIES

- A. All policies of the physical world will apply to the digital world, including the “Two Adult Rule”.
- B. During a video call involving adults and youth/children/vulnerable adults, if the “Two Adult Rule” cannot be followed, the call must be recorded.
- C. Additional Policies pertaining to social media and digital communications
- Digital communications, as much as possible, should include the entire group.
 - When private communication needs to take place outside of standing programming information, parents, guardians, or another responsible adult needs to be informed that the conversation is happening. Confidentiality must be maintained unless the need to report arises.
 - Platforms that automatically delete content should not be used for ministry.
 - Communications and interactions should be public and not deleted.
 - Policy regarding sharing photos or images will be followed. Permission to post photos must be obtained.
 - Youth, children, and vulnerable adults will not be identified by the adult posting. Youth or vulnerable adults may self-tag and share the post.

REPORTING AND RESPONDING TO ALLEGATIONS

- A. **REPORTING ALLEGATIONS**
1. At an orientation session, all volunteers and adult sponsors will be informed of incident reporting procedures and the requirements of state laws regarding the reporting of child and vulnerable adult abuse or neglect. If you have questions about reporting, contact the Director, your local Child or Adult Protective

- Services or Police Department.
2. Anyone who becomes aware of any abuse, neglect, or inappropriate contact involving a child, youth, or vulnerable adult at an event must immediately report the incident to the Director of the event or any adult member of the Planning Team. The person receiving the report shall report the incident to the Director.
 3. The person witnessing or reporting an incident should first secure the safety of the youth, child, or vulnerable adult, and the youth, child, or vulnerable adult should not be left alone.
 4. The Director of the event must immediately notify all appropriate persons, including: the appropriate Presbytery staff persons, the onsite camp manager or host pastor, and, if warranted, Child or Adult Protective Services.
 5. The person initially contacted by the alleged victim, or who observed the incident, should immediately fill out a written "Incident Report."
 6. The Presbytery Representative should prepare a list of agencies to be contacted for each event. (For example: Presbytery, Child or Adult Protective Services, local police) This list should be attached to the "Incident Report" Form.
 7. Any new accusation made after the initial reported incident should be directed to the Response Team (see below) through the office of the General or Executive Presbyter.

B. RESPONSE TO ALLEGATIONS

A Response Team shall be formed in response to allegations that require legal counsel or notification to Child or Adult Protective Services.

1. A Response Team composed of the Executive Presbyter, representative of CYVAPMC, Stated Clerk, and appropriate Presbytery staff will be appointed by the General or Executive Presbyter.
2. The Response Team should immediately contact the presbytery's legal counsel and insurance company.
3. The Response Team should immediately inform the accused and the accuser (or their legal guardian if either one is a child, youth, or vulnerable adult) that they have the right to retain their own legal counsel. The presbytery's counsel will represent the presbytery but not the accused or the accuser.
4. The Response Team should contact the parent or legal guardian of the alleged victim and the accused (or legal guardian if the accused is a child, youth, or vulnerable adult) to communicate action already taken. ("Here's what's already been done; here's what is going to be done.") The ongoing pastoral care for the alleged victim and family, and for the accused, needs to be provided by two separate people, always someone outside the Response Team, such as a pastor or social worker.
5. All presbytery staff and event leadership should be instructed that all communications about any incidents are confidential and come only from the Response Team. The Response Team should prepare a statement for possible use with the media.
6. If the accused is a member of the clergy, s/he is also subject to the "Rules of Discipline" of the Presbyterian Church (USA), and the Presbytery's "Guidelines for Responding to Allegations of Clergy Sexual Misconduct".

CONSEQUENCES

- A. Any person accused of committing a Prohibited Act, whether a staff member, employee, member, or volunteer, will immediately be reassigned to responsibilities without direct child or vulnerable adult contact. If the investigation supports the accusations, the accused person will be suspended from participation in all children's, youth, or vulnerable adult activities and programs of Palo Duro Presbytery. Such suspension shall continue during any investigation by the church and/or law enforcement or child or adult protection agencies.
- B. Any person found to have committed a Prohibited Act shall be prohibited from future participation in children's, youth, and vulnerable adult activities and programs of Palo Duro Presbytery. If the person is a staff member or employee of the presbytery, such conduct will result in termination of employment.
- C. As required by Texas law, all reports of abuse will be forwarded in a timely manner by Palo Duro Presbytery to the appropriate child or vulnerable adult protection and law enforcement authorities. Such reporting must be accomplished in addition to complying with this Child and Vulnerable Adult Protection Policy.
- D. Failure to timely report a Prohibited Act to the designated person shall be considered a violation of this Child and Vulnerable Adult Protection Policy and shall be grounds for termination of employment of a staff member or employee and suspension and dismissal from participation in all children's, youth, and vulnerable adult activities and programs of Palo Duro Presbytery by any person.
- E. When the allegations involve a member of the clergy, the provisions of Palo Duro Presbytery's "Guidelines for Responding to Allegations of Clergy Sexual Misconduct" and the guidance of the church's discipline will be followed.

Approved 09/2025

APPENDIX G.1

LEGAL REQUIREMENTS FOR REPORTING ABUSE OR NEGLECT OF A CHILD

In Texas, the legal requirements concerning the legal requirements for reporting suspected abuse or neglect of a child are primarily found in Chapter 261 of the Family Code.

1] **DEFINING ABUSE AND NEGLECT**

“Abuse” (§261.001(1)) is defined to include a broad laundry list of acts and omissions that could cause or permit mental or emotional or physical injury to a child, including harmful sexual conduct or use of a controlled substance. Failure to make a reasonable effort to prevent physical injury or harmful sexual conduct is also defined as abuse.

Similarly, “neglect” (§261.001(4)) is broadly defined as leaving a child in or failing to remove a child from a situation where the child could be exposed to substantial risk of physical or mental harm.

2] **REPORTING ABUSE OR NEGLECT**

A. **WHO?**

“**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”(§261.101(a)). This includes, without exception, individuals whose personal communications may otherwise be privileged, such as clergy, attorneys, doctors, social workers, etc. (§261.101(c)). Generally, the identity of the person making the report is confidential unless disclosed by order of a court or provided to a law enforcement officer conducting a criminal investigation. (§261.101(d); §261.201) While a professional cannot delegate to or rely on another person to make the report, it appears that other persons can (§261.101(b)).

B. **WHEN?**

When a person has cause to believe there has been abuse or neglect, a report shall be made “immediately”. (§261.101(a)) A professional must make a report within 48 hours after the professional “first suspects that the child has been or may be abused or neglected.” (§261.101(b))

C. **WHAT?**

The report should reflect the reporter’s “belief that a child has been or may have been abused or neglected”. (§261.102) The report shall identify, if known,

1. Name and address of the child;
2. 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. (§261.104)

D. TO WHOM?

A report shall be made to:

1. Any local or state law enforcement agency;
2. The Department of Protective and Regulatory Services; or
3. The state agency that operates or licenses the facility in which the alleged abuse or neglect occurred. (§261.103)

Regardless of where the report is initially made, it will be referred to and investigated by the Department if it involves abuse or neglect by a “person responsible for a child’s care, custody, or welfare” or by law enforcement agencies if it involves alleged abuse or neglect by someone else. (§261.105)

E. IMMUNITIES

A person who acts in good faith to report, investigate, testify, or otherwise participate in a judicial proceeding or investigation of alleged child abuse or neglect is immune from civil or criminal liability. (§261.106) If a frivolous claim is brought against a person for reporting, the person may recover reasonable attorney’s fees and other expenses related to their defense. (§261.108)

F. PENALTY FOR FALSE REPORT

It is a Class A misdemeanor to knowingly or intentionally make a false report. It is a felony if the person has been previously convicted of making a false report. (§261.107)

G. PENALTY FOR FAILURE TO REPORT

It is a Class B misdemeanor if a person “has cause to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report.” (§261.109)

APPENDIX G.2

LEGAL REQUIREMENTS FOR REPORTING ABUSE OR NEGLECT OF A VULNERABLE ADULT

In Texas, the legal requirements concerning the legal requirements for reporting suspected abuse or neglect of a vulnerable adult are primarily found in Chapter 48 of the Human Resources Code.

1] **DEFINING ABUSE AND NEGLECT**

(1) "Elderly person" means a person 65 years of age or older.

(2) "Abuse" means:

(A) the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or

(B) sexual abuse of an elderly person or person with a disability, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

(3) "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.

(4) "Neglect" means the failure to provide for oneself the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

(5) "Protective services" means the services furnished by the department or by another protective services agency to an elderly person or person with a disability who has been determined to be in a state of abuse, neglect, or exploitation or to a relative or caretaker of an elderly person or person with a disability if the department determines the services are necessary to prevent the elderly person or person with a disability from returning to a state of abuse, neglect, or exploitation. These services may include social casework, case management, arranging psychiatric and health evaluations, home care, day care, social services, health care, respite services, and other services consistent with this chapter. The term does not include the services of the department or another protective services agency in conducting an investigation regarding alleged abuse, neglect, or exploitation of an elderly person or person with a disability.

(6) "Protective services agency" means a public or private agency, corporation, board, or organization that provides protective services to elderly persons or persons with disabilities in the state of abuse, neglect, or exploitation.

(7) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 4.465(a)(55), eff. April 2, 2015.

(8) "Person with a disability" means a person with a mental, physical, or intellectual or

developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection and who is:

- (A) 18 years of age or older; or
- (B) under 18 years of age and who has had the disabilities of minority removed.
- (9) "Legal holiday" means a state holiday listed in Subchapter B, Chapter 662, Government Code, or an officially declared county holiday.
- (10) "Volunteer" means a person who:
 - (A) performs services for or on behalf of the department under the supervision of a department employee; and
 - (B) does not receive compensation that exceeds the authorized expenses the person incurs in performing those services.
- (11) "Home and community-based services" has the meaning assigned by Section 48.251.

2] REPORTING ABUSE OR NEGLECT

A. WHO? Sec. 48.051. REPORT.

- (a) Except as prescribed by Subsection (b), **a person having cause to believe** that an elderly person, a person with a disability, or an individual receiving services from a provider as described by Subchapter F is in the state of abuse, neglect, or exploitation **shall report** the information required by Subsection (d) **immediately** to the department.
- (b) If a person has cause to believe that an elderly person or a person with a disability, other than an individual receiving services from a provider as described by Subchapter F, has been abused, neglected, or exploited in a facility operated, licensed, certified, or registered by a state agency, the person shall report the information to the state agency that operates, licenses, certifies, or registers the facility for investigation by that agency.
 - (b-1) This subsection applies only to a provider under the home and community-based services (HCS) waiver program or the Texas home living (TxHmL) waiver program, an intermediate care facility licensed under Chapter 252, Health and Safety Code, a state supported living center as defined by Section 531.002, Health and Safety Code, or a home and community support services agency licensed under Chapter 142, Health and Safety Code. Except as provided by Subsections (a) and (b), a person, including an officer, employee, agent, contractor, or subcontractor of a facility or provider subject to this subsection, having cause to believe that an individual receiving services from the facility or provider is in the state of abuse, neglect, or exploitation shall immediately report to the commission the information required by Subsection (d). Notwithstanding Section 48.0021, in this subsection, "commission" means the Health and Human Services Commission.
- (c) The duty imposed by Subsections (a), (b), and (b-1) applies without exception to a person whose knowledge concerning possible abuse, neglect, or exploitation is obtained during the scope of the person's employment or whose professional communications are generally

confidential, including an attorney, clergy member, medical practitioner, social worker, employee or member of a board that licenses or certifies a professional, and mental health professional.

- B. WHEN? Sec. 48.051(a)
“Immediately”
- C. WHAT? Sec. 48.051(d)
- (a) The report may be made orally or in writing. It shall include:
 - a. the name, age, and address of the elderly person or person with a disability;
 - b. the name and address of any person responsible for the care of the elderly person or person with a disability;
 - c. the nature and extent of the condition of the elderly person or person with a disability;
 - d. the basis of the reporter's knowledge; and
 - e. any other relevant information.
 - (b) If a person who makes a report under this section chooses to give self-identifying information, the caseworker who investigates the report shall contact the person if necessary to obtain any additional information required to assist the person who is the subject of the report.
- D. TO WHOM? Sec. 48.051(a)
- (1) Any local or state law enforcement agency;
 - (2) “the department” meaning
DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES,
 - (3) specifically Adult Protective Services, Call: 1-800-252-5400
- E. IMMUNITY Sec. 48.054(a)
- (a) A person filing a report under this chapter or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.
- F. PENALTY FOR FALSE REPORT Sec. 48.053
- (a) A person commits an offense if the person knowingly or intentionally reports information as provided in this chapter that the person knows is false or lacks factual foundation.
 - (b) An offense under this section is a Class A misdemeanor.
- G. PENALTY FOR FAILURE TO REPORT Sec. 48.02
- (a) A person commits an offense if the person has cause to believe that an elderly person or person with a disability has been abused, neglected, or exploited or is in the state of abuse, neglect, or exploitation and knowingly fails to report in accordance with this chapter. An offense under this subsection is a Class A misdemeanor.