

# **The Culture House Child/Youth Protection Policy**

## **General Policy**

The Culture House has a profound moral and legal obligation to reduce the possibility of child abuse from ever occurring. This policy has been formed with that obligation in mind. Incidents of child sexual, emotional, and physical abuse or neglect cut across all boundaries. Each year, over one million children are victims. Abuse causes deep and sometimes lifelong psychological damage to its victims and their families.

Therefore, both in response to provisions of the National Child Protection Act of 1993 and because The Culture House desires that the organization be a safe and secure place for all children and youth who attend or participate in activities, The Culture House has adopted the following Child/Youth Protection Policy.

## **Purpose**

The purpose of this policy is to define child abuse and to ensure that all volunteers and compensated workers understand The Culture House's employment selection practices (as they relate to child abuse), the reporting of suspected abuse, the appropriate supervision and conduct of workers, child abuse training of workers, and the process of dealing with workers who have been accused of child abuse.

## **Definition of Child Abuse**

### **What is a child?**

Missouri and Kansas law defines a child as any person, regardless of physical or mental condition, under 18 years of age.

### **What is considered abuse?**

Missouri Law defines "abuse" as "any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his/her care, custody, and control..."

Kansas Law defines "abuse", as "harm to the child that may be physical or emotional injury (or serious risk of injury), excessive punishment, sexual offenses, or child torture by a parent, family member, boyfriend or girlfriend of the parents, or any person responsible for the child's welfare, such as a baby-sitter, daycare provider or any other substitute caregiver."

NOTE: The Culture House (TCH) does not allow spanking as an appropriate form of discipline. Therefore, no spanking is permitted by anyone under the responsibility and authority of TCH. Volunteers or compensated staff cannot use spanking as a form of discipline.

### **What is child sexual abuse?**

In general, it is "any sexual activity with a child--whether in the home by a caretaker, in a day care situation, a foster/residential setting, or in any other setting, including on a street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim." (National Resource Center on Child Sexual Abuse, 1992)

Child sexual abuse may be violent or non-violent. All child sexual abuse is an exploitation of a child's vulnerability and powerlessness in which the abuser is fully responsible for the actions. Child sexual abuse is criminal behavior that involves children in sexual behaviors for which they are not personally, socially, and developmentally ready.

Child sexual abuse includes behaviors that involve touching and non-touching aspects.

## **Reporting Suspected Child Abuse**

Missouri Law states "If a child care worker...teacher...or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to conditions or circumstances which would reasonably result in abuse or neglect, he/she shall immediately report or cause a report to be made to the Division of Family Services."

Kansas Law states "Certain people--doctors, nurses, teachers, child care center staff, social workers, and others--are required by law to report suspected child abuse or neglect..."

## **How to Report an Incident**

Missouri Law states that "evidence of sexual abuse or sexual molestation of any child under eighteen years of age shall be turned over

to the division within twenty-four hours by those mandated to report." Report your suspicions immediately to your supervisor (paid staff member), both verbally and in writing on the Form for Reporting Abuse (Form E). The supervisor is responsible to bring the concern to the attention of the Executive Director and the Board of Directors.

### **After a Report Is Made**

The Executive Director will see that an immediate investigation is conducted in conjunction with TCH's attorney and Board of Directors. If it is determined that actual or suspected child abuse has occurred, or if reasonable cause exists to suspect that child abuse has occurred, they will telephone the appropriate state officials.

The state (Missouri or Kansas) that is telephoned is dependent upon the state of residence of the abuse victim. If the victim has divorced parents that live in two states, a telephone abuse report is to be made in each state. Legal counsel will be involved at the earliest possible time.

Once the Division of Family Services accepts the telephone report as legitimate (probable basis of truth), they will assign a caseworker to investigate.

### **Allegations**

#### **Paid Staff**

TCH's policy is to immediately place the paid staff person whom the allegation is brought against on leave. A paid staff member is on leave until the Board of Directors makes its final determination. Normally, an investigation by the state agency takes thirty days.

#### **Volunteer**

The Culture House policy is to immediately relieve the volunteer from his/her duties. The volunteer is not permitted to serve in a volunteer capacity until the allegations are resolved.

### **Internal Reporting Procedure**

Any inappropriate conduct or relationships between an adult volunteer worker and/or compensated worker and a child should be reported to the Executive Director (who must keep a permanent written record) and confronted immediately and investigated. Prompt warnings (a written record must be kept) will be issued when appropriate, and the situation monitored very closely. The adult worker's services will be terminated immediately for continued violation of such warnings, or for a single violation of sufficient gravity.

The Culture House's Board of Directors, Insurance Company, and attorney will be advised of an allegation of sufficient gravity. At the discretion of the Board of Directors a non-Culture House professional may be hired to monitor the caseworker's interviews and/or investigation.

### **Accused Rights**

If a staff member or volunteer is being investigated because of a report of child abuse, he or she has certain rights. These include:

- The right to be informed of the nature of the report (not including information about the person(s) who reported the alleged abuse or neglect).
- The right to provide full information regarding his/her knowledge of the alleged report and to identify witnesses who can support his/her explanation.
- The right to deny the social worker entrance to his/her home or to discuss the allegations. (If he/she chooses not to cooperate with the social worker conducting the investigation, the assistance of law enforcement may be obtained.)
- The right to be informed of the agency's decision and the basis for that decision.

### **Worker's Rights If a Report of Child Abuse is Confirmed**

Should a report of abuse be confirmed following an investigation, the worker would have certain rights. These include:

- The right to request and receive information about the finding (not including information about the person(s) who reported the alleged abuse or neglect).

- The right to disagree with the finding and to request a formal hearing by a State Department hearing officer.
- The right to be represented by a lawyer.

NOTE: Adults who work with children and adolescent youth should understand that sexual relationships, physical abuse, and emotional abuse with minors can lead to a felony conviction and imprisonment. TCH workers should also understand that The Culture House's insurance policy may not provide them with a legal defense of a sexual, physical, or emotional misconduct charge, or pay any portion of a jury verdict assessed against them because of such conduct.

### **Records Maintained by the State**

If the state agency finds that there is sufficient evidence of child abuse, neglect or sexual abuse to confirm, a report will be submitted to the appropriate law enforcement officials, the record will be kept by the state agency, and information concerning the victim and alleged perpetrator will be entered into the Child Abuse/Neglect Central Registry. A person who is placed on the registry as an abuser or neglecter is barred from employment, residence or volunteering in child care facilities and the information may be given to other governmental agencies that have a need to know.

If the report is unfounded, the record will be kept for two years and then destroyed. No information will be entered into the Central Registry or be shared with other governmental agencies.

### **TCH's Public Statement**

Under no circumstances is anyone affiliated with The Culture House permitted to make a public statement other than the appointed spokesperson.

The basic content of the "public statement" will be as follows: "An allegation was received by the Social Services Department. They (Social Services) are investigating the allegations, and we are cooperating. There is no additional information I can share until the Social Services Department completes its investigation."

### **Supervision of Children or Youth**

Even though a comprehensive hiring and screening process is used and reasonable care has been taken in selecting part-time and volunteer workers, maintaining proper supervision of youth and children is also necessary. Should proper supervision not occur, The Culture House may be liable on the basis of "Negligent Supervision" should abuse occur. Negligent supervision refers to a failure to exercise reasonable care in the supervision of organization workers and organization activities.

Programs that involve children and youth must always have adequate supervisory personnel. Events that do not have adequate supervising adults should be canceled. When questions arise, contact the Executive Director.

### **Employment Forms**

Once an applicant has been identified for employment/service, the following form must be obtained: Application for Paid & Volunteer Worker.

### **Background Checks**

In addition to reference checks, paid and volunteer workers will undergo background checks. Background checks conducted may include: (1) a nationwide criminal background check, and (2) an examination of the Child Abuse and Neglect Central Registry from the applicant's current or previous state of residency. Additionally, a copy will be made of the applicant's driver's license and/or Social Security card to confirm identity.

Results of background checks from the Missouri Division of Family Services or Kansas Department of Social and Rehabilitation Services may take a month or more. Should it be necessary to start the applicant (paid or volunteer) prior to the results of background checks being received, the applicant will be staffed on a "conditional" basis. Applicants will be informed that their continued employment/service is contingent upon the receipt of good results from background checks. Good results of background checks will be communicated by a Successful Completion of Background Checks.

### **Compensated Workers**

Paid employees shall be defined as all paid staff, without exception. Compensated workers include hourly, salaried, part-time or full-time.

The completed Form B is to be forwarded to the Executive Director for processing. Following review of this form, an interview will be scheduled with a TCH staff member.

### **Volunteer Workers**

A volunteer shall be defined as teachers, assistants, production crew, event organizers or any person who is working with TCH children/students.

### **Worker Training**

It is The Culture House's policy that all staff and volunteers receive appropriate Child Protection Training. Periodic training sessions will be conducted for workers. However, when new staff or volunteers are added during the year, a review of the policies will be conducted at that time. A confirmation of training session attendance will be required by completing and signing the Application for Paid & Volunteer Workers.

### **Disclaimer**

All information and policies stated in this document are subject to revision as the laws of Kansas and Missouri change and The Culture House's response to these changes is developed.

Minors who work with children must be adequately supervised and must have been given instructions on the Organization Guidelines from a TCH staff member. The adult leaders who work with them are responsible for oversight of their work with children, ensuring that the youth know and practice the guidelines mentioned.

## **THE CULTURE HOUSE - CHILD PROTECTION POLICY**

The teacher/volunteer is to alert the supervisor on duty of any behavioral or physical abnormality (i.e., illness, injury, biting, excess aggression or other deviation from normal behavior). The supervisor will then handle the situation with the parent.

Childcare areas, classrooms, and teaching areas should never be locked while in use. Lights should remain on.

Students are never allowed in classrooms or studios without the direct supervision and presence of an instructor.

Wellness Policy: Children should not be admitted into class with any of the following symptoms and/or illness: fever within last 24 hours, runny nose, questionable rashes, coughing, diarrhea, impetigo, active chicken pox, measles/mumps, pinkeye. Any child on antibiotics should have been on the drug for at least 24 hours before coming to a children's activity. Workers will not administer any medication.

Teachers/Care Providers will keep a class roster. In the event of an emergency where the class must leave the room the roster goes with the teacher and the class.

Children beyond preschool age take care of their own bathroom needs. If a child is new, a teacher and helper will accompany the child to the restroom, but remain outside the main door to walk the child back to the room. If only one adult worker is available to escort a child to the restroom, she/he must remain outside the restroom door, and in view of another adult worker.

When volunteering at a TCH sponsored event, volunteers should sign in with the production coordinator and wear a "volunteer" badge. This will help both staff and children identify you as a volunteer and help prevent persons working with the student body who have not gone through the volunteer approval process.