

**PRESBYTERY OF WYOMING**

**MINOR/VULNERABLE ADULT PROTECTION**

**POLICY AND PROCEDURES  
(The “Policy”)**

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## **PART 1—GENERAL PRINCIPLES**

### **GUIDING FOUNDATIONS AND PRINCIPLES**

*We are ordained to be, in a variety of capacities, God’s Hands in the World. This is our Call, Reason to Be, Greatest Mission Opportunity, and at times, great risk. We are sent to be healers, sometimes wounded ourselves, and this daring act of ministry requires utmost care as well as immense commitment.*

*We recognize that minors and vulnerable adults are an important part of our work, and because of their unique vulnerabilities and lesser levels of competency and ability to protect themselves as compared to competent adults, the Presbytery desires to emphasize the importance of protecting these vulnerable populations by having specific policies and procedures relating to minors and vulnerable adults.*

*We believe that Scripture and our faith in Jesus Christ call us to standards of responsible conduct in all of life, including sexual behavior. Human sexuality is an integral part of who we are as persons. However, it can become the basis for oppression, where trust relationships are breached and persons are abused. Additionally, our service as Christians imposes upon us a duty to recognize the potential for abuse of minors and vulnerable adults, both of a sexual and non-sexual nature.*

*Our **Foundations of Presbyterian Polity** remind us that it is precisely because we are Christ’s body that we are “bound to his authority and thus free to live in the lively, joyous reality of the grace of God.” (F-1.0204). We might choose fewer bounds, but we would not know Christ’s full joy either.*

*Our **Rules of Discipline** remind us:*

*“The purpose of discipline is to . . . preserve the purity of the church by nourishing the individual within the life of the believing community . . . [and] to achieve justice and compassion for all participants. . .” (D-1.0101)*

*This Policy seeks to ensure that ministry at every level within the Presbytery of Wyoming remains safe, joyous and life-giving for everyone involved.*

### **AUTHORITY**

The Constitution of the Presbyterian Church (U.S.A.) (hereinafter, “PC(USA)”), Part II, *Book of Order*, provides at G-3.0106 that, “**all councils shall adopt and implement a sexual misconduct policy and a child and youth protection policy.**” The Policy and Procedure on Sexual Misconduct of The Presbytery of Wyoming was adopted on September 8, 2001; later revised May 6, 2006, and May 8, 2010. The PC(USA) adopted its requirement that all councils put child protection policies in place. The Presbytery of Wyoming believes that the dual needs for protection of vulnerable populations and prevention of sexual misconduct at all levels of the church

can best be addressed and met in this Policy addressing both of these vital requirements of ministry in and throughout the Presbytery of Wyoming.

This Policy supersedes the Policy and Procedure on Sexual Misconduct of The Presbytery of Wyoming adopted September 8, 2001, later revised May 6, 2006, and May 8, 2010.

## **GENERAL POLICY**

It is the policy of the Presbytery of Wyoming (hereinafter “Presbytery”) that all persons to whom this Policy applies are to maintain at all times the strongest sense of integrity of ministerial, employment, professional and ecclesiastical relationships and of safety, nurturing and care involving all interactions with all persons, including without limitation minors and vulnerable adults.

It is also the policy of the Presbytery that sexual misconduct shall always be deemed to be a violation of such relationships and of the principles set forth in Scripture. It is never permissible or acceptable for anyone covered under this policy to have personal sexual contact or conduct, either public or private, with anyone with whom the individual has a professional relationship.

Further, it is the policy of the Presbytery that abuse of minors and vulnerable adults is declared to be fundamentally unacceptable, and that Presbytery should adopt policies and procedures to prevent abuse, protect these special populations and set forth procedures to deal with suspected abuse.

## **PERSONS WHO MUST COMPLY WITH THIS POLICY**

This Policy applies to and governs the conduct of all members of the Presbytery (ordained ministers/teaching elders), all persons on other rolls of Presbytery (commissioned lay pastors/commissioned ruling elders, commissioned church workers, certified Christian educators inquirers and candidates), all employees of the Presbytery (whether ordained to church office or not), all persons who serve or function on behalf of the Presbytery as volunteers and all non-member employees and contractors/vendors of the Presbytery.

**The *Book of Order*, G-3.0106, requires all councils to adopt and implement a sexual misconduct policy and a child and youth protection policy.** While the Presbytery urges its member congregations to adopt similar policies and procedures pertaining to sexual misconduct and abuse of minors/vulnerable adults, Presbytery chooses to let its member congregations adopt church-specific policies and procedures.

However, this Policy can be used as a model or modified to fit the specific needs of a congregation. All such policies of a session or other council and any amendments to such policies shall be filed promptly with the Stated Clerk of the Presbytery upon their adoption, and member churches shall inform their congregations of such policies at least annually.

It is the personal responsibility of each person subject to this Policy to maintain appropriate sexual boundaries and limitations, to guard against abuse of minors and vulnerable adults, and to provide for the protection and safety of minors and vulnerable adults participating in programs of the Presbytery.

## **PURPOSE**

The purpose of this Policy is:

- to make explicit the Presbytery's opposition to any abusive behavior, sexual or otherwise, and oppressive, degrading environments in all Church relationships, including without limitation, employment, mission, worship, teaching, fellowship, recreation, etc.
- to safeguard, insofar as possible, minors, vulnerable adults and others who participate in Presbytery programs from abuse through any form of sexual or other abusive or harmful misconduct, and safeguard participants from false accusations.
- to provide appropriate and timely remedies and discipline in cases where violation of this Policy has been alleged or found to be factual.
- to seek justice by assuring effectiveness of the Presbytery's administrative, investigative and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who abuse, exploit or harm others.
- to provide pastoral care and to promote healing of all persons and congregations who may be affected by sexual misconduct, abuse, neglect or an allegation thereof.
- to establish and maintain healthy boundaries in all of our relationships.

## **PERSONS PROTECTED BY THIS POLICY: MINORS & VULNERABLE ADULTS**

The Policy is adopted to protect minors and vulnerable adults who participate in Presbytery functions or come into contact with a Presbytery Council or persons who are otherwise required to comply with this Policy (as described above).

With respect to competent adults, Presbytery has adopted a separate sexual misconduct and sexual abuse policy pertaining to those individuals. There may be similarities between that policy and this Policy, but the special importance of protecting minors and vulnerable adults warrants having this Policy in place.

**Note Regarding Wyoming Law:** Wyoming has its own laws regarding events that are defined as child abuse and vulnerable adult abuse, as well as requirements for reporting such abuse to Wyoming authorities. These include criminal penalties for failure to report. This Policy advises all councils and entities of the Presbytery to be familiar with and to comply with applicable state statutes. See REPORTING in this Policy, below.

## DEFINITIONS

For the purpose of this Policy:

**Council:** For purposes of this Policy, “council” or “Council” shall be deemed to be the Presbytery of Wyoming.<sup>1</sup>

**Minor/Vulnerable Adult Abuse:** Any act or failure to act that results in the unreasonable confinement of a minor or vulnerable adult that threatens the welfare of the person; photography of the person for a pornographic or unlawful purpose; or the physical, sexual, psychological or emotional abuse, mistreatment, neglect or exploitation of a minor or vulnerable adult. For purposes of this Policy, “abuse” shall also include “sexual abuse” and “sexual misconduct” as defined by this Policy.

**Worker:** Any person, whether ordained, paid staff, volunteer, contractor or otherwise, who participates at any level at a Presbytery event or activity involving minors and/or vulnerable adults, including without limitation teaching, worship, mission, transportation, child care, recreation and supervision.

**Minor:** A minor is any person who has not reached his or her 18<sup>th</sup> birthday.

**Misuse of technology:** The use of technology that results in: (i) the harassing or abusing of a minor/vulnerable adult, or (ii) sexual abuse or sexual misconduct towards a person protected by this Policy. This includes using technology to send pornographic or suggestive messages and images to a minor or vulnerable adult.

Workers may have technological contact with a minor or vulnerable adult only when such contact is either: (1) preapproved in writing by the minor/vulnerable adult’s parent or legal guardian or (2) when the contact is on an open public medium, such as a church website or other social media program which can be freely viewed by the parent or legal guardian.

**Safety Response Coordinator:** The Safety Response Coordinator is a person who is a member of or appointed by the sponsoring council or entity of the Presbytery and is specifically trained to respond to allegations and reports of minor or vulnerable adult abuse and/or sexual misconduct at Presbytery activities. The **DUTIES AND RESPONSIBILITIES OF THE SAFETY RESPONSE COORDINATOR** are set forth in Appendix I. A Safety Response Coordinator must be readily available to be contacted for each Presbytery event and other sponsoring council or entity event.

**Sexual Abuse:** “Sexual abuse of another person is any offense involving sexual conduct in relation to: (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation or misuse of ordered

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<sup>1</sup>The specific designation of Presbytery as being the “council” for purposes of this Policy is not meant to relieve the various congregations and churches that are part of the jurisdictional boundaries of the Wyoming presbytery from their obligation to adopt a policy similar to this Policy: for in the *Book of Order*, council is defined as being both the session of each congregation within the Presbytery, and the Presbytery itself. Moreover, as provided in the *Book of Order*, G-3.0101, “The councils are distinct, but have such mutual relations that the act of one of them is the act of the whole church.” Nonetheless, this Policy directly applies only to Presbytery.

ministry or position.” (*Book of Order*, D-10.0401c). Additionally, sexual gratification by an adult through the use of pornographic images of minors or vulnerable adults is, for the purpose of this Policy, considered sexual abuse.

***Sexual Misconduct*** includes, but is not limited to:

1. Sexual conduct in relationship to any person when the conduct includes force, threat, coercion, intimidation or misuse of ordered ministry or position, including:
  - a. Misuse of trust, authority or power in a relationship to gain advantage over another in a sexually abusive, exploitive, non-consensual or unjust manner.
  - b. Sexual malfeasance, defined as sexual conduct within a ministerial relationship (e.g., pastor with a member of or visitor to a congregation or a minor/vulnerable adult participating in the activities of the congregation) or professional relationship (e.g., pastor with an employee of the pastor’s congregation, counselor with a client, presbytery staff with a committee member). This is not meant to restrict church professionals from having consensual mutual, social or marital relationships with each other, with spouses who are also church members or with members of other Presbyterian churches when not in a professional relationship.
  - c. Sexual conduct, including sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by a person in authority in which submission to such conduct is made (either implicitly or explicitly) a term or condition of employment or church-relationship status.
  - d. Sexual advances, requests for sexual favors, or other verbal or physical conduct that demeans, ridicules and/or insults a person because of the person’s sex, sexual orientation or gender identity (actual or perceived), or creates an intimidating, hostile or offensive working or church-relationship environment; or any sexual behavior that continues after it has been made clear that the behavior is inappropriate or unwelcome.
2. Any sexual contact or interaction, physical or verbal, between an adult and a minor or vulnerable adult as defined herein, whether or not the conduct involves touching. All such sexual behavior is always considered forced.
3. Sexual abuse as defined above.

Note: Sexual misconduct may occur between any two persons, regardless of the sex of those persons.

***Sponsoring Council or Entity:*** Any council or entity of the Presbytery that is tasked with the responsibility of planning events and activities for its members and visitors, including without limitation minors and vulnerable adults.

***Vulnerable Adult:*** Any person eighteen (18) years of age or older without the developmental or cognitive capacity to consent OR any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.

## **PART 2—KEY COMPONENTS**

### **PROHIBITION**

By adoption of this Policy, Presbytery hereby prohibits all persons that are obligated to comply with this Policy from engaging in a Misuse of Technology, Sexual Abuse, Sexual Misconduct or any other type of sexual conduct involving a minor or vulnerable adult. Additionally, any person obligated to comply with this Policy is hereby required to report an observed violation of this Policy by another person.

Finally, a failure of a person to take reasonable steps to protect a minor and/or a vulnerable adult from conduct that is a violation of this Policy is itself a violation of this Policy. Thus, a failure to act may be a violation of this Policy, depending on the circumstances, it being the purpose of this Policy to protect minors and vulnerable adults.

### **PREVENTIVE MEASURES: SCREENING, TRAINING, BACKGROUND INVESTIGATIONS, ETC.**

A Worker shall only be allowed to be present in an assigned or authorized capacity with minors or vulnerable adults upon satisfying the following requirements:

1. The Council's receipt of a completed, signed and approved application, background investigation authorization form and a signed form verifying that this Policy has been received and read. The application shall include a minimum of two references. Every applicant for ordination, installation, employment or volunteer service in the Presbytery shall sign a Misconduct Self-Certification Form regarding whether any civil, criminal or ecclesiastical complaint related to: (i) sexual misconduct with any other person, regardless of age or competency, or (ii) abuse or neglect of a minor or vulnerable adult has ever been sustained or is pending against the applicant, and whether the applicant has ever resigned or been terminated from a position for reasons related to sexual misconduct or abuse/neglect of a minor or vulnerable adult. No person shall be installed, commissioned, employed or appointed to positions of pastoral leadership, employment or volunteer service without having completed and signed the required forms.
2. Designated Presbytery staff shall conduct background investigations on all final candidates for any installed, employed or volunteer position within the Presbytery. The Presbytery shall make other inquiries as may be reasonable and appropriate to assess the suitability of a candidate for service in or on behalf of the Presbytery. In addition, for all persons seeking to become ordained and/or installed members of the Presbytery (ordained ministers/teaching elders) and any other persons who are subject to approval by the Committee on Ministry, the Committee on Ministry shall use the candidate's interview as an occasion to make diligent and specific inquiry into the candidate's history and understanding of establishment and maintenance of healthy boundaries in all of the candidate's relationships.



If the Presbytery is directly responsible for any activity involving minors or vulnerable adults, criminal background checks shall be required for all persons covered by this Policy who are in direct contact with minors or vulnerable adults.

3. All Workers must be at least eighteen years old.
4. The Worker's consent to a criminal background check. The sponsoring council or entity must consult with the insurance company through which it has coverage to determine what background investigations are appropriate for their particular event. The sponsoring council or entity should cover the costs of the background investigations for all Workers. These checks shall be run no more than six months prior to the event, or as recommended or required by the organizing council's liability insurance carrier, whichever is sooner. Workers who participate annually in events may only be required to have one background check per calendar year, depending on insurance carrier standards.
5. All Workers, paid, contracted or volunteer, must participate in an approved training sometime within the year prior to the Presbytery event at which they serve. The training is to be provided by the Presbytery or by the sponsoring council or entity and shall cover this Policy thoroughly as well as methods of abuse prevention and a detailed plan of reporting. The sponsoring council or entity may contract with others to provide these trainings. Attendance shall be required of all ministers/teaching elders and others engaged in pastoral or other validated ministry who have been enrolled in the Presbytery since the last training was offered. Normally, the trainings should be conducted as live, in-person sessions, but recognizing the unique weather and distances involved in living in Wyoming, trainings may be conducted by audio-visual means. In order to encourage participation, attendance at these trainings shall be reported to the Committee on Ministry for its review.

These trainings shall further cover at least:

- What constitutes sexual abuse, sexual misconduct, minor/vulnerable adult abuse and neglect.
- How to recognize signs and symptoms of abuse and neglect, as well as "grooming," which is when a perpetrator builds an emotional connection with a potential victim to gain their trust for purposes of sexual abuse, misconduct, etc.
- State laws concerning definitions of abuse and required reporting.
- Mandatory criminal background checks and the security of those files.
- Explanation of the importance of the application and screening processes.
- Appropriate boundaries with minors, vulnerable adults and other persons, especially regarding adult-minor/vulnerable adult ratios, transportation, and use of technology.
- If an overnight event is planned, discussions of boundaries involving appropriate sleeping arrangements and restroom/shower facilities.
- The presence of a Safety Response Coordinator in attendance at or available by phone for each event and how to contact him or her.

It is encouraged that at least one paid employee or volunteer working directly with minors or vulnerable adults at any Presbytery event be certified in first aid and CPR.

- Other related topics.

6. No person may serve as a Worker who has a conviction on his/her record of certain felonies or misdemeanors, including, *but not limited to*, any of the **CRIMES THAT DISQUALIFY A PERSON FROM SERVING AS A MINOR/ VULNERABLE ADULT WORKER** in Appendix II.

In addition, if a council or Presbytery entity is aware that a Worker has a prior conviction for one of the crimes listed in Appendix II or a related crime, the Worker shall be informed that they are automatically ineligible to attend a minor/vulnerable adult event in any capacity.

Handling of potential Workers who have not been convicted of such crimes but who are being prosecuted for any such crimes warrant special consideration. All questions in such circumstances shall be directed to the Stated Clerk and the Safety Response Coordinator, who shall in turn consult with legal counsel as to the situation at hand.

7. Whenever a Presbytery entity organizes an event for minors or vulnerable adults and Workers will be provided by another organization, the organization that selects the Workers shall:

- a. Not send a person to act as a Worker whom the organization knows has violated the provisions of the *Book of Order*, this Policy or a policy of a local congregation, presbytery or other organization pertaining to sexual misconduct or minor/vulnerable adult protection.
- b. Not send a person to act as a Worker for minors or vulnerable adults when that person is also scheduled to work in another capacity at the event.
- c. Require councils at all levels of church life that are: (1) assisting in organizing Presbytery events for minors and/or vulnerable adults, or (2) sending Workers to these events to abide by the same screening, training, and background investigation standards mandated in this Policy for the Presbytery and its entities.

8. Whenever a Presbytery entity or council organizes an event for minors and/or vulnerable adults that invites minors from other councils, churches or organizations who will be supervised by Workers, the Presbytery entity or council shall:

- a. Provide guidance to the councils or organizations that are sending Workers about best practices for securing Workers and eligibility requirements.
- b. Provide guidance to the councils or organizations that are sending Workers concerning: (1) the requirement that the council perform and pay or arrange for payment for background investigations for potential Workers, and (2) how to evaluate the background investigation for offenses that would disqualify a person from being a Worker, and;
- c. Provide guidance to the councils on when to perform the background investigations and with what background investigation provider.

Identify someone on the organizing council of the Presbytery event to be the designated recipient of background investigations from other councils or organizations and train that person:

- i. To review every background investigation received;
- ii. To identify criminal convictions and other disqualifying information on background investigations that should disqualify a person from being a Worker; and
- iii. To notify Council or another involved entity if the staffer believes the Council has erred in selecting a Worker whose background investigation indicates that the person should not act as a Worker;
- iv. Report to the Presbytery sponsor of the event each potentially disqualifying background investigation and related concerns so that the sponsor can inform the organization that the person whose background investigation is in question is not eligible to attend the event as a Worker.

**MANDATORY EVENT RULES** are set forth in Appendix III.

**RULES FOR USE OF SOCIAL MEDIA** are set forth in Appendix IV.

**RULES REGARDING CONVICTED SEX OFFENDERS IN THE LIFE OF THE CHURCH** are set forth in Appendix V.

#### **CONFIDENTIALITY OF RECORDS**

The Presbytery shall maintain all Worker applications, results of background investigations, investigations of alleged abuse/neglect or sexual misconduct or other act or omission subject to this Policy and related information regarding participation in Presbytery-sponsored events in confidential secured files maintained by the Stated Clerk for records of the Presbytery. Disclosure of such records shall be made only in the following circumstances: (i) a valid written consent for disclosure from the person(s) that is/are the subject of the records at issue, (ii) upon compliance with a request from the Presbytery's Permanent Judicial Commission, according to its rules, (iii) upon order and direction of any civil court having jurisdiction over the Presbytery, (iv) in order to carry out this Policy or its procedures, or (v) under circumstances in which disclosure of such records is reasonably deemed necessary for the protection of the health, safety or welfare of a natural person or to prevent commission of a crime.

## REPORTING

### Reporting to Presbytery leaders

Each sponsoring Presbytery entity will publicize a procedure for reporting any prohibited actions and have forms to document reports available at all times in a public place at the event (**REPORT OF MINOR/VULNERABLE ADULT ABUSE OR SEXUAL MISCONDUCT** form is attached). Anyone suspecting or having knowledge of minor/vulnerable adult abuse and/or sexual misconduct shall immediately report such violation to a leader of the Presbytery event and the event's Safety Response Coordinator.

In addition, all reports alleging sexual misconduct shall be immediately reported to either the Stated Clerk or the moderator of the Committee on Ministry or both. Any minor or vulnerable adult, and a parent, legal guardian or other caregiver, who suspects or has knowledge of any type of minor or vulnerable adult abuse is encouraged to share the knowledge with any adult leader of the Presbytery event.

The Safety Response Coordinator for a Presbytery or other council event shall report allegations of abuse or sexual misconduct as follows:

1. If the report is against a member of Presbytery (ordained ministers/ teaching elders), or other persons on another roll of Presbytery (commissioned lay pastors/ruling elders, commissioned church workers, certified Christian educators, inquirers and candidates), the Safety Response Coordinator shall send a written statement of allegation to the Stated Clerk of the Presbytery that holds the accused's membership. This written statement of allegation shall initiate the formation of an investigating committee under the Rules of Discipline of the *Book of Order*.
2. If the report is against a ruling elder, the Safety Response Coordinator will notify the session of membership that an allegation of an offense has been received against an elder that triggers the formation of an investigating committee under the Rules of Discipline of the *Book of Order*.
3. If the report is against an employee or volunteer of the Presbytery, the Safety Response Coordinator will notify the person(s) or committee responsible for supervision of the employee or volunteer, the General Presbyter and the Stated Clerk. The Safety Response Coordinator will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
4. If the report is against any member, representative or volunteer of a sponsoring council or entity other than the Presbytery, the Safety Response Coordinator will notify the person(s), entity or organization responsible for supervision of the person. The Safety Response Coordinator will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.

In order that confidentiality will be maintained and the procedures of the Presbytery will not be compromised, anyone having a reasonable belief that a violation of this policy has occurred shall refrain from divulging information that was the basis for a

report to any other person not authorized by this policy or law to receive and investigate the report.

Should the person accused of alleged abuse or sexual misconduct not be under the jurisdiction of the Presbytery, the accuser shall be directed to the governing body having jurisdiction over the accused person.

A report consisting of the names of the accused and accuser, together with a brief description of the alleged abuse or sexual misconduct and any available supporting information shall be transmitted to the Stated Clerk in order to initiate the procedures described in this policy, in accordance with the Rules of Discipline, chapter D-10.000 of the *Book of Order* if applicable, or in accordance with pertinent personnel policies for situations involving lay employees. Once the Stated Clerk receives the written report, disciplinary procedures must be initiated whether or not the Stated Clerk is personally persuaded of the truth of the allegations or has access to all the supporting evidence.

The Stated Clerk shall inform the Moderator of Presbytery, the Committee on Ministry Moderator and the General Presbyter when disciplinary procedures pursuant to the *Book of Order* have been initiated. (By rule, the Presbytery Moderator in consultation with the Stated Clerk shall appoint an investigating committee under the provisions of the Rules of Discipline D-10.000.) In addition, the Stated Clerk or other knowledgeable person shall notify insurance carriers and Presbytery's legal counsel. Notification, as required or appropriate, shall also be made to governmental authorities and employing or governing bodies.

Any person who in good faith: (1) makes an allegation of abuse, neglect or sexual misconduct or (2) assists in investigating the allegation will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or disciplined/dismissed as a result of the allegation.

#### **Reporting to civil authorities**

Minors: Wyoming law requires that any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or is being subjected to conditions that may result in abuse or neglect shall immediately report such abuse to a law enforcement agency or the Wyoming Department of Family Services.

Vulnerable adults: Wyoming law requires that any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, exploited, intimidated or abandoned or is committing self-neglect shall report the information immediately to a law enforcement agency or the Wyoming Department of Family Services.

**Call 911 IMMEDIATELY if it is an emergency or you are witnessing a minor or vulnerable adult in a life-threatening situation or a situation likely to result in serious physical or mental injury.**

The full statutory definitions of abuse, neglect and reporting of abuse and neglect under Wyoming law are contained in Appendix VII.

After a report of abuse or neglect is made to civil authorities, the responsibility for investigation rests with the agency receiving the report. So long as investigation by civil authorities is occurring, Presbytery personnel should not undertake further investigation of the circumstances of the alleged or observed abuse or neglect, but should cooperate fully with and assist the investigating agency in completing its investigation. This section shall not be construed so as to prevent the institution of disciplinary proceedings against the accused in accordance with the *Book of Order*. Any questions concerning the institution of disciplinary proceedings should be directed to the Stated Clerk, or if the Stated Clerk is unavailable or is the subject of the matter, the Moderator of Presbytery shall be contacted.

Failure to make an immediate report to civil authorities can result in criminal prosecution and personal financial liability for damages resulting from a failure to report. Wyoming law provides immunity from civil and criminal liability for persons who participate in good faith in making a report and facilitating an investigation by civil authorities.

Any Presbytery employee or volunteer who has a question about whether reasonable cause exists to know or suspect abuse or neglect has occurred, should immediately contact the Stated Clerk, or if the Stated Clerk is unavailable or is the subject of the inquiry, the General Presbyter or Moderator of Presbytery for assistance, clarification or the obtaining of legal advice.

## **MISUSE OF THIS POLICY**

This policy is meant to protect persons from Sexual Abuse, Sexual Misconduct, Sexual Harassment, Sexual Discrimination and misuse of technology. In order to adequately protect persons from these types of misconduct, it is critical that this policy not be misused or abused, as misuse of the policy will defeat the very purposes, goals and objectives of the policy.

Accordingly, this policy should not be used or construed so as to prevent or punish bona fide liturgical, educational and/or sermon-based discussion of how the Bible, the Presbytery of Wyoming and its constituent churches, and/or the Presbyterian faith (or other faiths or religion) deal with issues relating to gender, marriage, sexuality, sexuality preference, gender identity and other such similar topics. Bad faith allegations or use of this policy for purposes unrelated to its intents are expressly prohibited, and could result in disciplinary measures.

## **PART 3—ADMINISTRATIVE CONSIDERATIONS**

### **RESPONSE COORDINATION TEAM**

The Committee on Ministry moderator, General Presbyter and Presbytery moderator shall constitute the Response Coordination Team. In the event that one member of this team declares a conflict of interest and recuses themselves, a substitute member shall be selected by the two remaining members. It shall be the responsibility of this team to identify and coordinate appropriate ways to meet the needs that arise in the context of an abuse, neglect or sexual misconduct case. In addition, the team shall make sure that all required or appropriate reporting is accomplished. The Response Coordination Team shall *not* engage in any investigative activity. Rather, the role of the Response Coordination Team is described in Appendix VI.

The Committee on Ministry, by nature of its constitutional responsibility to serve as pastor and counselor to the ministers of the presbytery and to facilitate the relationships between congregations, ministers and the presbytery (G-3.0307), shall ordinarily assume a significant role in addressing those needs. However, the Response Coordination Team may also identify additional sources of assistance and shall provide support and guidance to the Committee on Ministry as requested or required.

**RESPONSE PROCEDURES** are set forth in Appendix VI.

### **DISCIPLINARY PROCEDURES**

In all cases of reported abuse, neglect or sexual misconduct by persons under the jurisdiction of the Presbytery, the judicial process in accordance with the Rules of Discipline, chapter D-10.000 of the *Book of Order* will be implemented. In cases involving employees, the provisions of the personnel policy of the Presbytery will be followed. For employees who are also continuing members of Presbytery, the disciplinary process of the *Book of Order* will apply, and not the personnel policies of the Presbytery.

### **ROLE OF PRESBYTERY STAFF**

The role of Presbytery staff is to provide a channel for communication and to describe existing process. The role of the Stated Clerk is limited to receiving reports of allegations and serving as the interpreter/manager of judicial process. The role of the General Presbyter is to serve on the response coordinating team, to provide counsel and management at the direction of the Committee on Ministry, and within the limitations of judicial process, to provide pastoral care to the accused.

### **PC(USA) TOLL-FREE ABUSE PREVENTION HELPLINE**

The Presbyterian Church (USA) has teamed with the Insurance Board and Praesidium to help councils at all levels and their members prevent child abuse. They have established a toll-free Abuse Prevention Helpline to provide assistance to church councils and church families in their efforts to protect children and vulnerable adults.

Immediate assistance as well as guidelines and other resources for training and support are available at:

**1-866-607-SAFE**  
(1-866-607-7233)

#### **SIGNING OF POLICY AND APPLICATION TO SERVE**

Each adult engaged in the leadership of a Presbytery event shall acknowledge receipt of this **Presbytery Minor/Vulnerable Adult Protection Policy and Procedures** by signing an application to be employed, volunteer, or supervise. In addition, each person engaged in the leadership of a Presbytery event shall consent to all comprehensive background investigations required and shall comply with any consequences of a reported violation of this Policy.



## **PART 4—APPENDICES, FORMS**

### **APPENDIX I**

#### **DUTIES AND RESPONSIBILITIES OF THE SAFETY RESPONSE COORDINATOR**

For every event or activity which allows for the presence of minors or vulnerable adults planned by a council of the Presbytery, a Safety Response Coordinator must be trained by the sponsoring council or entity and be present or immediately available by telephone throughout the entire duration of the event. This Coordinator should be Presbytery staff or another person appointed by the sponsoring council or entity staff.

The Safety Response Coordinator will read and be familiar with the terms of this Policy as well as established procedures under the Rules of Discipline, *Book of Order of the Presbyterian Church (U.S.A.)* for responding to complaint(s) of allegations of minor/vulnerable adult abuse or sexual misconduct made against any minister, teaching elder, ruling elder, employee, volunteer, or other person subject to this Policy with the sponsoring council or entity.

The Safety Response Coordinator has the following responsibilities in response to allegations of minor or vulnerable adult abuse or neglect or sexual misconduct:

1. Immediately provide for the safety of the alleged victim(s) involved.
2. If the report alleges abuse, neglect or harassment of a minor or vulnerable adult, the Safety Response Coordinator will:
  - a. immediately ensure that the allegation is reported to the civil authorities when required under Wyoming law;
  - b. immediately notify the parents or guardian of the minor or vulnerable adult;
  - c. notify the insurance company of the allegation and that no investigation has yet occurred.
3. Make immediate decisions concerning the temporary removal of the individual accused from: (a) any contact with minors, vulnerable adults or the alleged victim(s) pending an investigation, and/or (b) removal of the accused from the event until a resolution of the allegations has occurred.
4. Immediately notify designated persons at the Presbytery sponsor of the event of the report of alleged abuse, neglect or sexual misconduct. Any media requests will be handled by a designated person or office of the Presbytery, taking care to safeguard the privacy and confidentiality of all involved.
5. Consult the Presbytery offices about resources available for victims of the alleged abuse, neglect or sexual misconduct prior to each event and have those resources readily available at every event.

Carry out the requirements set forth in this Policy for reporting the allegation of abuse, neglect or sexual misconduct, under REPORTING, above.

## APPENDIX II

### **CRIMES THAT DISQUALIFY A PERSON FROM SERVING AS A MINOR/ VULNERABLE ADULT WORKER**

No person may serve as a Worker who has a conviction on his/her record of certain felonies or misdemeanors, including, *but not limited to*, any of the following:

- Criminal homicide;
  - Aggravated assault;
  - Crimes related to the possession, use, or sale of drugs or controlled substances;
  - Sexual abuse;
  - Sexual assault;
  - Injury to a minor or vulnerable adult;
  - Incest;
  - Indecency with a minor or a vulnerable adult;
  - Inducing sexual conduct or sexual performance of a minor or vulnerable adult;
  - Possession or promotion of child pornography;
  - The sale, distribution, or display of harmful material to a minor;
  - Employment harmful to minor or vulnerable adult;
  - Abandonment or endangerment of a minor or vulnerable adult;
  - Kidnapping or unlawful restraint;
  - Public lewdness or indecent exposure or enticement of a minor or a vulnerable adult;
  - Any crime that involves sexual misconduct or sexual abuse, regardless of whether it involves misconduct or abuse with a minor or a vulnerable adult;
  - Any crime that involves misuse of technology for sexual purposes, such as collecting or distributing photographs of minors or vulnerable adults who are nude or in sexual or inappropriate poses (pornography);
  - Any crime that involves the use of force, such as assault, battery or endangerment;
  - Any crime that involves abduction, false imprisonment or kidnapping;
  - Any crime that involves drinking or other impairment and driving, such as driving while intoxicated.
- Any other crime which, in the reasonable opinion of the Council demonstrates a threat to the health, safety or welfare of minors or vulnerable adults in the activity in question. (In such an instance, the Council shall consult and confer with at least one other Council official before disqualifying an applicant.)

**MANDATORY EVENT RULES FOR WORKING WITH MINORS AND  
VULNERABLE ADULTS**

A sponsoring council or entity of the Presbytery shall ensure that the following measures are in place and actions are taken for each event or activity involving minors and/or vulnerable adults:

1. Two-adult rule: Two non-related adults must always be present in groups of minors or vulnerable adults. The only exception is if an emergency situation makes this not immediately possible.
2. Ratios: The adult to minor/vulnerable adult ratio for all events or activities involving minors ages zero (0) through eleven (11) is 2:10. The adult to minor ratio for all events or activities involving minors ages twelve (12) through seventeen (17) or vulnerable adults of any age is 2:17. An adult to vulnerable adult ratio shall be established depending on the individual needs of the vulnerable adult(s) present, subject to the two-adult rule in paragraph 1 above. There shall also be one adult of each gender when there are one or more minors or vulnerable adults of each gender in a group. Only in emergency situations may the ratios and gender diversity be compromised.
3. Compliance with Two-Adult Rule; Ratios: Presbytery recognizes that due to Wyoming's small population, variable turnout for Presbytery events and scheduling and timing difficulties that it may not always be possible to meet the two-adult rule and ratios described in this Policy. While these rules shall be the usual standard, if a particular event or situation arises where these rules cannot be met, then the Worker involved shall notify the Safety Response Coordinator as soon as possible to discuss the matter and find an acceptable solution to the situation, such as notice to parents and guardians of the situation. In such situations, the Safety Response Coordinator shall document any such situation and shall consider ways in which the scenario might be avoided in the future.
4. View Windows and Open Doors: When minors or vulnerable adults and Workers or volunteers are in a room, if the door is closed, the door must have a view window installed and the view window shall not be covered or otherwise obstructed. If no view window is installed in the door, the door must remain open at all times.
5. Adult workers/caregivers shall respect the privacy of the minors and vulnerable adults to whom they provide care. Responsible use of digital devices and cell phones is required in all situations (*e.g.*, taking only age-appropriate photographs and movies, not taking photographs of minors and other persons who are not appropriately clothed). Adults and minors are required at all times to wear appropriate attire and to refrain from the use of profane, vulgar or sexually-explicit language.

Age appropriate training for minors and vulnerable adults should be provided regarding behavior that should be reported to a caregiver or leader of the event.

6. Transportation: All adult drivers at a minor/vulnerable adult event must have proper licensure and insurance on file with the organizing council. The two-adult rule shall also apply, to the maximum extent feasible. All vehicles used must have seat belts for the driver and each passenger. No minor weighing less than eighty-five pounds may sit in the front seat of any vehicle. All drivers transporting minors and vulnerable adults must be twenty-five years of age or older and must be informed that if their vehicle is used, their insurance would be primarily responsible if an accident occurs. If a charter bus is rented, or any outside carrier is contracted, the company hired must ensure criminal background checks on its drivers. Each vehicle must follow the adult to minor/vulnerable adult ratio rules noted in paragraph 2 in this section. No minor may be a driver at any event or activity (this includes golf carts at events).

7. Forms: The parents/legal guardians of each minor or vulnerable adult must provide the appropriate information and medical forms for each activity/event. The information form should include all contacts for parents/legal guardians and the medical form must include a copy of the minor's or vulnerable adult's health insurance card if the minor or vulnerable adult has health insurance. Further consent forms must be signed by parents/legal guardians for any events held away from church property. Permission to use or reproduce any photos or videos taken at the event that are used by the organizing council in social media or published material must be obtained through a signed consent form from a participant's parent or legal guardian as well as the minor/vulnerable adult if capable. All such forms must be stored at the event site, in a secure place with restricted access.

8. Each sponsoring council or entity must ensure that rules are fully and clearly explained to participants at each event/activity. These rules shall include but are not limited to a code of conduct specific to the event/activity and a list of prohibited and expected behaviors for the specific event/activity. The code of conduct and prohibited and expected behaviors list shall be (1) given in written form to each participant when age-appropriate and parents/legal guardians, and (2) discussed thoroughly at the beginning of the event/activity.

9. Minors and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing. These hours must be posted on site.

10. Adults should never share sleeping quarters with minor. There are two exceptions to this rule: (a) for the occasional legal caregiver/minor situation or parent/minor situation; if a minor/vulnerable adult requires the presence of a caregiver who is not the person's parent or legal guardian, written permission must be given and kept on record from the minor/vulnerable adult's parent/legal guardian; (b) when communal sleeping arrangements provide for multiple adults and minors/vulnerable adults in a larger sleeping space.

All volunteers and employees at any Presbytery event must also abide by a code of conduct that prohibits the following behaviors:

- a. Display of sexual affection toward a minor or vulnerable adult, or between minor/vulnerable adult participants at an event.
- b. Use of profanity or off-color jokes.
- c. Discussion of sexual matters of any kind in the presence of a minor or vulnerable adult or in any way involving minors or vulnerable adults in personal problems or issues.
- d. Dating or becoming romantically involved with minors or vulnerable adults participating in a Presbytery event, regardless of age.
- e. Using or being under the influence of alcohol or illegal drugs in the presence of minors.
- f. Possessing sexually oriented materials—including printed or online pornography—on church property or property being utilized for a church event.
- g. Having secrets with minors.
- h. Staring at or commenting on minors' or vulnerable adult's bodies.
- i. Engaging in inappropriate or unapproved electronic communication with minors or vulnerable adults.
- j. Working one-on-one with minors or vulnerable adults in a private setting.
- k. Abusing minors or vulnerable adults in any way, including, but not limited to, the following:
  - Physical abuse: to hit, spank, shake, slap, unnecessary restraint.
  - Verbal abuse: to degrade, threaten, intimidate or curse.
  - Sexual abuse: to inappropriately touch, expose oneself, or engage in sexually-oriented conversations or actions.
  - Mental abuse: to shame, humiliate, act cruelly.
  - Neglect: to withhold food, clothing, water, shelter.
  - To permit minors to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

## **RULES FOR USE OF SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS**

**General Social Media Policy**—No teaching elder, minister, employee, contractor, or volunteer of the Presbytery and its entities shall create or use a media site (Web, Facebook, YouTube, Twitter, Snapchat, Instagram, or similar program) in the name of or purporting to represent the Presbyterian Church (U.S.A.) or the Presbytery without the explicit written permission of the sponsoring council, Presbytery entity, or event leadership. When clergy or staff, acting in their capacity as a representative of the Presbytery or its entities, lead or coordinate a group activity using social media, each may use only official Presbytery sites/channels when they have been made available by the council or entity of the Presbytery. These may include Web pages, Facebook, e-mail, and any other form of electronic communication.

### **Social Media Communications**

Persons who create public pages on behalf of Presbytery programs are responsible to monitor communications and to assure that Workers, employees and volunteers do not have private (and possibly inappropriate) conversations with minors/vulnerable adults through the use of such social media.

When using Facebook or any other social media, e-mail, text messaging or other electronic means to communicate with minors or vulnerable adults, the authorized minister, teaching elder, employee or volunteer shall inform parents/guardians of each minor or vulnerable adult, prior to initiating such communication, that the latter requests permission to communicate with the person via social media or other electronic means, providing the parent/guardian the opportunity to disapprove or to participate in a group or individual communication.

If a minor or vulnerable adult reveals abuse or inappropriate interactions with another person, whether minor or adult, the person who receives this report must in turn report this information in the same manner as any other “suspected abuse.”

### **Social Networking Code of Conduct**

Each person who uses the resources of social media shall apply this Social Networking Code of Conduct:

- Prohibit comments that are, or could be construed by any observer, to be harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning or humiliating.
- Prohibit sexually-oriented conversations or discussions about sexual activities.
- Prohibit private messages between employees and volunteers and minors or vulnerable adults.
- Prohibit posting inappropriate links or pictures (for example, sexually suggestive, exploitive, or voyeuristic images) or inappropriate comments on pictures.

Provide minors and vulnerable adults and their parents/legal guardians with this Social Networking Code of Conduct.

- Encourage parents/guardians to play a role in monitoring their minors' and vulnerable adults' interactions with employees and volunteers.
- Frequently remind minors and vulnerable adults how to interact appropriately through social networking sites.
- Deny participation by individuals who violate the code of conduct.

At the commencement of the use of social media, the authorized minister, teaching elder, employee or volunteer shall present this Social Networking Code of Conduct to minors and vulnerable adults and their parents/guardians.



## **APPENDIX V**

### **RULES REGARDING CONVICTED SEX OFFENDERS IN THE LIFE OF THE CHURCH**

#### **Balancing Hospitality with Safety**

A. Information identifying a convicted sex offender may come to the attention of Council in a variety of ways. A convicted sex offender may self-disclose. A probation officer or other court or law enforcement official may notify the Council. A person's name may appear on a publicly-accessible internet-based sex offender registry (see below for websites). This information is in the public domain. Any person can check online sex offender registries for the name of anyone participating in Presbytery activities to determine whether someone is listed or to verify self-disclosure or reports from other sources. Doing so is solely for the protection of persons participating in the activities and life of the council, and should never be viewed as punitive.

B. If a name on the registry is recognized as a participant or visitor, a person self-discloses conviction for a sex crime, or a public official provides notice of a conviction, proceed with the steps set forth in this policy below.

C. A registered sex offender is any person who has been convicted of a sexual offense and is now or has ever been required to register his/her whereabouts with local law enforcement. Wyoming sex offender registration act (Wyoming Statutes Annotated §§ 7- 19-301 to -310) allows the public to have information about the whereabouts of registered sex offenders.

The Wyoming Division of Criminal Investigation maintains a sex offender registry database, which can be accessed by going to: [wyomingdci.wyo.gov](http://wyomingdci.wyo.gov)

Information about registered sex offenders in a national database maintained by the U.S. Department of Justice can be accessed at: [www.nsopw.gov](http://www.nsopw.gov)

It is important to note that not every sex offender is required to register in Wyoming, or they may have registered previously and are no longer required to register under the provisions of Wyoming's registration act. Thus, searching state and national sex offender registries shall never be considered to be an adequate substitute to a criminal background check and other applicable procedures.

D. The Presbyterian Church (U.S.A.) is a welcoming church that both nurtures and protects its members and visitors. If a known convicted sex offender is a visitor, constituent, or member in the life of the Presbytery or any of its councils, including each congregation, the following requirements apply:

1. If the victim of the sexual offense is or is related to a member of Council, the convicted sex offender may be required to leave the Council.
2. There will be consultation among the moderator of the Council, other councilmembers, staff, and key volunteers about the specific requirements regarding the convicted sex offender. During these discussions, confidentiality is appropriate and encouraged.

The specific requirements will address ways of limiting the exposure of the convicted sex offender to children, vulnerable adults and other vulnerable populations.

3. The moderator and other responsible representatives of the Council (and others as thought appropriate) will meet with the convicted sex offender to inform him or her of the specifics of the policy.
4. The moderator and other responsible representatives of the Council involved will enter into a written covenant with each convicted sex offender. This covenant will document the convicted sex offender's conviction, will outline the requirements specific in relation to his or her conviction history, and be attentive to the safety needs of the Council involved, its members and participants.
5. The spouse, domestic partner or significant other of the convicted sex offender may also be required to enter into and sign a covenant of behavior.
6. The convicted sex offender shall be restricted from access to Presbytery property or Presbytery activities and other sites and shall be barred from some or all Council activities if he or she refuses to sign the covenant or if he or she fails or refuses to comply with its requirements. If in the judgment of the moderator of the Council, the convicted sex offender's behavior threatens the safety of any member or participant in the life and activities of the council involved, the convicted sex offender shall be barred from designated or all sites and activities as circumstances shall warrant.
7. The convicted sex offender's participation in worship, if permitted, (1) may be limited in time and/or location allowed to be present, (b) may require a designated church companion (c) may exclude positions of authority or assumed authority, such as ushering and/or shall exclude any position of real or assumed authority over children, vulnerable adults or other specified persons.
8. There will be consultation with congregants or other participants in the life of the council who have a bona fide need to know (e.g., families of children or vulnerable adults, etc.) about the status of the convicted sex offender and the council's requirements and covenants regarding this person (and potentially the spouse/domestic partner/significant other). Confidentiality beyond persons with a bona fide need to know is appropriate and should be encouraged.
9. This Policy is intended to avoid temptation and provide both protection and peace of mind to children, vulnerable adults and their families, not to punish the convicted sex offender.
10. The convicted sex offender may be offered pastoral care and support by clergy or qualified staff. They may also be given information about supportive services and counseling outside the congregation or other council.
11. The Presbytery may make any other provisions deemed necessary to appropriately protect and care for members and participants.
12. A convicted sex offender shall not be allowed to serve as a Worker except with respect to an approved program whereby the convicted sex offender offers personal testimony to other persons on the consequences of being a sex offender and guidance on steps to take to avoid becoming a sex offender. Moreover, this specific type of participation must be approved in writing, in advance, by Council, upon appropriate terms.

## RESPONSE PROCEDURES

### *Investigations*

The Safety Response Coordinator shall handle allegations of abuse or sexual misconduct as follows:

1. If the report is against a member of Presbytery (ordained ministers/ teaching elders), or other persons on another roll of Presbytery (commissioned lay pastors/ruling elders, commissioned church workers, certified Christian educators inquirers and candidates), the Safety Response Coordinator shall send a written statement of allegation to the Stated Clerk of the Presbytery that holds the accused's membership. This written statement of allegation shall initiate the formation of an investigating committee under the Rules of Discipline of the Book of Order.
2. If the report is against a ruling elder, the Safety Response Coordinator will notify the session of membership that an allegation of an offense has been received against an elder that triggers the formation of an investigating committee under the Rules of Discipline of the Book of Order.
3. If the report is against an employee or volunteer of the Presbytery of Wyoming, the Safety Response Coordinator will notify the person(s) or committee responsible for supervision of the employee, the General Presbyter and the Stated Clerk. The Safety Response Coordinator will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
4. If the report is against any member, representative or volunteer of a sponsoring council or entity other than the Presbytery of Wyoming, the Safety Response Coordinator will notify the person(s), entity or organization responsible for supervision of the person. The Safety Response Coordinator will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
5. Should the person accused of alleged abuse or sexual misconduct not be under the jurisdiction of the Presbytery of Wyoming, the accuser shall be directed to the governing body having jurisdiction over the accused person.

### *Role of the COM*

In the pastoral care provided by the Response Coordination Team formed by the Committee on Ministry ("COM"), there shall be no effort to determine the guilt or innocence of any parties, and the Committee shall work independently of any investigating committee. The work of the committee shall be to supervise and manage ministries of care, oversight, interpretation and reconciliation. It shall seek to provide care and support as may be needed for any Presbytery body and/or individual which might be or has been affected by the alleged misconduct throughout the time of the investigating committee work and until final resolution through the judicial

process is achieved. In working on such matters, information shall only be provided on a need-to-know basis. The work of the committee shall seek to address issues of anger and denial, loss of trust, and other issues that typically accompany abuse allegations and to restore the bodies and persons involved, insofar as possible, to wholeness and effective functioning. This restorative process may include such things as:

- Recommending specialized interim or temporary pastor services.
- Interpreting the Presbytery's policy and procedure and judicial processes provided by the Rules of Discipline of the *Book of Order*.
- Providing for conflict resolution, counseling or other specialized services and resources.

In responding to the accuser and/or alleged victim(s) and the accused, the Committee on Ministry or a special committee it may establish or other entities/persons identified by the response coordinating team may take the following actions:

- Advise them of the processes and policies of the Presbytery (this Policy and applicable personnel policies) and the PC(USA) judicial process.
- Advise them of where to seek therapeutic, legal services, counseling and/or pastoral support.

Within its absolute discretion, the Committee on Ministry, or a special committee it may establish, may also take the following actions:

- Provide for appropriate pastoral care (counseling, advocacy, etc.) for the accuser and/or the alleged victim and other related persons affected by the allegation of abuse or sexual misconduct, with the alleged victim's consent.
- Provide for appropriate pastoral care (counseling, advocacy, etc.) for the accused and other related persons affected by the allegation of abuse or sexual misconduct.

In all cases where a report of abuse, neglect or sexual misconduct has been received and a disciplinary case initiated against a member of the Presbytery, the Committee on Ministry, in consultation with the parties to the alleged misconduct, and with the session in the case of the accused being in a pastoral position, may impose the following measures:

- Immediately restrict pastoral activities of the accused, if mandated administrative leave has not been imposed by the Permanent Judicial Commission (D-10.0106)
- Immediately impose supervision of the accused, prohibiting (and monitoring) certain activities such as stipulating no contact with the accuser and/or alleged victim.
- In cases where it is deemed imperative, the Presbytery may proceed to dissolve the pastoral relationship under the provisions of G-2.0904.

When the accused is an employee of the Presbytery, the personnel committee, in consultation with the General Presbyter and affected parties, may place the accused on temporary administrative leave. Pay and benefit status during such a period of administrative leave shall be as provided in document(s) governing the specific employment relationship. All administrative leave resulting from the implementation of this policy shall be considered without prejudice and shall continue until the judicial process has been completed.

APPENDIX VII-SELECT PORTIONS OF WYOMING STATUTES

*(Included to assist in determining whether suspected abuse or neglect should be reported to civil authorities)*

**Abuse, Neglect of Minors**

Wyo. Stat. Ann. § 14-3-202. Definitions (only key provisions included)

“Child” means any person under the age of eighteen (18);

...

(ii) “Abuse” means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, unless the abandonment is a relinquishment substantially in accordance with W.S. 14-11-101 through 14-11-109, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law:

(A) “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture;

(B) “Physical injury” means any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;

(C) “Substantial risk” means a strong possibility as contrasted with a remote or insignificant possibility;

(D) “Imminent danger” includes threatened harm and means a statement, overt act, condition or status which represents an immediate and substantial risk of sexual abuse or physical or mental injury. “Imminent danger” includes violation of W.S. 31-5-233(m).

...

(iii) “Child” means any person under the age of eighteen (18);

(iv) “Child protective agency” means the field or regional offices of the department of family services;

(vii) “Neglect” means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being. Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone.

Wyo. Stat. Ann. § 14-3-205. Child abuse or neglect; persons required to report

(a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made. The fact a child, who is at least sixteen (16) years of age, is homeless as defined in W.S. 14-1-102(d) shall not, in and of itself, constitute a sufficient basis for reporting neglect.

(b) If a person reporting child abuse or neglect is a member of the staff of a medical or other public or private institution, school, facility or agency, he shall notify the person in charge or his designated agent as soon as possible, who is thereupon also responsible to make the report or cause the report to be made. Nothing in this subsection is intended to relieve individuals of their obligation to report on their own behalf unless a report has already been made or will be made.

Wyo. Stat. Ann. § 14-3-209. Immunity from liability

Any person, official, institution or agency participating in good faith in any act required or permitted by W.S. 14-3-201 through 14-3-215 is immune from any civil or criminal liability that might otherwise result by reason of the action. For the purpose of any civil or criminal proceeding, the good faith of any person, official or institution participating in any act permitted or required by W.S. 14-3-201 through 14-3-215 shall be presumed.

## **Abuse, Neglect, Etc. of Vulnerable Adults**

Wyo. Stat. Ann. § 35-20-102. Definitions (not all definitions are included)

“Vulnerable adult” means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability;

...

(ii) “Abuse” means the intentional or reckless infliction, by the vulnerable adult's caregiver, person of trust or authority, professional, family member or other individual of:

(A) Injury; (B) Unreasonable confinement which threatens the welfare and well being of a vulnerable adult;

(C) Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult;

(D) Photographing vulnerable adults in violation of W.S. 6-4-304(b); (E) Sexual abuse; (F)

Intimidation; or

(G) Exploitation.

(iv) “Caregiver” means any person or in-home service provider responsible for the care of a vulnerable adult because of:

(A) A family relationship; (B) Voluntary assumption of responsibility for care; (C) Court ordered responsibility or placement; (D) Rendering services in an adult workshop or adult residential program; (E) Rendering services in an institution or in a community-based program; or (F) Acceptance of a legal obligation or responsibility to the vulnerable adult through a power of attorney, advanced health care directive or other legal designation.

..

“Exploitation” means the reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult, to:

(A) Obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult's money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property;

(B) In the absence of legal authority:

(I) Employ the services of a third party for the profit or advantage of the person or another person to the detriment of a vulnerable adult; (II) Force, compel, coerce or entice a vulnerable adult to perform services for the profit or advantage of another against the will of the vulnerable adult.

(C) Intentionally misuse the principal's property and, in so doing, adversely affect the principal's ability to receive health care or pay bills for basic needs or obligations; or

(D) Abuse the fiduciary duty under a power of attorney, conservatorship or guardianship.

...

(xi) “Neglect” means the deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, other care and prescribed medication as necessary to maintain a vulnerable adult's life or health, or which may result in a life-threatening situation. The withholding of health care from a vulnerable adult is not neglect if:

(A) Treatment is given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination; (B) The withholding of health care is in accordance with a declaration executed pursuant to W.S. 35-22-401 through 35-22-416; or (C) Care is provided by a hospice licensed in accordance with and pursuant to W.S. 35-2-901 through 35-2-910.

...

(xiv) “Capacity to consent” means the ability to understand and appreciate the nature and consequences of making decisions concerning one's person, including, provisions for health or mental health care, food, shelter, clothing, safety or financial affairs. This determination may be based on assessment or investigative findings, observation or medical or mental health evaluations;

(xv) “Injury” means any harm, including disfigurement, impairment of any bodily organ, skin bruising, laceration, bleeding, burn, fracture or dislocation of any bone, subdural hematoma, malnutrition, dehydration or pressure sores;

(xvi) “Mental disability” means a condition causing mental dysfunction resulting in an inability to manage resources, carry out the activities of daily living or protect oneself from neglect, abuse, exploitation or hazardous situations without assistance from others. Whether or not a mental dysfunction of such degree

exists is subject to an evaluation by a licensed psychologist, psychiatrist or other qualified licensed mental health professional or licensed physician, if disputed;

(xvii) "Self neglect" means when a vulnerable adult is unable, due to physical or mental disability, or refuses to perform essential self-care tasks, including providing essential food, clothing, shelter or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs;

(xix) "Substantiated report" means any report of abandonment, abuse, exploitation, intimidation or neglect pursuant to this act that is determined upon investigation to establish by a preponderance of the evidence the alleged abandonment, abuse, exploitation, intimidation or neglect;

(xx) "Intimidation" means the communication by word or act to a vulnerable adult that he, his family, friends or pets will be deprived of food, shelter, clothing, supervision, prescribed medication, physical or mental health care and other medical care necessary to maintain a vulnerable adult's health, financial support or will suffer physical violence;

(xxi) "Advanced age" means a person who is sixty (60) years of age or older;

(xxii) "Sexual abuse" means sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in W.S. 6-2-302 through 6-2-304, sexual exploitation and sexual photographing

Wyo. Stat. Ann. § 35-20-103. Reports of abuse, neglect, exploitation, intimidation or abandonment of vulnerable adult

(a) Any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, exploited, intimidated or abandoned or is committing self neglect shall report the information immediately to a law enforcement agency or the department [of family services]. Anyone who in good faith makes a report pursuant to this section is immune from civil liability for making the report.

Wyo. Stat. Ann. § 35-20-111. Duty to report

(a) The duty to report imposed by Wyo. Stat. 35-20-103 applies without exception to a person or agency who knows, or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe, that a vulnerable adult has been or is being abused, neglected, exploited, intimidated or abandoned, or is committing self neglect.

(b) Any person or agency who knows or has sufficient knowledge which a prudent and cautious man in similar circumstances would have to believe that a vulnerable adult is being or has been abused, neglected, exploited, intimidated or abandoned, or is committing self neglect, and knowingly fails to report in accordance with this act is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.



## FORMS

EMPLOYEE REFERENCES AND RELEASE FOR THE PRESBYTERY

REPORT OF MINOR/VULNERABLE ADULT ABUSE OR SEXUAL MISCONDUCT POLICY

ACKNOWLEDGMENT FORM

EMPLOYEE REFERENCES AND RELEASE FOR

THE PRESBYTERY

Attach Additional Sheets if Necessary

Name:

\_\_\_\_\_

Address: \_\_\_\_\_

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Home / Cell (circle) \_\_\_\_\_

Email: \_\_\_\_\_

Have you ever been known by any other name? \_\_\_\_\_ name(s):

If yes, please provide other

\_\_\_\_\_

Employment Record (list current and previous employers for last ten years)

Most recent employer:

\_\_\_\_\_

Address: \_\_\_\_\_

Your Supervisor:

\_\_\_\_\_ Title \_\_\_\_\_

Supervisor's Telephone Number: \_\_\_\_\_

Additional Person who can verify your employment:

\_\_\_\_\_ Telephone No. \_\_\_\_\_

Dates of employment: from \_\_\_\_\_ to \_\_\_\_\_

Reason for departure:

\_\_\_\_\_

Next most recent employer:

\_\_\_\_\_

Address: \_\_\_\_\_

Your Supervisor:

\_\_\_\_\_ Title \_\_\_\_\_

Supervisor's Telephone Number: \_\_\_\_\_

Additional Person who can verify your employment:

\_\_\_\_\_ Telephone No. \_\_\_\_\_

Dates of employment: from \_\_\_\_\_ to \_\_\_\_\_

Reason for departure:

\_\_\_\_\_

Next most recent employer:

\_\_\_\_\_

Address: \_\_\_\_\_

Your Supervisor:

\_\_\_\_\_ Title \_\_\_\_\_

Supervisor's Telephone Number: \_\_\_\_\_

Additional Person who can verify your employment:

\_\_\_\_\_ Telephone No. \_\_\_\_\_

Dates of employment: from \_\_\_\_\_ to \_\_\_\_\_

Reason for departure:

\_\_\_\_\_

**Attach additional sheets if necessary**

**CRIMINAL/JUDICIAL HISTORY**

A. Have you ever been convicted of a felony?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, describe the conviction, name of issuing jurisdiction, date of conviction, sentence imposed, description of time served, present status of probation/parole. Depending upon the conviction, you may be required to provide more information.

B. Have you ever been convicted of a misdemeanor or a felony for any of the following: (a) domestic violence, (b) stalking, (c) assault, (d) battery of a household member, (e) animal cruelty, (f) fraud, (g) check fraud, (h) credit card fraud, (i) theft of identity, (j) prostitution, public indecency, (k) obscenity, (L) incest, (m) child orvulnerable adult abandonment or endangerment, (n) violation of an order of protection, (o) providing alcohol or a controlled substance to a minor or vulnerable adult, or (p) driving under the influence of alcohol or a controlled substance?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, describe the conviction, name of issuing jurisdiction, date of conviction, sentence imposed, description of time served, present status of probation/parole. Depending upon the conviction, you may be required to provide more information.

C. Has any local, state or federal court ever issued a restraining order (either civil or criminal) against you based on allegations of domestic violence, domestic abuse, stalking, harassment, sexual assault or conduct the result of which required you to refrain from contact with any other person or business?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, describe the order, name of issuing jurisdiction, date of conviction, sentence imposed, description of time served, present status of probation/parole. Depending upon the matter, you may be required to provide more information.

D. Have you ever been required to register as a sex offender by any local, tribal, state or national law enforcement agency?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, describe the circumstances and conviction that resulted in you having to register. Include all locations where you were required to register, dates of registration and information relating to the conviction that resulted in you having to register, including the date of the court order, name of issuing jurisdiction, date of conviction, sentence imposed, description of time served, present status of probation/parole. Depending upon the matter, you may be required to provide more information.

**RELEASE & AUTHORIZATION**

The information contained in this statement is accurate to the best of my knowledge and may be verified by the Council or requesting entity.

I hereby authorize the Presbytery to make any and all contacts necessary to verify my prior employment history, and to inquire concerning any criminal records or any judicial proceedings involving me as a defendant. By means of this release I also authorize any previous employer and any law enforcement agencies or judicial authorities to release all requested information to the Presbytery.

I have read this release and understand fully that the information obtained or entity may be used to deny me employment, volunteer opportunity or any other type of position. I also agree that I will release, hold harmless and indemnify the Presbytery, its councils and churches, and the employing council or entity or judicial authority from any and all claims, liabilities, and cause of action for the legitimate release or use of any information.

I understand that the purpose of this Release & Authorization is to allow the Presbytery to confirm and research my background in order to allow the Presbytery to meet its responsibilities to protect minors, vulnerable adults and other persons who engage in Presbytery activities, and I affirm and acknowledge the importance of the protection of such persons.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

REPORT OF MINOR/VULNERABLE ADULT ABUSE OR SEXUAL MISCONDUCT

Date of Report: \_\_\_\_\_ Time: \_\_\_\_\_

Complainant's contact information: \_\_\_\_\_

Minor/Vulnerable Adult's Name, Age, of parent or guardian: \_\_\_\_\_

Minor/Vulnerable Adult's Address, Phone, if known: \_\_\_\_\_

Alleged Responsible Person's Name(s), Identifying information: \_\_\_\_\_

Date, Time, Event/Activity Name, Location of Alleged Abuse or Misconduct: \_\_\_\_\_

Name(s), Address(es), Phone(s) of Witnesses: \_\_\_\_\_

Describe observed or reported abuse or misconduct: \_\_\_\_\_

Parties Notified:

Parent/Guardian Name	When	How
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_____	_____	_____
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Safety Response Coordinator Name	When	How
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_____	_____	_____
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Social Services/Police Name	When	How
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_____	_____	_____
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Report Submitted to: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of person completing this report \_\_\_\_\_

Printed name \_\_\_\_\_

**POLICY ACKNOWLEDGMENT**

**FOR THE  
PRESBYTERY MINOR/VULNERABLE ADULT PROTECTION AND SEXUAL MISCONDUCT PREVENTION  
POLICY AND PROCEDURES**

**TO:** All Minister/Teaching Elder Members of Presbytery All  
Others Persons on the Rolls of Presbytery  
All Employees and Volunteers of Presbytery

The Presbytery has adopted the Presbytery Minor/ Vulnerable Adult Protection Policy and Procedures that explicitly prohibits all misconduct of a sexual nature and all forms of abuse and neglect of minors and vulnerable adults. This policy and procedure of the Presbytery applies to all continuing members of Presbytery, (all ordained ministers), all persons on other rolls of Presbytery (commissioned lay pastors, commissioned church workers, certified Christian educators, inquirers and candidates), all employees of Presbytery (whether ordained to church office or not), and all who serve in the work of, or function on behalf of, the presbytery as volunteers of the Presbytery.

It is essential that all who are subject to the Policy read and understand the Policy, acknowledge that they have done so, and formally consent to being bound by the Presbytery's discipline in the matter.

Please complete the form below and return to

**The Office of the Stated Clerk  
Presbytery of Wyoming  
P.O. Box 1767  
Casper, WY 82602**

**[ACKNOWLEDGMENT FORM REQUIRING SIGNATURE FOLLOWS ON  
NEXT PAGE]**

POLICY ACKNOWLEDGMENT FORM

-----Initial Below, Detach and Return -----

\_\_\_\_\_ I have received a copy of the Presbytery Minor/Vulnerable Adult Protection Policy and Procedures. I have read it and I understand it. I acknowledge that the policy and procedures apply to me and that I agree to conduct myself in accordance with them.

\_\_\_\_\_ I certify that no civil, criminal or ecclesiastical complaint has been sustained or is pending against me for abuse, neglect, sexual misconduct; and I have never resigned or been terminated from a position for reasons related to abuse, neglect, sexual misconduct, nor disciplined for reasons related to abuse, neglect or sexual misconduct on my part.

If you are unable to make the above certification, you may instead provide a description of the complaint, termination and reason for the discipline or the outcome of the situation with explanatory comments in the space below.

\_\_\_\_\_ I am unable to make the above certification. I attach instead a description of the complaint, termination, reason for the discipline and the outcome of the situation with explanatory comments (attach this additional information).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date