

SEXUAL MISCONDUCT HANDBOOK

Protect, Report & Care

TEXAS BAPTISTS SEXUAL MISCONDUCT HANDBOOK

[Last Updated: June 28, 2023]

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INTRODUCTION

PURPOSE

The purpose of this Sexual Misconduct Handbook is to provide a resource for ministry leaders in navigating various forms of sexual misconduct, providing clear expectations and boundaries regarding interpersonal behavior.

OBSERVATIONS

All forms of sexual misconduct are wrong; some forms of sexual misconduct are illegal, requiring a report to law enforcement authorities. This Handbook outlines forms of sexual misconduct and identifies legislative code sections, where relevant, describing reporting requirements and processes. In a circumstance where a report to law enforcement or child protection agencies is *required by law*, this Handbook describes best practices and appropriate actions.

LANGUAGE MATTERS

Identifying and addressing sexual misconduct starts with clearly defined language, creating clarity and a common vocabulary surrounding this important topic. Some words have legal significance beyond common use: abuse, harassment and assault, for example, are often used interchangeably. Because precision is important, consider the following terms related to sexual misconduct and their distinctions.

Forms of Sexual Misconduct include:

1. **Child Sexual Abuse:** Inappropriate sexual behavior with a child, perpetrated by an adult
2. **Peer-to-Peer Sexual Abuse:** Inappropriate sexual behavior occurring between children or minors
3. **Sexual Assault:** Nonconsensual sexual behavior occurring *between adults* (often characterized by force, threat or violence)
4. **Sexual Harassment:** Inappropriate sexual behavior *between adults* in the workplace (not *necessarily* characterized by force or violence)

Note: 1 and 2 above involve injury to a child; 3 and 4 involve injury to an adult.

PART ONE – PROTECTING CHILDREN

Sexual Misconduct harmful to children typically occurs in two forms:

- Child Sexual Abuse
- Peer-to-Peer Sexual Abuse

CHILD SEXUAL ABUSE (CSA)

DEFINITION (Simplified)

Child Sexual Abuse: Any tricked, forced, manipulated or coerced sexual activity for the pleasure of the abuser.

CHILD SEXUAL ABUSE FACTS

These statistics provide a framework for the Handbook processes that follow.

In the United States:

- 1 out of 4 girls and 1 out of 6 boys will be sexually abused before reaching 18 years of age.
- More than 90% of child victims are victimized by someone they *know and trust*.
- 2 out of 3 sexual abuse survivors do not disclose until adulthood, *if ever*.
- These statistics are applicable to all demographics, socioeconomic statuses, ethnicities and denominations.
- Perpetrators *groom* children for inappropriate sexual interaction or touch.
- Perpetrators *groom the gatekeepers* to believe they are helpful, responsible and trustworthy individuals.
- *Preferential* offenders have an *age and gender of preference* for sexual interaction with children.
- For the *convicted* male offender, recidivism is rampant, reaching 50-150 victims prior to criminal prosecution.
- In the convicted male population, the *age of first offense* is 13-14 years of age, on average.
- Less than 10% of abusers will encounter the criminal justice system in any form, *ever*.
- *False allegations of Child Sexual Abuse are RARE.*

PEER-TO-PEER SEXUAL ABUSE

DEFINITION (Simplified)

Peer-to-Peer Sexual Abuse:

Sexually harmful behavior between children involving an *aggressor* and a child who does not seek out or want the sexual interaction.

FACTS

- 1 out of 3 reports of sexual abuse are perpetrated by another child.
- Children as young as 4 or 5 may engage in harmful sexual behaviors.
- For the *aggressor*: the highest rate of offense occurs from 12-14 years of age.
- 7 out of 8 reported juvenile sex offenders are over 12 years of age.
- 93% of reported juvenile sex offenders are *male*.

Realities to keep in mind:

- *All* non-consensual sexual touch is a *crime*.
- Peer-to-Peer sexual abuse must be reported under Texas legal reporting statutes.
- The age of consent for sexual interaction is 17 in the state of Texas, but *age of consent* is irrelevant in circumstances characterized by a significant *imbalance of power* (*age, size, authority, position, dependence, etc.*).

COMMUNICATION PLAN

Every ministry should have a communication plan – both *internal* and *external*.

INTERNAL COMMUNICATION

Every ministry should have a clearly communicated plan identifying issues that *must* be shared with other ministry leaders – particularly when the issue may involve injury of a child or adult. If the issue requires a report to law enforcement or child protection authorities, the ministry should follow a well-defined communication plan (See **Appendix 1: Child Sexual Abuse Response Plan**). Not all matters, however, require a report to authorities (i.e., policy violations, unusual or problematic behaviors).

Every staff member within the ministry should understand the pathways of communication to freely express or describe issues or circumstances for evaluation and possible response by ministry leaders. Open communication avoids this breakdown: “I saw unusual behavior, but I didn’t know who to tell.”

EXTERNAL COMMUNICATION

Some issues or circumstances must be communicated *outside* the ministry’s internal communication pathways, including suspicions or allegations of child abuse or neglect. Some issues may require communication to families, the congregation and/or an insurance carrier, depending on the facts. Every ministry should create an external communication plan *before* the plan is needed.

(See **Appendix 1: Child Sexual Abuse Response Plan**.)

CHILD SEXUAL ABUSE: REPORTING REQUIREMENTS

REPORTING CHILD SEXUAL ABUSE

Every church or ministry will encounter sexual abuse issues, whether in the form of allegations from within the ministry or from a child's *core world* or *home environment*. Where suspicions or allegations of abuse are concerned, every ministry should create a Child Sexual Abuse Response Plan (See **Appendix 1**).

Every ministry's Response Plan should include *abuse reporting policies* complying with the mandatory reporting requirements of the respective state. Texas reporting requirements are provided below, highlighting key provisions and accompanying Best Practices.

Note: Child Sexual Abuse (perpetrated by an adult) and Peer-to-Peer Sexual Abuse (perpetrated by another child) are reportable events – *both involve sexual abuse of a child*.

CHANGES IN THE LAW

Texas child abuse and neglect reporting requirements are found in Chapter 261 of the Texas Family Code (TFC). Legal reporting requirements change constantly; ministry leaders must stay abreast of state and federal changes in the law.

TEXAS REPORTING REQUIREMENTS

TEXAS

Local Law Enforcement Agency Call 911

Statewide Child Abuse Hotline 800-252-5400

Mandatory Reporters [Section 261.101](#)

(a) A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person (*1) shall immediately make a report as provided by this subchapter.

(b) If a professional has reasonable 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 reasonable 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 has reasonable cause to believe 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. (*2) 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 healthcare facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

*1 Under Texas law, Peer-to-Peer Sexual Abuse is reportable. Commonly, individuals hesitate to report abuse when the alleged wrongdoer is another child. Section 261 requires a report if a child is abused or neglected by any person.

*2 'Professionals' cannot delegate the reporting obligation – the 'professional' must make the report. Section 261.101(b) then lists specific professions for clarification. Each profession listed relates to a form of licensure. Though Section 261.101(b) describes 'teachers' as professionals, it does not specify whether that term is limited to licensed teachers or, alternatively, includes every individual providing instruction to children, in any context. When in doubt, err on the side of broader interpretation and application.

Definition of a Child [Section 101.003](#)

In reporting child abuse and neglect, Texas defines a child -in Subsection (a)- as any person under 18 years of age.

Confidentiality [Section 261.101](#)

(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 by [Section 261.101](#); or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

NO Anonymous Reporting [Section 261.104](#)

On June 9, 2023 House Bill 63 was signed into law. HB63 removes the availability of an anonymous report of child abuse or neglect – effective September 1, 2023.

[Section 261.104](#)

- (a) The individual making a report shall identify ...
- (4) the individual's name and telephone number;

[Section 261.104](#)

- (b) **If the individual making a report of child abuse or neglect uses the toll-free telephone number the department operates for reporting child abuse or neglect and the individual is unwilling to provide the information described by Subsection (a)(4), the department representative receiving the report shall notify the individual that:**
- (1) the department is not authorized to accept an anonymous report of abuse or neglect;**

NO Clergy Privilege [Section 261.101](#)

(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.**

Section 261.101
NO clergy privilege exists in Texas.

ADDITIONAL MANDATORY REPORTING

Adult to Adult Reports of Sexual Abuse [Section 261.101](#) (*3)

(b-1): 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 reasonable 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.

*3 Adult-to-Adult mandatory reports of Child Sexual Abuse:

A report is required in circumstances wherein an *adult* reveals sexual abuse or neglect *when he or she was a child*. The Adult-to-Adult mandatory report comprises a significant modification in statutory reporting requirements. Imagine this scenario: 'Adult One' receives information from 'Adult Two' related to abuse or neglect that 'Adult Two' suffered as a child. In Texas, this circumstance *may* give rise to a mandatory report, even though the victim is *not a minor* at the time of the report. Many adults serving in ministries providing services to children are familiar with reporting requirements related to abuse or neglect *of a child*. The reporting requirements related to *adult reports* of abuse or neglect (*occurring as a child*) creates new legal territory for many. In Texas, a report is now required when *an adult* reports abuse or neglect *as a child* when 'disclosure of the abuse is necessary to protect another child or vulnerable person'.

Example:

A 21 year old student ministry volunteer tells her youth pastor, "I was sexually molested by my stepfather, and I think the same thing is happening to my 15 year old sister." In this example, *another child is currently at risk*; hence this is a mandatory report.

COUNSELOR SEXUAL MISCONDUCT

Clearly, *all* sexual misconduct is unethical, immoral and unbiblical, but some adult-to-adult sexual conduct is criminal, and may create liability for the church or ministry. In Texas, sexual misconduct involving a counselor and a counselee is prohibited and subject to mandatory reporting requirements under [Section 81](#) of the Texas Civil Practice & Remedies Code (TCP&R). Section 81 provides broad definitions which create broad application. In Texas, a counselor may be subject to criminal prosecution, and the counselor's employer may incur civil liability (including money damages), if a Texas counselor engages in sexual conduct with a counselee.

Clergy Application

In the course and scope of ministry activities, pastors and other members of the clergy commonly provide counseling, and some ministry leaders are licensed counselors. Section 81 includes a wide spectrum of individuals defined as 'mental health services

providers', specifically including members of the clergy, as well as activities broadly defined as 'mental health services'.

Section 81 may be interpreted to include pastoral counseling between adults that devolves into sexual conduct, and *consent is not a defense*. To repeat: *consent between the parties is irrelevant*, given the imbalance of power between counselor and counselee.

Clergy

[Section 81.001\(7\)\(E\)](#) includes 'member of the clergy' within its definition of "Mental Health Services Providers".

Patient/Counselee

[Section 81.001\(2\)](#) broadly defines a 'patient' as an individual who seeks mental health services (i.e., counseling).

Sexual Conduct

[Section 81.001\(5\)](#) defines "sexual exploitation" as a pattern, practice or scheme of conduct, which may include **sexual contact, that can reasonably be construed as being for the purposes of sexual arousal or gratification** ... "Sexual Contact" is defined as 'any touching of the anus, breast, or any part of the genitals of another person with the intent to arouse or gratify the sexual desire of any person'; "Sexual Intercourse" is defined as 'means by any penetration of the female sex organ by the male sex organ' [see [Texas Penal Code Section 21.01\(2\) and \(3\)](#)].

Duty to Report

Sexual conduct between a counselor and counselee triggers a duty to report under [Section 81.006](#):

DUTY TO REPORT.

(a) If a mental health services provider [Pastor] or the employer of a mental health services provider [Church] has reasonable cause to suspect that a patient has been the victim of sexual exploitation by a mental health service provider during the course of treatment, or if a patient alleges sexual exploitation by a mental health services provider during the course of treatment, the mental health services provider or the employer **shall report the alleged conduct not later than the 30th day after the date the person became aware of the conduct or allegations to:**

- (1) the prosecuting attorney in the county in which the alleged sexual exploitation occurred; and
 - (2) any state licensing board that has responsibility for the mental health services provider's licensing.
- (Emphasis added.)*

Section 81.006 describes the information to be reported [81.006(c)] and designates this information as privileged, requiring that the identity of the victim be protected [81.006(d)].

REPORTING PROTECTIONS

IMMUNITY – CHILD ABUSE & NEGLECT

In Texas, every *adult* is a mandatory reporter of child abuse and neglect. When a report is made to Texas authorities in good faith, the reporter enjoys immunity from civil and criminal liability. Every report is legally *presumed* to be made in 'good faith' (without malicious intent). See [Section 261.106\(a\)](#):

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.

(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.

IMMUNITY – DISCLOSING SEXUAL MISCONDUCT

A significant betrayal of trust occurs when a ministry leader engages in sexual misconduct. When a *child* is the victim of the sexual misconduct, the Texas reporting requirement is *mandatory*, and the reporter receives statutory protection from civil or criminal legal liability. See [Section 261.106\(a\)](#).

If sexual misconduct occurs in the context of a *counseling relationship*, the Texas reporting requirement is *mandatory*, and the reporter receives legal protection from civil and criminal liability. See [Section 81.006](#).

Other forms of sexual misconduct do not require a mandatory report (i.e., sexual harassment, extra-marital affairs, solicitation of prostitution). Nonetheless, information about a ministry leader's sexual misconduct is relevant to any ministry employing the bad actor – particularly if the ministry leader is using or abusing a ministry position to initiate or facilitate the misconduct.

When a ministry dismisses a ministry leader for sexual misconduct, and the bad actor seeks (or secures) a position at another church, is the ministry safe to communicate with the second church without fear of being sued?

In the past, church leaders may have been aware of the misconduct, but some were unwilling to communicate to subsequent ministry employers for fear of legal action threatened by the bad actor.

In June 2019, the Texas legislature enacted Section 84.0066 of the Texas Civil Practices and Remedies Code (see **Appendix 3**), which provides immunity to any ministry leader [Ministry Leader No. 1] who – acting in good faith – communicates information about sexual misconduct of another ministry leader [Ministry Leader No. 2] to Ministry Leader No.2’s current or prospective employer. See [Section 84.0066](#):

LIABILITY FOR DISCLOSING SEXUAL MISCONDUCT.

(a) A charitable organization [Church], or an employee, volunteer or independent contractor of a charitable organization, acting in good faith, is immune from civil liability for any act to disclose to an individual’s current or prospective employer information reasonably believed to be true about an allegation that an individual who was employed by or served as a volunteer or independent contractor for the charitable organization or its associated charitable organizations:

- (1) engaged in sexual misconduct;
- (2) sexually abused another individual;
- (3) sexually harassed another individual; or
- (4) committed an offense under any of the following provisions of the Penal Code

ADDITIONAL REPORTING OBLIGATIONS

OVERVIEW

Beyond reporting to relevant authorities, some circumstances may require additional reporting and communication.

NOTIFYING YOUR INSURANCE CARRIER

Reporting allegations or suspicions of child abuse or neglect to relevant authorities is *the law* in the state of Texas; failure to do so is a CRIME. Reporting this information to a ministry's *insurance carrier* is a *contractual* obligation, rather than an obligation under state law; failure to do so may have contractual consequences affecting a ministry's *insurance coverage*.

Policy Notice Provision

Every ministry should purchase appropriate insurance coverage, including coverage related to Sexual Abuse and Molestation (SAM Coverage) or Sexual Misconduct Coverage. Every insurance policy contains a 'notice' requirement similar to this:

In the event the insured [ministry] receives information concerning facts that could give rise to a claim, the insured is required under this policy to notify the insurance carrier immediately, but not later than 24 hours after receipt of this information.

If a circumstance related to sexual abuse includes a fact pattern which *could* give rise to a claim (lawsuit) against the church or ministry, this notice provision requires the ministry to notify its insurance carrier. (*Clearly a report to authorities should have already occurred.*)

Failure to Notify Carrier

Failure to notify the carrier in this circumstance can result in a 'reservation of rights' or denial of coverage by the carrier. Either scenario places the ministry in an adversarial position with its insurance carrier; not a desirable status while navigating a crisis.

NOTIFYING PARENTS, CONGREGATION AND STAKEHOLDERS

Though not legally required or contractually mandated, notifying parents, members of the congregation and ministry stakeholders is imperative, particularly if the alleged abuser was a ministry staff member, volunteer or lay leader. *What* to communicate and *to whom* is driven by the specific fact pattern. See the Sexual Abuse Response Plan (See **Appendix 1**) for guidance related to these communications.

OVERCOMING OBSTACLES TO REPORTING

OVERVIEW

Every state in the United States, including Texas, has mandatory reporting requirements decreed by state law: when a mandatory reporter gains knowledge of or suspects abuse or neglect of a child, that individual is required to report to designated authorities. The consistent message from state and federal lawmakers, child advocacy organizations, insurance organizations and risk managers is this: *when in doubt, REPORT.*

Regardless of clear legal requirements mandating the report of child abuse and neglect – and the reality that *failure to report* is a crime – *ministry leaders continue to struggle with this obligation.* To avoid the common pitfalls, ministry leaders must understand common misconceptions about sexual abuse and sexual abusers that lead to failure to report. By replacing misconceptions with factual information, ministries can avoid these failures, providing a clear pathway for a *correct response* that may feel or seem counterintuitive. Listed below are the most common obstacles to reporting.

“WHAT IF I AM WRONG?”

Many individuals struggle with the thought: *What if I’m wrong?* What if I make this report, impact this person’s life, and I’m *wrong?*

Hesitation in reporting Child Sexual Abuse is common, particularly in circumstances where ministry staff members or leaders lack an understanding of sexual abuse, sexual abusers, legal requirements and ramifications to the victim. When sexual abuse is alleged or reasonably suspected, leaders know the next step may have significant consequences – for the ministry, for the child and for the alleged bad actor/abuser.

At this juncture, too often the focus of ministry leaders is on the alleged bad actor:

- “If I call authorities, it can ruin this employee’s career, marriage, reputation...”
- “This child is accusing someone I know...I cannot imagine him doing this.”
- “When I asked her about it, she denied any inappropriate touch.”
- “This is simply what the child said...and I have no proof.”
- “This child may be making this up – should I believe a trusted staff member or a *child?*”

Here’s the reality: by creating very broad reporting obligations and requiring that *all* allegations *and* reasonable suspicions of abuse be reported, the Texas legislature has decided that the safety and welfare of the *child* outweigh any inconvenience to an *adult* (or another child, in Peer-to-Peer sexual abuse scenarios).

Reporting Principle: the safety and welfare of the child outweighs any inconvenience to an adult.

In addition, when an adult or older child is the subject of a report to authorities, the alleged bad actor has *significant* due process and legal rights in any investigative process and criminal prosecution. When *no* report is made, the child victim receives *no due process*.

Worse, the child joins thousands of abuse survivors who draw damaging conclusions from the experience, including:

- “No one believes me.”
- “They believe my abuser instead of me.”
- “There is no point in speaking out; I will never be believed.”
- “Somehow, it was my fault.”
- “I was powerless to stop it, and will be powerless to stop it in the future.”
- “There is no justice here for me, or others.”
- “This is not a safe place for me.”

At this point, ministry leaders are at a crossroad: *make a report or not*. When a report is made, the accused adult (or older child) may engage in the process to prevent injustice. When the report is *not* made, the child may continue to experience abuse...*and additional trauma from the silence of those who failed to report*.

FEAR OF FALSE ALLEGATIONS

One of the most unfortunate reasons for failure to report is the fear of reporting a *false allegation*, thereby creating hardship for the individual accused. This fear is pervasive, notwithstanding mandatory reporting requirements, and has great likelihood of causing further damage to an abuse victim. In reality, false allegations are RARE; in general, children don't fabricate or 'make up' allegations of sexual abuse.

False allegations of child sexual abuse are rare: less than 3%.
(Center for Disease Control)

False Allegations are RARE

Statistically, false allegations of Child Sexual Abuse are *rare*. The Center for Disease Control (CDC) and numerous academic studies indicate false allegations are uncommon: *less than 3%*.

The majority of allegations determined to be false are *made by adults* on a child's behalf in the context of divorce and custody disputes. When an allegation is communicated by the child – *even if subsequently recanted in an effort to please family members or others* – more than 98% of allegations are factual. In most circumstances, a child's outcry provides only a fraction of the actual abusive experience. In general, *children don't fabricate an allegation*.

The point is this: *the great majority of abuse allegations are factual and should be taken as truth*. Not only should the child be believed, it can generally be assumed that the child has endured *more* abusive behavior than what has been communicated. Further, state and federal reporting requirements do not require *proof* or *corroboration*; the reporting requirement is triggered by *receiving an allegation* or forming a *reasonable suspicion* of abuse or neglect.

Legislative Balance: Protect the Child

Clearly, reporting requirements were intentionally crafted to initiate communication with a low threshold of information – even if an alleged bad actor is inconvenienced by the report. This is intentional on the part of state and federal legislative bodies: the safety of the child outweighs inconvenience to the alleged bad actor. Legislative bodies have balanced the possible inconvenience and injury to an accused adult (or older child) and found it to be insufficient to overcome the compelling interest of *protecting vulnerable children*.

GROOMING THE GATEKEEPERS

Circumstances giving rise to a report of sexual abuse are rarely convenient, easy or unemotional. Instead, allegations typically involve behavior that is *difficult to believe* about an individual who is *difficult to suspect*. Keep in mind: false allegations are rare – the majority of outcries are truthful and factual.

In some circumstances, ministry leaders fail to report due to a fundamental lack of understanding of the *preferential offender*. Preferential offenders, who *prefer* a child as a sexual partner, generally have an *age and gender of preference* (e.g. *pre-pubescent females* or *adolescent males*). These offenders *groom* children for sexual abuse, and, in addition, *groom the gatekeepers* surrounding the targeted child, working to have parents, supervisors and co-workers believe them to be helpful, trustworthy and responsible.

When a ministry supervisor has been *groomed* as a gatekeeper, he or she rarely remains objective, and this is intentional on the part of the offender. Almost without exception, offenders create opportunities for *trusted time alone* with the targeted child, and because he or she is now 'known' and trusted, an allegation or suspicion is more likely to be discounted by co-workers and supervisors.

HISTORICAL ALLEGATIONS

Historical allegations – those that relate to alleged abuse occurring years or decades ago – have become common. In most circumstances, ministries should treat historical allegations as if the alleged abuse occurred *today*. Keep these two realities in mind: the United States has the best criminal justice system in the world, yet the system is clearly imperfect.

Two out of three children *don't tell* about abuse until adulthood, if ever.

In our current cultural context, two out of three children *don't tell* about abuse they have experienced until adulthood, *if ever*. This is further compounded by the fact that most children don't tell because "no one will believe me" (which, too often, is true). The Church must become more skilled at preventing abuse, recognizing signs and symptoms of abuse, and recognizing predatory behaviors and characteristics. A ministry's willingness to recognize and report suspicions of abuse forms a key element in protecting the children it serves.

If the historical allegation relates to behavior which occurred on your watch, in the context of your ministry, or the alleged abuser is a current or former staff member or volunteer, *report* to law enforcement. *Do not* assume that the passage of time makes a report time-barred or irrelevant; from a public perception standpoint, this looks like cover-up. In general, when in doubt ... *report*.

HEARSAY

Some fail to make a report of child abuse because the information they learned about the suspected abuse was 'hearsay'.

Hearsay Defined and Misapplied

The legal definition of hearsay: *an out-of-court statement, made in court, to prove the truth of the matter asserted*. In a courtroom setting, the Rules of Evidence prefer the original source of a statement or utterance rather than a version of the statement being recounted by another. In short, 'hearsay' is a legal principle associated with forms of evidence that are admissible in a legal proceeding.

Suspicions of Abuse Include Hearsay

The concept of 'hearsay' is often interpreted by lay people as follows: *I cannot report an abuse allegation because I heard about it from someone else – therefore, I cannot meet the evidentiary threshold for making a report*. Ministry leaders must not, however, confuse standards related to courtroom Rules of Evidence with Texas mandatory reporting requirements.

Texas Reporting Requirements

The Texas legislature clearly created an 'evidentiary threshold' well below that required to prove a matter in a criminal or civil proceeding – in fact, it is the lowest possible threshold in law. Texas law requires every adult to report any SUSPICION of child abuse or neglect. *Suspicion* is not defined in the code section but is commonly understood to mean: *a feeling or thought that something is possible, likely or true*. Hearsay falls clearly within this broad definition. In fact, most *suspicions of abuse* originate from something learned from another.

In short, the Texas legislature intentionally created an extremely broad definition in order to receive as much information from as many individuals as possible in order to protect vulnerable children. Whether relevant information is 'hearsay' (or not) may play a role in subsequent criminal or civil proceedings, but 'hearsay' should never provide a basis for failure to report child abuse or neglect to the appropriate Texas authorities.

CHILD SEXUAL ABUSE REPORTING PROCESS

Child Sexual Abuse continues to present a compelling concern to Texas Baptist Churches.

The purpose of Texas mandatory reporting requirements is to identify children in crisis situations and address each circumstance. Depending on the facts, some reports are referred to law enforcement authorities to investigate and, where appropriate, initiate criminal prosecution.

Some ministry leaders' failure to report is fear-based: fear of what will happen after a report is made. Common questions include:

- *I made a report in the past and never heard back – did anything happen?*
- *If I make a report to authorities, will someone come and take the child away?*
- *If I make a report, will the parents know it was me who reported?*

Each question above highlights uncertainty about the reporting process, which creates hesitation to initiate communication with the authorities. This section addresses what occurs *after* a report is made to Child Protective Services or law enforcement. Ministry leaders are more likely to report child abuse and neglect when they better understand what happens 'behind the curtain' once a report is made.

Explaining the Process

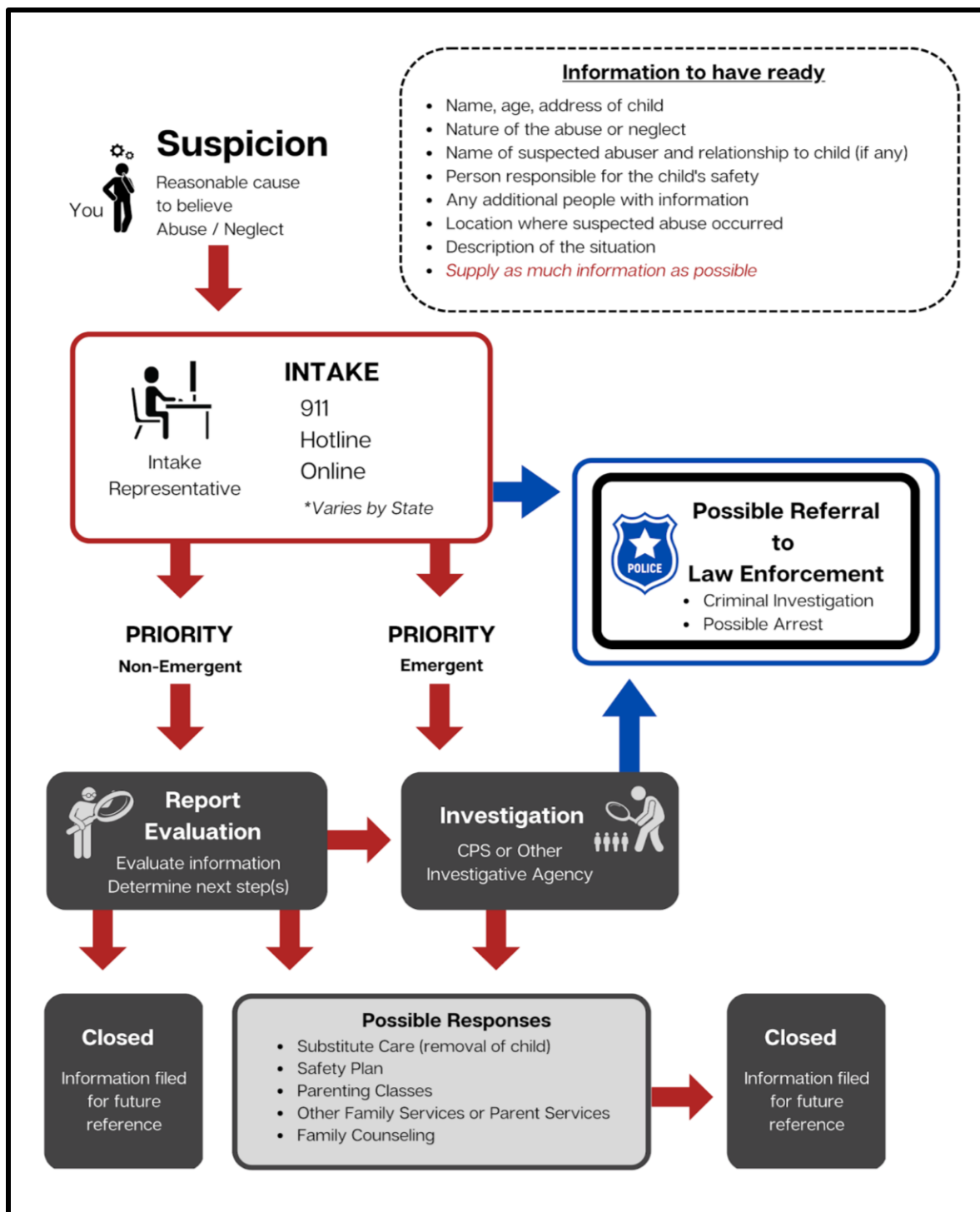
When a ministry leader reasonably suspects or receives an allegation of child abuse or neglect, a report to the authorities is the immediate next step. Texas law requires that the report occur within 48 hours.

'Reasonable Suspicion' of Abuse or Neglect

Note that the threshold triggering a mandatory report is a *reasonable suspicion* (of child abuse or neglect), rather than actual knowledge or admitted behavior on the part of the abuser. Ministry leaders should not attempt to prove the existence of abuse or undertake an investigation as a *condition* of reporting.

Information Flow

The following diagram illustrates the flow of information from the initial report to the close of the file, providing a simplified explanation of basic steps related to any report.



INTAKE SYSTEM

The report is received through an intake system with intake representatives trained to receive reports of child abuse and neglect, whether the report is made orally or online. The intake representative expects to receive as much of the following information as possible:

- Name, age and address of the child
- Nature of the abuse or neglect
- Name of person suspected of abusing or neglecting the child
- The relationship (if any) between the abuser and the child
- Person(s) responsible for the child's safety/protection
- Contact information for additional individuals with information
- Location where suspected abuse occurred
- Description of the situation
- Existing injuries, if any, and any medical or behavioral issues
- Any other information known or deemed important.

The reporting process in Texas begins with calling one of the following:

- Statewide Child Abuse Hotline at 800-252-5400 or
- Local law enforcement agency (911 or non-emergency number).

The intake representative commonly requests the information listed above, and will likely prompt the caller for data or request it be gathered. *The intake representative will not instruct you to investigate or provide PROOF of the suspected abuse or neglect.*

REPORT EVALUATION

What occurs after this report can vary. The report will be evaluated through a *scale of safety* to determine where and to whom the reported information is routed – and how quickly. Based on the reported information, the report will be prioritized or classified based on whether the child is in imminent danger (i.e., the abuse is violent or ongoing, the abuser is an authority figure in the child's home, or an immediate risk of abduction or retaliation exists).

Is the Child in Imminent Danger?

The first and fundamental issue relates to the immediate safety of the child in question. The intake representative will quickly assess whether the facts justify immediate removal of the child (and other children), *or removal of the alleged abuser*. A child deemed in imminent danger is considered a High Priority or Priority 1, which may also result in an immediate referral to law enforcement.

Will the Child Be Removed From the Home?

The majority of reports of child abuse and neglect do not invoke Priority 1 status, which may give rise to the removal of the child. In fact, removal is rare. Nonetheless, the purpose of the system is *protection of the child*. As depicted in the illustration above,

a Priority 1 matter will immediately trigger a CPS Investigation (see below),¹ and possible referral to law enforcement for corresponding criminal investigation.

Fact patterns not considered Priority 1 are not considered insignificant. Rather, CPS has more time to evaluate the information without the risk of imminent harm to the child during the evaluation process.

CPS INVESTIGATION

Depending on the facts reported, an investigation may be opened. Each investigation will be framed by facts reported and subsequent information received or confirmed. What follows is not meant as a comprehensive or chronological description of the investigative process, but a general outline of the common elements of the investigation.

If a report is not deemed Priority 1 or otherwise urgent following the original intake, it may become urgent if merited by additional information gathered in the case evaluation process.

Interviewing the Child

It is common for CPS to interview the child. Depending on the child's age and facts reported, this interview may occur in the child's home, at school or in the child advocacy center.

Protection of the Child

If the CPS Investigator believes the child (or other children) is at risk, steps will be taken to ensure the protection of the child(ren), which may include a safety plan, removal of the child(ren), or removal of a potentially dangerous adult or aggressor child from the home. If the abuse occurred at school, for example, steps may be taken to have a potentially dangerous adult or child removed from the school, pending the conclusion of the investigation.

Possible Responses

The CPS investigation is limited to the circumstances of the child's experience, including possible pathways forward meant to safeguard the child's safety and well-being. If the investigator concludes that the problem is the home environment or family dysfunction, CPS (or a related agency) may recommend or require a *safety plan*, which may include family services, anger management and other parenting courses, counseling or substitute care.

Referral to Law Enforcement

The purpose of any CPS investigation is to safeguard the health and well-being of the child, *not the prosecution of the alleged wrongdoer*. Any investigation of criminal

¹ Child Protective Services (CPS) is a common description or departmental designation for the state or local agency or governmental department tasked with processing reports of child abuse and neglect, including intake, evaluation and investigation. The departmental name and delegation of responsibilities varies from state to state.

behavior is performed by law enforcement (i.e., Crimes Against Children departments or detectives, criminal forensic investigators, sheriff's office or other criminal justice organization). Depending on the facts, CPS may refer a report to law enforcement for investigation and possible prosecution.

FUTURE VALUE OF THE REPORT

All reports are valuable, but not all reports are *actionable*.

When an allegation of abuse is brought to a ministry leader's attention months, years or even decades after the fact, some ministries have failed to report simply because the allegation is old or involves individuals no longer involved or employed at the church. Be prepared to report historical allegations, unless it can be verified that someone in the ministry *previously* reported.

The passage of time may mean the criminal statute of limitation has run, such that the bad actor cannot be criminally prosecuted, but that evaluation is up to criminal law enforcement authorities. Reporting has value regardless: it affirms the victim, creates accountability, puts the alleged abuser's name in the criminal investigation system, and illustrates transparency on the part of the ministry. This is particularly important when the alleged abuser served as a ministry leader, employee, staff member or volunteer.

Guiding principle: when in doubt, REPORT

WILL MY IDENTITY BE KEPT CONFIDENTIAL?

Often the reporter is a relative, family friend, neighbor or has a role in the child's life, and is justifiably concerned about whether his or her identity will be disclosed if an investigation is initiated.

Anonymous Reporting

As of September 1, 2023, Texas does not allow anonymous reporting.

Confidentiality of Reporter Identity

As a general rule, the Texas reporting system *encourages* the reporting of child abuse and neglect. Texas prioritizes confidentiality of the reporter's identity with very defined parameters for protecting identity. [Chapter 261.101\(d\)](#) provides the following:

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 by [Section 261.201](#); or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

Typically, the reporter's identity is disclosed only to law enforcement in the context of a criminal investigation. In some cases, the reporting person's licensure status (i.e., Education Agency, Nursing Board, or other licensing body) may negate any expectation of privacy or confidentiality.

Notifying the Parent or Caregiver

Best Practice: AFTER the report has occurred, informing the child's parent or caregiver may occur ONLY if the child is not thereby endangered by doing so. For example, if a child says she was molested by her mother's boyfriend who lives in the home, do not inform the child's mother: doing so may endanger the child. When in doubt, err on the side of protecting the child.

SUMMARY – KNOWLEDGE DISPELS FEAR

In many cases, ministry leaders fail to report suspicions or allegations of child abuse due to fear: fear of what will happen *after* a report is made. Ministry leaders are more likely to report when they better understand mandatory reporting requirements and the reporting process: what occurs 'behind the curtain'. If every reasonable suspicion or allegation of Child Sexual Abuse is simply reported by church leaders to appropriate authorities, the Church *and* its children are better protected.

CHILD SEXUAL ABUSE PREVENTION

AN EFFECTIVE SAFETY SYSTEM

Reporting child abuse and neglect is *one* element in a ministry's child protection efforts. Reporting *alone* is not enough; each ministry must implement a plan to *prevent* Child Sexual Abuse.

Preventing Child Sexual Abuse begins at the *ministry level*: every church should work proactively to *prevent* and *respond well* to Child Sexual Abuse. Prevention begins with the implementation of an effective *Safety System*. MinistrySafe provides all elements of an effective Safety System and an online framework for managing each element. Learn more about MinistrySafe's online resources and the implementation of a Safety System in the *MinistrySafe – Getting Started Guide* (See **Appendix 2**).

The Offender's Grooming Process

In developing an effective Safety System, ministries are building a fence: a protective device meant to keep out an unwanted intruder, and the *type* of fence is driven by the type of intruder. Accordingly, an understanding of offender behavior and characteristics is key. When ministry leaders understand offender *behavior*, the Church is able to design and construct effective barriers.

When a ministry gathers children, it becomes an attractive target for the *preferential offender*, who prefers a child as a sexual partner, generally targeting a child within his or her *age range and gender of preference*.

The risk cannot be recognized visually ...
it must be recognized behaviorally:
The abuser's 'grooming process'.

Sadly, it's not possible to recognize the preferential offender *visually*; offenders have no visual profile. Instead, ministry leaders must recognize the risk *behaviorally* – *the grooming process*. The grooming process of the preferential offender includes two key elements: ***grooming the child*** and ***grooming the gatekeepers***.

The targeted child is *groomed* for inappropriate sexual interaction, while *gatekeepers* (parents, ministry leaders and co-workers) are groomed into a belief that the offender is a helpful, responsible, and trustworthy individual. Remember, all abusers are creating opportunities for *trusted time alone* with a targeted child.

Validated by decades of academic studies, the grooming process of the abuser is *known* and *recognizable*, and includes the following steps:

- Gaining access to children within an *age and gender of preference*;
- Selecting a specific child (or children);
- Introducing nudity and sexual touch; and
- Keeping the child *silent*.

Elements of an Effective Safety System

An Effective Safety System includes following elements:

- Sexual Abuse Awareness Training
- Skillful Screening Processes (and Training)
- Appropriate Background Check
- Tailored Policies & Procedures
- Systems for Monitoring and Oversight

Each of these elements play a role in a system; no one element serves as a stand-alone safety protocol.

Sexual Abuse Awareness Training

Sexual Abuse Awareness Training forms the foundation of an effective Safety System, because ministry leaders cannot address a risk they do not understand, and *what we believe shapes what we DO*. Prevention starts with awareness.

Awareness Training equips ministry staff members and volunteers with a better understanding of abuser characteristics, the abuser's *grooming process* and *common grooming behaviors*—giving workers *eyes to see* abuser characteristics and behaviors.

Training topics include:

- Facts and Misconceptions
- Characteristics of an Abuser
- Grooming Process
- Peer-to-Peer Abuse
- Risk Reduction & Prevention
- If a Child Reports
- Impact on Children
- Reporting Requirements

Further, *what we believe shapes what we SAY*. When staff members and volunteers are trained to recognize grooming behaviors, all are better equipped to receive and report allegations and suspicions of abuse, both internally and to appropriate civil authorities.

What we BELIEVE shapes what we DO.
What we BELIEVE shapes what we SAY.

Skillful Screening

The best predictor of future behavior is past behavior. Screening is the process by which ministry leaders gather information about an applicant's past behavior to better predict future behavior. An effective ministry screening process should include the following elements for paid staff positions *and* volunteers: application, reference checks, Background Check and an interview.

Commonly, ministries screen applicants for fitness of purpose – gathering information about an applicant's past behavior to determine whether the applicant has the skills, abilities and education to fill a particular role. For example, if a Christian school desires to hire a Greek teacher, it's important to gather information to determine whether the applicant has mastered Greek and can effectively teach it. In this example, the school's purpose for screening was related to fitness of purpose (teaching Greek), *not child safety*.

Screening for child safety requires the gathering of information concerning an applicant's past behavior to determine whether the applicant has 'wolf-like qualities'. Where child safety is concerned, an effective screening process includes questions designed to elicit high-risk indicators of the preferential offender (male and female).

Every applicant – paid or unpaid – should be screened before he or she may enter the *sheep pen*, gaining access to children. The goal: *keep the wolf out of the sheep pen* – recognizing wolf-like qualities *before* allowing access to children.

Unfortunately, many ministries are not screening effectively, and some churches are not screening *at all*. Training and resources related to effective screening are available through MinistrySafe; see *The MinistrySafe System – Getting Started* (See **Appendix 2**).

Background Check

In 2023, most ministries require Background Checks in some form. For many, Background Checks are the church's sole screening method, because ministry leaders lack an understanding of the criminal justice system and known *limitations* of the Background Check.

We must perform Background Checks ...
but background checks cannot be the only thing we do.

Consider this statistic:

Less than 10% of sexual abusers will encounter the criminal justice system, *ever*.

Given this reality, if a ministry's Background Check system is working *perfectly* (which is unlikely), more than 90% of individuals who have sexually abused children have no past

criminal record ... *and know it*. Making a reasonable effort to access past criminal history has become a standard of care, but Background Checks cannot serve as a stand-alone safety system.

Background checks *can* be a helpful tool when used effectively. For each staff member or volunteer, the depth of Background Check should be determined by the degree of trust conferred by *position*, or extent of direct contact with children. In addition, Background Checks should be periodically refreshed. As well, ministry leaders should become conversant with high-risk indicators revealed by the Background Check process, including plea-down offenses, stair-step offenses and grooming offenses.

Tailored Policies & Procedures

Policies and Procedures are the written expression of permissible and impermissible behavior within the ministry program. Effective policies should be tailored to the type of ministry program and population served, and shaped around an understanding of the abuser's *grooming process, abuser characteristics and common grooming behaviors*.

Through Awareness Training, staff members and volunteers are trained to better understand the *purpose* of policies, therefore serving more effectively within policy boundaries, and recognizing problematic behaviors *before* inappropriate sexual interaction occurs. As well, when policy 'bright lines' are clearly communicated – *this is appropriate, this is NOT* – staff members and volunteers are more likely to notice when someone steps *over* the 'bright line'. Written policy should present clear guidelines concerning appropriate touch, talk, boundaries, social media, bathroom use, one-to-one interaction, overnight stays and reporting requirements.

One purpose of policies is to provide a written expression of what IS and IS NOT appropriate behavior within a particular program. Because the grooming process will vary, policies will vary – depending on the type of program (i.e., children's ministry vs. student ministry) or the age and gender of children served. As a result, all policies will address grooming, but there may be policy variations for different ministry programs. Sample policy forms (i.e., Children's Ministry Policy, Student Ministry Policy, Camp Policy, etc.) can be accessed through a MinistrySafe membership.

Systems for Monitoring and Oversight

For any Safety System to remain effective, systems for monitoring and oversight must be in place, ensuring that *you DO what you SAY you do* in a consistent manner.

A periodic review of safety system elements is necessary to maintain consistency:

- Does the System still fit the ministry?
- Are adequate methods of accountability in place?
- Is the ministry able to archive evidence of Safety System compliance?

Ministry leaders must evaluate new programs for child protection issues, monitor changes in reporting requirements, address the ongoing need for policy updates, and include child protection compliance in employee performance evaluations. Periodic

review ensures that child protection is not jeopardized by the departure of one or two key staff members or volunteers.

To learn more about MinistrySafe's online Control Panel and Systems for Monitoring and Oversight, visit [MinistrySafe.com](https://www.MinistrySafe.com) or [MinistrySafe.com/BGCT](https://www.MinistrySafe.com/BGCT).

SAFETY COMMITTEE

The Safety Committee is a group of individuals responsible for addressing all areas of child protection in an ongoing manner, ensuring that Safety System elements are implemented consistently.

It is imperative that the Safety Committee be empowered and authorized by church polity to ACT where child protection issues are concerned.

Serving on the Church Safety Committee

The Safety Committee should consist of at least three individuals, such that child protection issues or allegations do not 'bottleneck' with one or two people. More than nine individuals may become unwieldy, where scheduling issues are concerned.

Best practice: Require completion of Sexual Abuse Awareness Training and Skillful Screening Training for the Children's Minister, Student Ministry Pastor, the chair of the Safety Committee and the Executive Pastor.

Recommended Safety Committee members include:

- Executive Pastor
- Children's Minister
- Student Ministry Pastor
- Any Pastor overseeing any other child-serving program
- Designated Elder or Deacon (representing the Elder Board or Deacons)

Safety Committee Meetings

Initially, the committee should meet monthly. After six monthly meetings, the committee may elect to meet quarterly. In addition to regular meetings, the Safety Committee should meet immediately following any significant incident related to child protection to discuss the incident, action steps, and any need for policy modification.

Topics to be Discussed (Initial Six Months)

- Creating the Sexual Abuse Response Plan
- Creating a proposed budget for child protection
- Church adherence to child protection policies and adopted practices
- Any issues arising from specific child-serving programs
- Potential problem areas or programs
- Screening protocols, including timelines, for employees and volunteers
- Keeping a comprehensive list of ALL Church programs serving minors

All child protection issues should be addressed by the Safety Committee. No ministry program should be authorized to initiate services to children or youth without first vetting the proposed services through the Safety Committee.

Every five years, the Safety Committee should complete an assessment of all services offered to children or youth, evaluating child protection in each program, including:

- Unscheduled drop-in supervision
- Discussion with program leaders
- Discussion with child protection experts
- Review of performance evaluations in key positions

All suspicions or allegations of child abuse or neglect communicated to or arising out of Church programs should be reported to a member of the Safety Committee. **Failure to report to the Safety Committee by a Church employee should be deemed a violation of ministry policy which may lead to termination.**

Best Practice: Should a suspicion or allegation of Child Sexual Abuse be received by ANY committee member, the committee chair must be notified the same business day, but in any case, within 24 hours, such that no member of the committee becomes a bottleneck related to the allegation or information.

Any failure to comply with this requirement should be deemed a violation of ministry policy which may lead to termination.

When an allegation or suspicion of abuse arises, the committee will act to report the allegation if the circumstance, outcry or allegation was not previously reported to child protection agencies or law enforcement. After this report has occurred, the Safety Committee will take appropriate action to safeguard other children and implement elements of the Sexual Abuse Response Plan. When needed, the Safety Committee (or its designee) will retain legal counsel concerning reporting requirements and appropriate action in all child protection contexts.

CONCLUSION

Sexual abusers move to where the barriers to entry are lowest or nonexistent: too often, the Church. When ministry leaders understand the risk presented by the preferential offender, an effective Safety System may be put in place, proactively protecting children from sexual abuse.

PART TWO

TEXAS BAPTISTS AND SURVIVOR CARE

Studies show there are 60 million Child Sexual Abuse survivors in the United States. Given a population of 300 million; 1 out of 5 Americans were sexually abused before reaching 18 years of age.

Sexual abuse survivors are attending Texas Baptist churches searching for hope and healing from the devastating effects of sexual abuse. ***Texas Baptists are committed to caring for survivors.***

COUNSELING SERVICES

Texas Baptists [Counseling Services](#) department exists to offer hope and encouragement to Texas Baptists struggling with difficult life issues. This resource connects Texas Baptists with qualified licensed mental health professionals and referrals. Counseling Services maintains a network of licensed mental health professionals located across Texas, many of whom are trauma informed and have expertise working with abuse issues. In addition, the Executive Board has designated funds that may be available for victims of clergy sexual misconduct. The Director of Counseling Services may serve as a point of contact and confidential consultation to help determine which resources are best for each situation.

Counseling Services: 800-388-2005
CounselingServices@TexasBaptists.org

SEXUAL ABUSE PREVENTION

Texas Baptists partners with [MinistrySafe](#) to provide training and education concerning sexual abuse prevention in Texas Baptists churches. Texas Baptists provides MinistrySafe webinars throughout the year to equip affiliated churches with cutting-edge information and preventative resources, including webinars addressing changes in Texas law and regulations. For information concerning upcoming webinars and a library of on-demand video content available to Texas Baptist churches at no cost, visit Texas Baptists' [Child Sexual Abuse Prevention](#) page (TXB.org/MinistrySafe).

SEXUAL ABUSE RESPONSE

Texas Baptists provides information to assist churches in locating sexual abuse resources related to prevention, responding and caring for abuse survivors; see [Sexual Abuse Response](#) page (TXB.org/response/sexual-abuse).

We provide affiliated churches with current reporting websites and contact information, educational resources concerning abuse prevention, books and articles addressing survivor care, videos offering additional education and insight, and state and national organizations and resources providing assistance to ministries or abuse survivors.

APPENDIX 1

CHILD SEXUAL ABUSE RESPONSE PLAN

BIG PICTURE QUESTIONS

- Will this issue/event define the church, in terms of public perception?
- What is the cost of managing (or mismanaging) a Child Sexual Abuse allegation?
- How will this reflect on the church's reputation within the community?
- Will the church's enrollment or census suffer?
- What is the impact on the congregation's trust in the church's *child-safe culture*?
- What may a Child Sexual Abuse claim or lawsuit cost the church?
- Is the church carrying adequate insurance coverage to address this specific risk?

ADDRESSING A CHILD SEXUAL ABUSE (CSA) ALLEGATION

- Creating (and following) a defined *written* plan is imperative.
- Who manages the plan (e.g. Executive Pastor or other)?
- The PLAN must include contact information for critical individuals and entities, including:
 - Mandatory Reporting contacts (see below)
 - Attorney (with significant experience addressing CSA issues)
 - Insurance agent and carrier
 - PR or media contacts

TEXAS REPORTING REQUIREMENTS:

[Section 261.101](#)

(a) **A person having reasonable 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.

CONTACT LIST:

- Local law enforcement agency: **Call 911**; or
- Statewide Child Abuse Hotline: 800-252-5400.

Information to Provide when Making a Report:

- Provide as much identifying information (ex. name, date of birth or age, sex) and locating information (ex. address, phone number, school) of the child, child's parents or other persons responsible for the child's care as possible
- Include as much detail about the incident(s) or concern(s) as possible
- If the answer to a question is unknown, simply explain that it is unknown
- Any other information that the person making the report believes may be helpful

CHILD SEXUAL ABUSE REPORTING PLAN

- Create *clear instructions* if a mandatory report to authorities is necessary:
 - To whom and within what timeframe to report (Report 'immediately' by telephone or in person, followed by a written report, if requested, within 48 hours).
 - Required information for report.
 - Request the name of the person to whom the report is given and the file number.
 - Document the report in writing, including the date and time of the report (ONLY FACTUAL INFORMATION, *no speculation*).
- Remember, when in doubt, REPORT.***
- Failure to report isn't just a bad idea, IT'S A CRIME, with criminal penalties!
 - Reporting must occur *regardless* of the desires of the child or his/her parents.
 - NEVER promise confidentiality to a child where child abuse is alleged or suspected.
 - Create a partnership with local law enforcement for reporting purposes.
 - Create known, easy access to critical documents:
 - Insurance policies
 - Texas Reporting Requirements
 - Contact information for critical individuals or entities
 - Designate a media/information point-person:
 - WHO will speak on behalf of the Church, and WHO SHOULD NOT?
 - If child abuse is alleged to have occurred *within a Church ministry program*, immediately put the Church's insurance carrier *ON NOTICE, in writing*.
 - Create a communication tree (phone/email/text) to inform key individuals, church staff members, and stakeholders.

VICTIMS/VICTIMS' FAMILIES

- All actions should occur from a VICTIM-CENTRIC perspective.
- Remember, **FALSE ALLEGATIONS ARE RARE!**
- Avoid any defensive posture that prioritizes REPUTATION over CARE.
- DO NOT IDENTIFY the victim(s) to the public or the congregation.
- Offer counseling with a licensed professional counselor of the victim's choice.
- Communicate with the victim(s) and their families:
 - Communicate early and often.
 - Listen with an empathetic ear.
 - Set aside organizational defensiveness or justifications.
 - Understand that parents will need to VENT.
 - Victims and families may be understandably angry!
 - **EFFECTIVE COMMUNICATION AND CARE IS MORALLY RIGHT and ETHICALLY CORRECT.**
In general, abuse survivors sue a ministry based upon how they are treated *after* the allegation is communicated to ministry leaders.
- The victim's comfort should take priority over any desire to continue to support or provide ministry services to the (alleged) abuser.
 - Ex: In a Peer-to-Peer Sexual Abuse scenario, the comfort and emotional protection of the non-aggressor (victimized) child should be prioritized.
The church may not be able to continue to provide ministry services to the aggressor child.
- NEVER require the victim(s) to confront the alleged abuser.
- NEVER require *cheap forgiveness* of the alleged abuser from the victim.
- NEVER assume that *repentance* from the abuser is real or conclusive.
- NEVER give a known, admitted or credibly accused abuser access to children.
- How will the church manage gossip and backlash in the community?
 - In many cases, a group of children or families will support a well-liked staff member; keep in mind: *'Molesters Groom the Gatekeepers'*.
- How will the church prevent bullying behaviors aimed at alleged victims?
(For example: "She brought it on herself. She's a")
 - Plan to manage subsequent bullying behaviors.
 - Staff awareness is key.
 - Social media may be used negatively (e.g. Facebook page to "save the staff member").
- How will the church provide aftercare to affected children and parents?
Initially, if the alleged abuser serves as your staff member or volunteer, provide external counseling options with a licensed professional counselor, rather than 'in house'. At the same time, Christ-based care and support are ALWAYS appropriate.

PARENTS/STAKEHOLDERS

Communicate with families immediately.

Effective and immediate communication with parents is critical.

- Discuss: How is this best addressed in various Church programs?
- Avoid gridlock – What are the customary communication lines?
- Who receives priority in the communication process?
- Start with those more directly impacted and work OUT; direct others to the website or more general forms of communication.

Common Questions from Parents/Stakeholders:

- Has the Church fired him/her yet?
- Why hasn't the Church fired him/her yet?
- Did the Church undertake a thorough Background Check when he/she was hired?
- What are the Church's hiring practices?
- What will the Church do to prevent this from happening again?
- Who will take over the alleged abuser's responsibilities?
- Is it safe to bring my child back?
- What are you doing at the Church to protect children from abuse?

CHILDREN IN PROGRAM

- Identify and meet with children (through parents) who *may* have been impacted. **DO NOT INTERFERE WITH ANY ONGOING CRIMINAL INVESTIGATION.**
- Include parents when communicating with children in the program; particularly important with children 13 and under.
- All should hear the same information, rather than garbled expressions or different 'facts'.
- Use caution when creating written materials to send home with children; assume written materials will be shared.

STAFF MEMBERS

- Briefings and debriefings:
 - Information provided to staff members should be uniform, but may be specific to hierarchy; upper leadership getting needed detail.
 - Allow discussion in a closed and safe setting.
- Employee assistance programs - counseling resources:
 - Provide resources for self-care.
 - Identify resources for counseling care.
- Longer-term follow-up:
 - Follow-up with individuals close to circumstance: co-workers, and/or friends.
- Expect to deal with staff members' anger, sense of betrayal and disappointment.

LEGAL COUNSEL

- Clearly identify skilled legal representation conversant with sexual abuse issues.
- How will the Church address allegations of wrongdoing against the ministry?
- How will the Church address potential wrongful termination issues?

INSURANCE CARRIER – COVERAGE FOR CHILD SEXUAL ABUSE ISSUES:

- Identify insurance agent: is the agent knowledgeable concerning sexual abuse?
- Review coverage for critical incidents and occurrences of this nature.
- Does the Church have adequate insurance coverage, given the current environment?
- Does existing insurance policy have an exclusion, endorsement, qualification or limitation of coverage for matters related to sexual abuse or sexual misconduct?
- IF an allegation or suspicion of abuse relates to a Church employee or volunteer, immediately put the carrier ON NOTICE, *in writing*.

MEDIA MANAGEMENT

How will the Church proactively provide information to stakeholders and manage media?

- Who is responsible for media communications?
- How will the Church address news reporters calling Church leaders?
- How to address news reporters calling staff members OUTSIDE the church?
- How will the Church monitor local press coverage and social media posts?
- How will the Church manage media on campus (physically), or on adjacent property?
- How will the Church utilize social media, if at all? (If social media is utilized to provide and direct communication regarding an allegation, do so very carefully.)
- ONE designated individual should speak on the Church's behalf.

If other staff members or volunteers are contacted:

"We take child safety very seriously. In order to get you the most accurate information, let me give you _____'s phone number (designated staff)."

Common Questions from Media:

- Please comment on the incident....
"We want to let law enforcement do their jobs without interference or speculation. We take child safety VERY seriously at _____ Church. This is why we reported the allegation immediately when it was communicated to one of our staff members."
- Is this worker still employed? Is this volunteer still involved?
"The staff member/volunteer is taking a leave of absence during the pending investigation OR is working in a position where he/she is not interacting with children."
- Could there be more than one victim? Have other children been impacted?
"Our top priority is the protection of children. We are fully cooperating with law enforcement in its investigation. At this point, we are not aware of any other victims. OR At this point, we are taking steps to determine what steps should be taken to more effectively protect children in _____ Church programs."

- When did you first hear about the allegations?
“In accordance with our policy, the allegation was reported immediately, after it was communicated to one of our staff members.”
- Can you give us details about the charges?
“We are fully cooperating with law enforcement, who are currently investigating. We don’t want to interfere with the investigation in *any* way, so we can’t discuss details at this point.”
- Have you seen the evidence (text messages/photos, etc.)?
“We are fully cooperating with law enforcement, who are currently investigating. We don’t want to interfere with the investigation in *any* way, so we can’t discuss details at this point. OR We’ve been instructed by law enforcement to limit discussion of details so that the investigation can proceed effectively.” (A common occurrence)
- Was the alleged abuser screened (Background Check, etc.)?
“All _____ Church staff members or volunteers who work with children complete a Background Check and stringent screening process, including an application, interview and reference checks. This process was created by child protection experts.”
- Has he/she been charged with anything like this in the past?
“No. All _____ Church staff members and all child-serving volunteers complete a Background Check and stringent screening process, including an application, interview and reference checks. This process was created by child protection experts.”
- Has the Church fired the alleged abuser? Why? Why not?
In order of preference:
 - “The staff member has been terminated from employment OR is taking a leave of absence during the pending investigation OR is working in a position where he/she is not interacting with children.”
 - “The volunteer has been suspended from all interaction with children during the pending investigation.”

ADMITTED BEHAVIOR

After an allegation or suspicion of abuse is reported:

- If abusive behavior is admitted, in part or whole, immediately terminate the employee or volunteer and communicate that he or she is no longer welcome on Church property.

‘AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE!’

- Implement an effective Safety System.
- Utilize effective training: educate staff members and volunteers to recognize *the abuser’s grooming process* and *common grooming behaviors*.
- Hiring processes: SCREEN your staff members and volunteers.
- Understand what an effective Background Check does, or does not, accomplish.
- Will staff members know to tell, *and whom to tell?*
- Foster a culture of communication: ***if you see something, say something.***

APPENDIX 2

MINISTRYSAFE SAFETY SYSTEM: GETTING STARTED



THE MINISTRYSAFE SAFETY SYSTEM

Tips for you and your team

Summary of Topics

Creating an Account
Using the Control Panel
Frequently Asked Questions

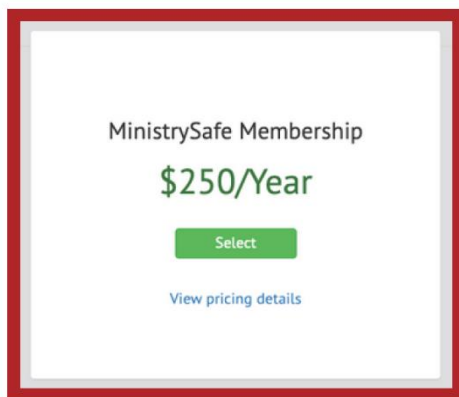
CREATING AN ACCOUNT



To create your MinistrySafe account, go to the [sign-up page](#) on the MinistrySafe website. Select 'MinistrySafe Membership' from the two options.

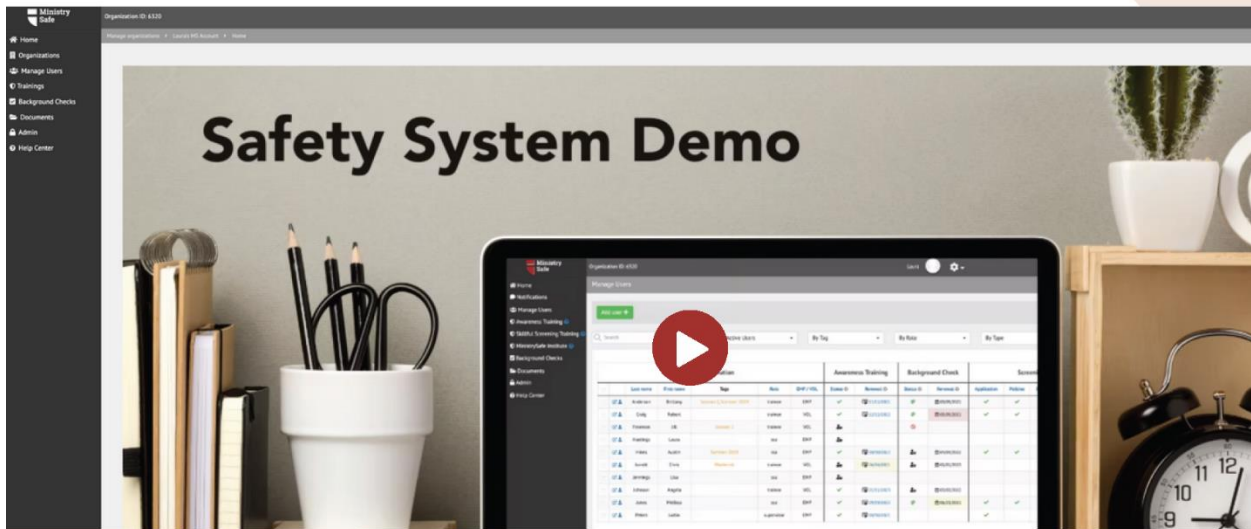
You will be asked to input information about you and your church or ministry. On the final page of the signup process, you will be asked to provide billing information.

Once billing information is submitted, you will have instant access to your account.



USING YOUR CONTROL PANEL

Learn how to add Users and send Trainings



Video Tour

Begin by taking a video tour of the Safety System

CREATE USER TAGS

Melissa [Profile Icon] [Bell Icon] [Settings Icon]

- My account
- Organization information
- Organization settings**
- Back to admin

ers [Dropdown] By Tag [Dropdown] By Role [Dropdown] By Type [Dropdown] 50 [Dropdown]

| | | Awareness Training | | Background Check | | Screening | | | |
|---------|-----------|--------------------|--------------|------------------|-----------|-------------|------------|-----------|----------|
| Role | EMP / VOL | Status ? | Renewal ? | Status ? | Renewal ? | Application | References | Interview | Policies |
| trainee | EMP | ✓ | 📅 09/28/2023 | | | ✓ | | ✓ | |
| trainee | VOL | ✓ | 📅 07/12/2023 | ⊘ | | ✓ | | | |

User Tags are customizable labels to create organization within your Control Panel. Tags can be something that is specific to your Organization such as a specific ministry, program or campus.

ORGANIZATION USER TAGS

- Camp 2020
- Camp 2021
- Nursery
- Preschool
- Staff

Tag Name [Input Field] **Add tag +**

ADD USERS AND SEND TRAINING

Organization ID: 6320

Manage organizations > Laura's MS Account > Home

Home
Organizations
Manage Users
Trainings
Background Checks
Documents
Admin
Help Center

3

Show how to use safety system video

Trainings Statistics

| Category | Percentage |
|-------------------|------------|
| Completed (Curr) | 20% |
| None Assigned | 10% |
| Assigned (Incorr) | 10% |
| Needs renewal | 40% |

Background Check Statistics

| Category | Percentage |
|-------------------|------------|
| Completed (Curr) | 25% |
| None Assigned | 0% |
| Assigned (Incorr) | 0% |
| Needs renewal | 25% |

Legend:
● Completed (Curr)
● None Assigned
● Assigned (Incorr)
● Needs renewal

CLICK 'ADD USER'

Organization ID: 6320

Manage organizations > Laura's MS Account > Manage Users

Home
Organizations
Manage Users
Trainings
Background Checks
Documents
Admin
Help Center

4

Add user +

Search

Active Users

By Tag

| User Information | | | | |
|--------------------------|-------------------|----------------------|------------|-----------|
| | Name | Tags | Role | EMP / VOL |
| <input type="checkbox"/> | Jennings, Lisa | Camp 2021, Preschool | trainee | EMP |
| <input type="checkbox"/> | Freeman, Jill | Camp 2020, Nursery | trainee | VOL |
| <input type="checkbox"/> | Johnson, Angela | Camp 2021, Preschool | trainee | VOL |
| <input type="checkbox"/> | Peters, Justin | Camp 2021, Preschool | supervisor | EMP |
| <input type="checkbox"/> | Jones, Melissa | Nursery | ssa | EMP |
| <input type="checkbox"/> | Simmons, Jennifer | Preschool | ssa | EMP |

ADD USERS AND SEND TRAINING

5

First name

Last name

Email address

Employee/Volunteer
Select One

Role
Trainee

Tags

- Camp 2020
- Camp 2021
- Nursery
- Preschool
- Staff

Select Awareness Training Videos

- Sexual Abuse Awareness Training
- Sexual Abuse Awareness Training - California
- Sexual Abuse Awareness Training - Camp
- Sexual Abuse Awareness Training - Daycare
- Sexual Abuse Awareness Training - Education
- Sexual Abuse Awareness Training - Youth Ministry

To send other trainings, go to **Trainings**.

Show additional fields +

- Enter the Trainee's name and email address
- Select status: 'employee' or 'volunteer'
- Select 'Trainee' as the role
- Select a Tag and Training to send
- Click 'Add User,' then repeat process for next Trainee

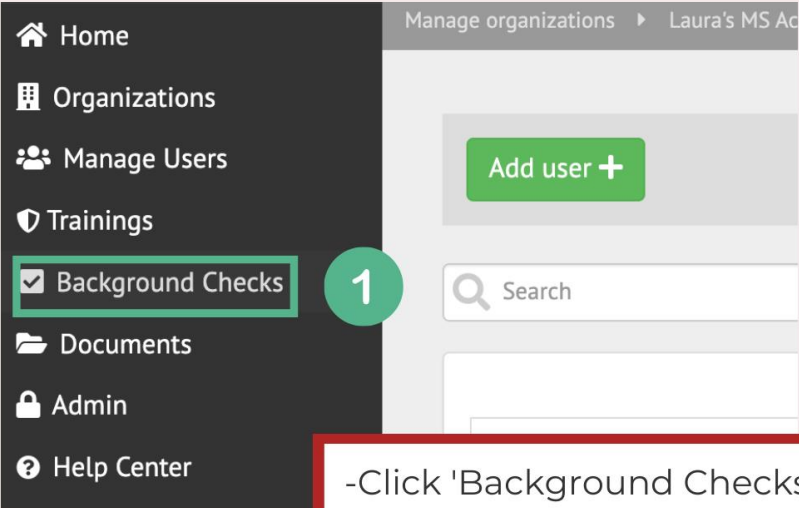
Select Awareness Training Videos

- Sexual Abuse Awareness Training
- Sexual Abuse Awareness Training - California
- Sexual Abuse Awareness Training - Camp
- Sexual Abuse Awareness Training - Daycare
- Sexual Abuse Awareness Training - Education
- Sexual Abuse Awareness Training - Youth Ministry

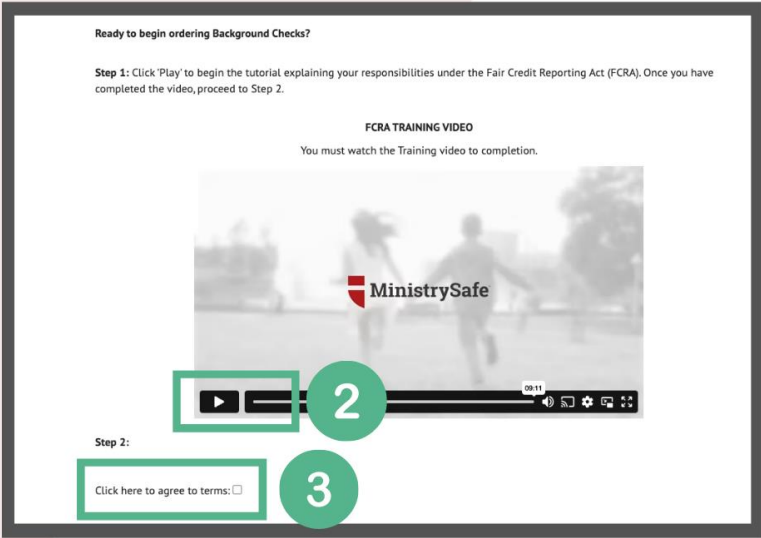
To send other trainings, go to **Trainings**.

Cancel **Add user**

ENABLE BACKGROUND CHECKS



-Click 'Background Checks'
-View the FCRA Training Video
-Click to agree
You will be emailed an agreement to complete via PandaDoc. Once our office receives this document, we will set up your account within two business days



ORDER BACKGROUND CHECKS

Organization ID: 6320

Manage organizations > Laura's MS Account > Background Checks > View all

View All In Process Legacy

Order Background Checks

Search Active Users

| View | Name | Tags |
|------|----------------|------|
| | Jones, Melissa | |
| | Jones, Melissa | |
| | Jones, Melissa | |

View All In Process Legacy

Assign Background Checks

Browse your list of users and select all recipients you wish to assign a background check to. Then select the background check level you would like to be used for each user.

Order QuickApp Background Check Levels

Search Active Users State... Filter By Tags Sort By 20

| Select Users | Name | EMP/VOL | Tags | Role | Renewal date | Level | Long form |
|--------------------------|----------------|----------|----------------------|------------|--------------|--------------|-----------|
| <input type="checkbox"/> | astings, Laura | employee | Preschool | ssa | 03/14/2024 | Select level | |
| <input type="checkbox"/> | Jones, Melissa | employee | | ssa | 05/23/2021 | Select level | Long form |
| <input type="checkbox"/> | Peters, Justin | employee | Camp 2022, Preschool | supervisor | 01/06/2025 | Select level | Long form |

- Click on 'Background Checks'
- Click 'Order Background Checks'
- Select the User
- Select the Level of search
- Click 'Order QuickApp'

Assign Background Checks

Browse your list of users and select all recipients you wish to assign a background check to. Then select the background check level you would like to be used for each user.

Order QuickApp 5

What happens next?

The applicant will receive an email with a link to complete their Background Check. The 'In Process' Tab will serve as your waiting room for all in-process Background Checks.

Check the status of your orders, view completed reports and take action here. Once you've taken action on a report, it will move to the 'View All' tab.



The screenshot displays the MinistrySafe web application interface for managing background checks. The top navigation bar shows the path: Manage organizations > Laura's MS Account > Background Checks > In Process. The main interface has three tabs: View All, In Process (highlighted with a green box), and Legacy. Below the tabs are two buttons: Approve (with a checkmark) and Archive (with a warning triangle), both highlighted with a green box. A search bar and several dropdown menus (Active Users, All Statuses, Filter, Sort By, 20) are visible. The main table lists background check orders with columns: Select All, Name, EMP/VOL, Tags, Role, Ordered By, Ordered Date, Level, Status, and Action. Two rows are shown, both with a status of 'Submitted (waiting for applicant)'. The Status column is highlighted with a green box.

| Select All | Name | EMP/VOL | Tags | Role | Ordered By | Ordered Date | Level | Status | Action |
|--------------------------|---------------|-----------|-------------------------|------------|---------------|--------------|-------|-----------------------------------|--------|
| <input type="checkbox"/> | Amy Barton | employee | Camp 2023 | supervisor | Melissa Jones | 06/21/2023 | 5 | Submitted (waiting for applicant) | |
| <input type="checkbox"/> | Emily Abraham | volunteer | North Campus, Preschool | trainee | Melissa Jones | 06/21/2023 | 3 | Submitted (waiting for applicant) | |

Organization ID: 6320

Manage organizations > Laura's MS Account > Background Checks > View all

View All (highlighted with a green box) | In Process | Legacy

Order Background Checks

Search | Active Users

| View | Name | Tags |
|------|----------------|-----------|
| | Jones, Melissa | |
| | Jones, Melissa | |
| | Jones, Melissa | |
| | Barton, Amy | Camp 2023 |



What happens next?

MinistrySafe will automatically send an email to your Trainees containing a link to the online Training. Your Trainee simply clicks on the link in the email.

After clicking on the link, your Trainee will be prompted to watch the selected Training. After watching the Training, your Trainee will be prompted to take a short quiz, which is scored online. A score of 70 or better will generate a Certificate of Completion.

Once your Trainee has completed the quiz, an email containing a Certificate of Completion will be sent to the Trainee and the Safety System Administrator. The online Control Panel will also update to reflect the completion and calculate the renewal date for the Training.

If the Training is not completed in a reasonable time period, check with your Trainee to determine if there is a problem, or simply resend the Training link. You may enable renewal reminders in your Training Settings.

| Awareness Training | | | |
|--------------------|-----------|--------|------------|
| Role | EMP / VOL | Status | Renewal |
| trainee | EMP | ✓ | 09/28/2023 |
| trainee | VOL | ✓ | 07/12/2023 |
| trainee | VOL | ✓ | 01/01/2023 |
| supervisor | EMP | ✓ | 10/10/2022 |

FREQUENTLY ASKED QUESTIONS



How efficient is the email system?

Very efficient! MinistrySafe sends tens of thousands of links per month and over 95% of them get to the Trainee the FIRST time.

How are we billed?

MinistrySafe bills on the first of each month for the previous month's usage.

Can I send the link to any email address?

Yes, you may send the link to any email. You may forward it or copy and paste the link; whatever is needed. Just remember: the Training link is specific to *one* Trainee and that Trainee must complete the Training using his or her *own* link.

Why might a Trainee not receive the email?

Incorrect email addresses account for the majority of errors. However, because this is a *child sexual abuse* Training, some spam filters send the email to junk or block the email altogether.



Need help?

Check out our
[Help Center](#)

Still need help?

Give the
MinistrySafe
office a call, chat
or send us an
email!



Hours:
M-TH 9am-5pm
Central
F 9am-3pm
Central



support@MinistrySafe.com



833-737-7233 Toll Free

APPENDIX 3

CIVIL PRACTICE AND REMEDIES CODE, SECTION 84.0066

6-10-2019

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 84. CHARITABLE IMMUNITY AND LIABILITY

Sec. 84.0066. LIABILITY FOR DISCLOSING SEXUAL MISCONDUCT.

(a) A charitable organization, or an employee, volunteer, or independent contractor of a charitable organization, acting in good faith, is immune from civil liability for any act to disclose to an individual's current or prospective employer information reasonably believed to be true about an allegation that an individual who was employed by or served as a volunteer or independent contractor for the charitable organization or its associated charitable organizations:

- (1) engaged in sexual misconduct;
- (2) sexually abused another individual;
- (3) sexually harassed another individual; or
- (4) committed an offense under any of the following

provisions of the Penal Code:

(A) Section [20A.02](#) (a) (3), (4), (7), or (8) (sex trafficking of persons);

(B) Section [20A.03](#) (continuous trafficking of persons), if based partly or wholly on conduct that constitutes an offense under Section [20A.02](#) (a) (3), (4), (7), or (8);

(C) Section [22.011](#) (sexual assault) or 22.021 (aggravated sexual assault); or

(D) Chapter 21 (sexual offenses) or 43 (public indecency).

(b) Immunity from civil liability under Subsection (a) applies in relation to an allegation described by that subsection that was required to have been reported as abuse under Chapter [261](#), Family Code, only if the allegation has been, at the time of the act to disclose, previously reported to an appropriate agency under Section [261.103](#), Family Code.

(c) An individual is not immune under this section from civil or criminal liability for:

(1) disclosing the individual's own conduct that constitutes:

- (A) sexual misconduct;
- (B) sexual abuse of another individual;
- (C) sexual harassment of another individual; or
- (D) an offense under any of the following

provisions of the Penal Code:

(i) Section [20A.02](#)(a)(3), (4), (7), or (8) (sex trafficking of persons);

(ii) Section [20A.03](#) (continuous trafficking of persons), if based partly or wholly on conduct that constitutes an offense under Section [20A.02](#)(a)(3), (4), (7), or (8);

(iii) Section [22.011](#) (sexual assault) or [22.021](#) (aggravated sexual assault); or

(iv) Chapter 21 (sexual offenses) or 43 (public indecency); or

(2) acting in bad faith or with a malicious purpose in making a disclosure described by Subsection (a).

Added by Acts 2019, 86th Leg., R.S., Ch. 925 (H.B. [4345](#)), Sec. 1, eff. June 10, 2019.



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