

# CHILD ABUSE POLICIES AND CRIMINAL BACKGROUND CHECKS

## FOR YOUR INFORMATION

With all the recent publicity about clergy sexual misconduct against children, we thought it would be good to expand the circle of those who have information about policies and procedures--policies for misconduct and procedures for doing criminal background checks. Although the Presbytery has been active in providing resources on this subject, the scope has been somewhat limited: (1) The Educator Support Group provided a workshop two years ago on safety in general, and included a segment on sexual misconduct; (2) the Committee on Ministry provided a seminar on clergy sexual misconduct last year.

With this information paper comes the process for doing criminal background checks, as well as a model policy written by the Session of St. James Presbyterian Church in Jenks entitled *Summary of Policy and Procedure of St. James Presbyterian Church Concerning Sexual or Other Physical Abuse of Children*.

We strongly encourage you to develop your own policy and procedure. Although neither policy nor process will prevent sexual misconduct, having both policy and procedure nevertheless alerts staff and volunteers alike that it will not be tolerated. If either a member of your staff or a volunteer is accused of sexually molesting someone attending one of your activities, the courts will not look favorably upon you if your answer to their question "Why didn't you investigate his/her background?" is "We didn't want to hurt his/her feelings." or "We've known him/her for 15 years and thought everything was okay." In this day and time, criminal background checks should be a routine part of the application process, whether paid or volunteer.

## THE PROCEDURE FOR REQUESTING CRIMINAL BACKGROUND REPORTS

### 1. From the Sheriff's Office

If the person has only lived and/or worked in one county in Oklahoma, contact the Records Unit of the County Sheriff's Office. Basic cost is \$7.50, payable by check or money order. Call first to find out if there is "a background" to be printed at a cost of 75 cents per page. They are generally open Mondays thru Fridays from 8 am to 5 pm. To do a background check, they need name of individual, birth date and/or Social Security Number. They can tell you over the phone if the person has a criminal record, and how much the report will cost.

### 2. From the Oklahoma State Bureau of Investigation (OSBI)

If the person has lived and/or worked in more than your county in Oklahoma, contact the OSBI for a statewide background check. Their phone numbers are 1-800-207-6724 or 405.879.2689; their website is [www.osbi.state.ok.us](http://www.osbi.state.ok.us). Statewide background checks cannot be done over the phone, but they can fax the information if you need it more quickly than through the mail. A copy of their form is printed on the back of this sheet.

### 3. From other States

If the person has lived and/or worked in other states, you'll need to contact each state's own bureau of investigation. The United States Federal Bureau of Investigation will take fingerprints, but it would take months to get the results, so calling each applicable state will be much quicker.

# CRIMINAL HISTORY INFORMATION REQUEST

Oklahoma State Bureau of Investigation  
Criminal History Reporting  
6600 North Harvey  
Oklahoma City, Oklahoma 73116

Date: \_\_\_\_\_

PURSUANT TO PROVISIONS OF TITLE 51, OKLAHOMA STATUTES 1981, SECTION 24A.1 et seq. AND PROCEDURES OUTLINED BY THE OKLAHOMA STATE BUREAU OF INVESTIGATION, I REQUEST A CRIMINAL HISTORY INFORMATION CHECK OF YOUR FILES ON THE FOLLOWING SUBJECT(S). THE PROCESSING FEE OF FIFTEEN DOLLARS (\$15.00) PER SUBJECT FOR A NAME SEARCH OR NINETEEN DOLLARS (\$19.00) PER SUBJECT FOR AN IN-STATE FINGERPRINT SEARCH IS HEREBY TENDERED.

Form of Payment:  Cash  Business Check  Money Order  Cashier's Check  American Express  Visa  
 MasterCard  Discover Account Number: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
(Requests with no signature will be returned unprocessed.)

NAME OF INDIVIDUAL, BUSINESS,  
OR AGENCY MAKING REQUEST: \_\_\_\_\_

**IF PAYING WITH CASH, MONEY ORDER, CASHIER'S CHECK OR CREDIT CARD,  
PLEASE PRINT YOUR NAME AND ADDRESS HERE.**

INDIVIDUAL, BUSINESS,  
OR AGENCY ADDRESS: \_\_\_\_\_

Street Address or Post Office Box

PHONE  
NUMBER: \_\_\_\_\_

City

State

Zip

Purpose of Request: \_\_\_\_\_

**(PLEASE CHECK, ONLY IF APPLICABLE)**

This request is being made in compliance with the provisions of the Oklahoma Child Care Facilities Licensing Act, 10 O.S. 1991, Sections 401 through 410; a search of the Oklahoma Department of Corrections Sex Offenders Registration List, 57 O.S. 1991, Section 581 et seq., is required: \_\_\_\_\_. The sex offender search must be requested at the time the original criminal history record check is submitted; amended replies to include this information will not be furnished free of charge at a later date.)

FOR OSBI USE ONLY; DO NOT WRITE IN THIS SPACE.

\_\_\_\_\_  
Signature of Requestor

**SUBJECT TO BE SEARCHED:**

(All request forms must be typed or the information legibly printed in ink by the requestor; forms completed in pencil are unacceptable. Handwritten requests which are not easily read will be returned unprocessed.)

NAME: \_\_\_\_\_  
(Last) (First) (Middle)

Alias Names: \_\_\_\_\_  
(includes maiden name, all married names, and any other names used)

RACE: \_\_\_\_\_ SEX: \_\_\_\_\_

DATE OF BIRTH OR

AGE (mandatory): \_\_\_\_\_

(If an age is provided, it must be specific; an age range is not acceptable and will be returned unprocessed. Additionally, customers who submit common names with an age may be required to provide a full date of birth before their request can be processed. See Title 51, Section 24A.5 (2) of the Oklahoma Open Records Act.)

SOCIAL SECURITY  
NUMBER: \_\_\_\_\_

FOR OSBI USE ONLY; DO NOT WRITE IN THIS SPACE.

All criminal history record information provided in compliance with 51 O. S. 1 Section 24A.1 et seq., is based upon fingerprints taken by the contributing law enforcement or criminal justice agency at the time of arrest and/or incarceration.  
(Form #CHRD01)

# SUMMARY OF POLICY AND PROCEDURE OF ST. JAMES PRESBYTERIAN CHURCH CONCERNING SEXUAL OR OTHER PHYSICAL ABUSE OF CHILDREN

## Policy

There are few problems more painful than the sexual abuse of a child by a member of the clergy, an employee, or any agent of the Church

The sexual abuse of children is morally reprehensible and emotionally devastating. Although it cuts across all lines of society, and among offenders, knows no distinctions of class, race, religion, or occupation, this behavior, whenever and however it occurs, is clearly wrong and must be condemned in the strongest terms. The life-long effect that such behavior can have on a child must not be underestimated.

As knowledge about the roots of this disordered behavior increases, we pledge to seek the most sound advice possible, in order aggressively to protect the innocent, treat the perpetrator, and safeguard our children.

It is the policy of St. James Presbyterian Church to use every reasonable means to prevent an occurrence of sexual or other abuse of children by any person engaged to do the work of the Church. St. James is committed to the implementation, constant refinement, and improvement of procedures to educate our people about the nature of this problem, and to select and determine more effectively those who will be given any responsibility for dealing with children or other vulnerable persons in the name of the church. Furthermore, we commit ourselves to alleviate, as far as we are able, the suffering of all persons who may be affected should such an incident occur.

In our attempt to deal with this most grievous problem, and more importantly, to prevent it, we pledge a course of action which will include the following:

- To educate all those involved in the appointment, hiring, or retention processes as to procedures designed to prevent the exposure of unfit persons to children or others who may be vulnerable;
- To respond promptly to all allegations of abuse;
- If such an allegation is supported by sufficient evidence, to relieve the alleged offender promptly of his or her duties and refer him or her for the appropriate medical evaluation or intervention;
- To comply with the obligations of civil law in reporting the incident and cooperating with the investigation.
- To reach out to the victims and to all persons affected by the incident and communicate our sincere commitment to their spiritual and emotional well-being; and
- within the confines of respect for the privacy of the individuals involved, to deal as openly as possible with members of the community about the incident.

It is essential that every person engaged to do the work of St. James Presbyterian Church, whether clergy, employee, lay employee, or volunteer, adhere to, support and actively assume responsibility for the execution of these policies as a condition of his or her acceptance of any responsibility whatever in the name of St. James Presbyterian Church.

Procedure

RESPONSE TO ALLEGATION OF CHILD ABUSE

1. RECEIPT OF COMPLAINT OR ACCUSATION OF SEXUAL OR OTHER PHYSICAL ABUSE OF A MINOR BY SOMEONE CONNECTED WITH THE CHURCH.
  - A. If the source is anonymous, try to obtain enough information (names, addresses, telephone numbers of persons having knowledge) to permit an investigation.
  - B. If the source is the victim, or parents of the victim, obtain name, address, telephone number, and assume them that they will be contacted by a representative of the Church.
2. NOTIFY THE PASTOR, PARISH ASSOCIATE, OR THE CHRISTIAN EDUCATOR.
  - A. Assure the requirements of the Mandatory Reporting Law of the Oklahoma Criminal Code (See Appendix)
  - B. Information should include: name, address, telephone number and age of victim, together with the name, address and telephone number of parents of the victim, the nature of the injuries, and the name, address, and telephone number of the alleged perpetrator.
  - C. Pastor, Parish Associate or Christian Educator, will assure compliance with the reporting requirements of DHS.
3. ANYONE ACCUSED OF SEXUAL OR OTHER PHYSICAL ABUSE OF A MINOR WILL BE NOTIFIED OF THE ACCUSATION AND IMMEDIATELY RELIEVED OF THEIR DUTIES PENDING INVESTIGATION.
4. THE ACCUSED PARTY WILL BE ADVISED TO OBTAIN HIS/HER OWN INDEPENDENT LEGAL COUNSEL.

ST. JAMES PRESBYTERIAN CHURCH  
AUTHORIZATION FOR RELEASE OF INFORMATION  
PAID STAFF

I authorize St. James Presbyterian Church and their respective agents to solicit background information relative to my employment, education, and criminal record history.

I AUTHORIZE WITHOUT RESERVATION, ANY PERSON, AGENCY OR OTHER ENTITY CONTACTED BY ST. JAMES PRESBYTERIAN CHURCH TO FURNISH THE ABOVE MENTIONED INFORMATION.

I release St. James Presbyterian Church and their respective employees and agents and all persons, agencies, and entities providing information or reports about me from any and all liability arising out of the release of any such information or reports.

Name \_\_\_\_\_  
(Last, First, Middle)

Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_  
(Mo/Dy/Yr)

AKA or Maiden Name \_\_\_\_\_

Current Street Address \_\_\_\_\_

City/County/State/Zip Code \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

In addition to the State of Oklahoma, the following states and countries are to be checked:

\_\_\_\_\_  
(NOTE: Must complete all of the above in order to process)

St. James Presbyterian Church requests pre-employment criminal history background checks and acknowledges that it seeks release and dissemination of the above information for the purpose of determining applicant's qualifications for employment, paid or volunteer.

ST. JAMES PRESBYTERIAN CHURCH  
AUTHORIZATION FOR RELEASE OF INFORMATION  
VOLUNTEER POSITIONS

I authorize St. James Presbyterian Church and their respective agents to solicit background information relative to my employment, education, and criminal record history.

I AUTHORIZE WITHOUT RESERVATION, ANY PERSON, AGENCY OR OTHER ENTITY CONTACTED BY ST. JAMES PRESBYTERIAN CHURCH TO FURNISH THE ABOVE MENTIONED INFORMATION.

I release St. James Presbyterian Church and their respective employees and agents and all persons, agencies, and entities providing information or reports about me from any and all liability arising out of the release of any such information or reports.

Name \_\_\_\_\_  
(Last, First, Middle)

Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_  
(Mo/Dy/Yr)

AKA or Maiden Name \_\_\_\_\_

Current Street Address \_\_\_\_\_

City/County/State/Zip Code \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

In addition to the State of Oklahoma, the following states and countries are to be checked:

\_\_\_\_\_  
(NOTE: Must complete all of the above in order to process)

St. James Presbyterian Church requests pre-employment criminal history background checks and acknowledges that it seeks release and dissemination of the above information for the purpose of determining applicant's qualifications for employment, paid or volunteer.

BACKGROUND QUESTIONNAIRE CONCERNING SEXUAL ABUSE

1. Have you ever been convicted of a crime of sexual abuse, physical abuse, or exploitation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

2. Have you ever had your employment terminated for reasons relating to allegations of sexual abuse of physical abuse by, or relating to civil or criminal complaints for sexual or physical abuse brought against you by others?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Date \_\_\_\_\_ Name of Institution \_\_\_\_\_

Signature: \_\_\_\_\_ Position Sought/Held: \_\_\_\_\_

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

WHEN COMPLETED, THIS DOCUMENT SHALL BE KEPT IN A SEPARATE, CONFIDENTIAL FILE MAINTAINED BY THE PASTOR. THIS DOCUMENT IS NOT TO BE KEPT IN A PAYROLL OR OTHER PERSONNEL FILE.

## STATEMENT OF UNDERSTANDING AND CONSENT

The undersigned represents that he/she has received, read, and understood the stated policy and procedures of St. James Presbyterian Church with respect to the sexual or other physical abuse of children, that he/she agrees to strictly adhere to and actively support these policies and procedures as a condition of his/her employment or appointment.

The undersigned specifically understands that a background investigation may be conducted by St. James Presbyterian Church, by whom the undersigned is being considered for employment or appointment as a condition of the appointment or retention of the undersigned. Accordingly, the undersigned specifically consents to the release of otherwise confidential information and records concerning the undersigned by any government or law enforcement agency, and by any former employer or supervisor of the undersigned, as to criminal records related to sexual or physical abuse, to St. James Presbyterian Church and does hereby further consent to the use of such information by St. James Presbyterian Church thereof, in considering my fitness for employment or appointment. It is understood that such information shall be treated by St. James Presbyterian Church as strictly confidential, and shall be used only for the purpose of considering my appointment or retention. It is further understood that this consent is not intended to permit or include the release of any records or information obtained or compiled by any attorney, physician, counselor or other health care professional in the course of performance of any professional services for or on behalf of the undersigned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Position Sought/Held

\_\_\_\_\_  
Name of Agency/Institution

## APPENDIX

### Definitions

Abuse: In criminal law, child abuse is any harm or threatened harm to a child's health or welfare, including damage to his physical or emotional welfare resulting from non-accidental physical or mental injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment. Sexual abuse includes rape, incest and lewd or indecent acts or proposals. Sexual exploitation includes allowing, permitting, or encouraging a child to participate in acts of prostitution or pornography.  
10 0.5. Section 7102

### Mandatory Reporting Law of the Oklahoma Criminal Code: 10 0.5. Section 7103

... every other person having reason to believe that a child under the age of eighteen (18) years has had physical injury inflicted on him or her by other than accidental means where the injury appears to have been caused as a result of physical abuse or neglect, shall report the matter promptly to the county office of the Department of Human Services in the county wherein the suspected injury occurred ... It shall be a misdemeanor for any person to knowingly and willfully fail to promptly report any incident provided above. If the report is not made in writing in the first instance, it shall be reduced to writing by the maker thereof as soon as may be after it is initially made by telephone or otherwise and shall contain the names and addresses of the child and his or her parents or other persons responsible for his or her care, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries ... and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible therefore if such information or any part thereof is known to the person making the report.