

# FIRST MENNONITE CHURCH

## NEWTON, KANSAS

### Safe Sanctuary Policy

**Purpose:** To provide a safe, secure and healthy environment for children, youth and adults to learn about the love of God and to grow spiritually.

**Vision:** We strive to create a safe haven that encourages respect, equality and kinship in Christ, which is free of abuse for all.

**Scope:** This policy shall apply to all current and future workers, compensated and/or volunteer, who will have the responsibility of supervising the activities of children, youth and adults, including those who are mentally or physically challenged. The administration of this policy is the responsibility of the Nurture Commission with oversight of the Church Board.

#### **Definitions of Abuse:**

- **Physical:** Any non-accidental physical injury causing substantial risk of impairment of physical well-being or physical harm inflicted or allowed to be inflicted upon a person by another person.
- **Emotional:** Pattern of verbal, unspoken messages (such as gestures) or written language insinuating another person is worthless, bad, unloved or undeserving of love or care. This may include disparaging and derogatory terms.
- **Sexual:** Abuse in which a person of less maturity or power is tricked, coerced or bribed into sexual contact. The imbalance of power between the victim and perpetrator is critical in the determination of abuse. The power imbalance may result from the perpetrator's greater age, size, position, experience or authority. Examples of sexual abuse include but are not limited to unwanted touch or verbal sexual advances, fondling, intercourse, incest, the sexual exploitation of the victim and exposure to pornography or prostitution.

#### **Other definitions:**

- **Policy:** Strictly enforced directives that apply to all settings
- **Guidelines:** tools to manage risk. If a specific guideline is impractical in a situation then other steps must be taken to manage risk. Example: If two adults cannot be found to teach a Sunday School class (Guideline #2), then the Sunday School superintendent will walk the halls during Sunday School to provide assistance if needed and increase accountability.
- **Vulnerable Adult:** any person aged 18 or over who is, or may be, unable to take care of him or herself against significant harm or exploitation.

**This document has been created for no other purpose but to best meet the safety and well being of our most precious assets, our children, as well to provide a healthy environment for the entire congregation.**

## **Policy for the Prevention of Abuse**

All forms of abuse are forbidden.

Any person who knows of any form of abuse by or to anyone affiliated with First Mennonite Church or its programs should report it to the Church Board Chair, a Pastor or member of the Safe Sanctuaries committee.

All persons who work with children and youth shall be required to complete an educational orientation, sign an agreement and have a background check completed (including checking publicly available sources and the sexual predator list, see page 11, #2).

- a. New children's ministry workers must get the full in-person training.
- b. On an annual basis, trained workers will be expected to read a written refresher and sign that they have read the material.
- c. Trained workers need to retake the orientation class every four years
- d. New/Renewing participants will have the opportunity for training two times each year. Training will be offered in the Fall and Spring.

Persons under the age of 18 who work with children and/or youth shall work under direct adult supervision.

Any persons who have been convicted of a person felony or sex crime, including but not limited to: assault, sexual abuse, rape, incest, indecency with a child, possession or promotion of child pornography, abandonment or endangerment of a child, as well as misdemeanor battery, shall not be eligible to work with children or youth. Persons who have been accused of such incidents shall not be permitted to work with children or youth until they have been exonerated, at which point consideration will be given to their eligibility to work with children or youth.

All regular attendees of FMC receive a copy of the Safe Sanctuaries policy in church mailboxes. The policy will be reviewed annually by the Nurture Commission and the Safe Sanctuaries committee. Revisions and edits will be made as needed. A formal revision will be conducted every 5 years. Updated/revised copies will be provided to regular attendees every 5 years. Any new attendees will receive a copy of the policy upon creation of a church mailbox.

Anyone who wishes to regularly attend this church, who has pleaded guilty to or was convicted of a sex crime, must inform the Pastor and Church Board Chair that he/she is a registered sex offender. An accountability plan for the safety of the congregation and the sexual abuser will be developed by the Caregiving and Membership Commission in accordance with the Caregiving and Membership policies: "Policy for the Care of Survivors of Sexual Abuse" and "Policy for the Care and Accountability of Sexual Abusers."

## **Guidelines for Risk Management**

### 1. Appropriate Interpersonal Boundaries

Adult leaders of children and youth shall set good examples of appropriate ways to relate to each other for our children and youth, including: respectful and nurturing behaviors that do not interfere with another's privacy; attention to appropriate dress, language, and demonstrations of affection and encouragement. Appropriate touch with children and youth always involves giving the child or youth a choice.

## 2. Two-Adult Rule

No fewer than two approved adults will be present during any church-sponsored program, event, or ministry involving children and/or youth, including the supervising of the nursery. If two adults cannot be present, the door is to be left open at all times and/or a hall monitor will be assigned to move in and out of classrooms and recreation areas at irregular times.

## 3. First Aid/CPR

The Safe Sanctuaries Committee will be responsible for the First Aid kits. First Aid kits will be kept available in the kitchen and the Sunday school office. The kits are to be checked 2 times annually by the Safe Sanctuary committee members for outdated or unsterile materials, and restocking. A list of persons certified in CPR will be posted in the sanctuary by the sound booth, in the church office, and in the kitchen and this list will be reviewed and updated annually by the Safe Sanctuaries Committee.

## 4. Five-Years-Older Rule

To protect both the worker and the children/youth, the worker should be at least five years older than the oldest child/youth in the group. A somewhat younger person may be a helper for the adult worker in charge of the group however; the younger person shall not be given sole responsibility for the group. Exceptions may be made to encourage college age and young adult leadership, with attention given to careful training and supervision.

## 5. Six-Month Rule

A volunteer who wants to work with children or youth shall have attended First Mennonite Church for at least six months prior to volunteering. This gives both the volunteer and the church time to learn to know each other.

## 6. Windows in All Classroom and Office Doors

All classrooms, offices, accessible closets, and other areas used by children and youth shall have a door with a window in it or a half-door. If neither is present, the door must be left open during use.

## 7. Open-Door Meetings

Individual meetings with youth are to be scheduled at a time and place when others are nearby. The door shall remain open for the entire session. Doors may be closed if there is a window on the door.

## 8. Advance Notice to Parents

Parents will always be given advance notice and full information regarding the church sponsored event(s) in which their children will be participating. A signed consent form for participation in "off-campus" activities shall be obtained from each parent for each instance for children pre-k through Jr. High age. A signed consent form for participation in "off-campus" activities shall be obtained from parents for Senior High Youth Group at the beginning of the school year. (See example consent form attached.) If a spontaneous "out-of-classroom" event takes place, the leader(s) will notify the hall monitor of the location of the event, and/or notices will be posted on the classroom door with details about the destination and expected time of return.

## 9. Youth Overnight Events/Trips

Sponsors will strive to keep the youth in a safe environment at all times and will monitor situations to preserve the youth's integrity and safety (from within and without the group) and will inform the parents about the itinerary and activities of any overnight event or trip and will secure permission for the youth to participate. Health release forms should be secured for overnight trips and parents will be given contact information. At least two male and two female sponsors will be required for adequate supervision of the youth. Youth shall keep sponsors informed of their whereabouts. An agreement signed by all youth and sponsors is essential for overnight trips.

Additional guidelines for lock-ins: Boys and girls will be separated to sleep; nightclothes shall include a shirt and pants; there will be some light on at all times; and parents will be informed in advance of any movies shown and all planned activities.

10. Transportation. On outings or trips all participants shall wear seat belts. Adults shall avoid transporting a child or youth alone in a vehicle.

#### 11. Parent and Family Education

Educational opportunities shall be provided regularly to learn the facts about abuse and this policy for the prevention of abuse. Events shall be held for the congregation as a whole, for parents and children, youth, and other groups as needed. Copies of this policy shall be made available for any member of the church and be given to new members when they join.

#### 12. Child Registration

A parent/guardian will receive a registration form for each child in child ministries (to include, but not limited to Sunday School, Church Family Nights, Vacation Bible School, Children's Time). This registration form shall include emergency contact information as well as any health/allergy concerns for each child participant. All registration information will remain confidential and only given to those on a need to know basis.

#### 13. Security Procedure/Identification

A parent/guardian bringing a child to the nursery or children's time will register the child on a sign in log. The parent/guardian will need to sign-out the child at pick-up time.

## **Suggested Training**

Basic training for Sunday School teachers, Church family night workers, children's choir directors, Nurture Commission members, Pastors, Church Staff Committee, Youth Sponsors, Jr. High Sponsors, VBS directors and workers, Nursery supervisors and workers, child care supervisors and workers should include these components:

1. Discussion of child sexual abuse including definitions and statistical information.
2. Discussion of why the church is vulnerable to child sexual abuse.
3. Profile of molesters.
4. Action steps to reduce the risk of child sexual abuse. This should include our church policy and guidelines.
5. Learn to analyze the risk factors of isolation, accountability, and power and control, with discussion of how our church guidelines can be used to manage risk.

This training can be accomplished in a number of ways, including:

- A presenter from our church (with guidance and support from GRACE, Western District Conference or other expert related service) will provide the training (tailoring the information to our particular church policy and guidelines).
- A taped version of the training to be shown at church during a scheduled time.

Training should be conducted in person **or by televideo** to allow for clarification, questions/answers as well as reflection.

*\*The following guidelines were developed by the pastors in cooperation with the Nurture Commission. The guidelines are being added to the Safe Sanctuary policy for your information. It's a topic that everyone should be aware of. Please review the guidelines with your children.*

## **Guidelines for electronic communication between adults and children/youth:**

### **\*Virtual Contact**

- Continue to apply the two adult rule.
- Use platforms that allow multiple adults to log in at the same time.
- Meetings must be initiated by a church sponsored virtual account for any remote meetings involving youth/children.
- Keep a log of attendance and all virtual meeting dates. This log needs to be available upon request.
- In the event that you cannot follow the two adult rule, the virtual meeting must be recorded.
- Youth and adults will maintain respectful courtesy during virtual meetings.

### **\*Appropriate content:**

- When you text or message or email children or youth, do not say anything that you would not say to them in person or would be unwilling to say in front of their parents.
- Do not send pictures of yourself.
- Build relationships via face-to-face contacts (according to Safe Sanctuaries policies) rather than relying too much on electronic media.
- Ask yourself, "Is this communication drawing the child/youth into fuller engagement with others in the church, or is it facilitating isolation?"
- Be careful to avoid language or content that builds an inappropriate intimacy.
- Remember that you are not the child/youth's peer: you are an adult. Your communication should reflect that difference.
- Inform parents of any on-going and/or troubling conversations (unless they relate to parental abuse—in that case, see next point).
- Your legal responsibility is to report any evidence of abuse as directed in the Safe Sanctuaries policy.

### **\*Appropriate levels:**

- Be aware of the frequency with which you are communicating electronically. While some back and forth conversations may be important, communicating with multiple messages each day is a red flag.

### **\*Appropriate timing:**

- Avoid texting or messaging at night.
- Avoid texting or messaging during times when a child/youth is in school or in church.

## **Regarding public posting:**

\*When posting, ask yourself whether you are conveying the values and attitudes that you want to nurture in the children/youth you are leading or mentoring.

## **Guidelines Birth to Age 4**

The primary purpose of the nursery, beginners and pre-school rooms is to provide a safe place for small children so that they will be nurtured and accepted as children of God until they are developmentally able to participate in a classroom or in worship with the congregation.

### **Nursery Policies:**

- Please do not enter the nursery unless you are a parent gathering your child.
- Only nursery workers and parents should be in the nursery and handle infants.
- Once a child enters the nursery, they are to stay in the nursery until their parent/guardian comes for them.

### **Nursery Location & Check In**

Nursery care is provided for children from birth until age two during worship services and Sunday School. The nursery is located just behind the sanctuary. Children 2 to 4 years of age have Children's Time and Sunday school in Rooms 223 and 232.

In order to provide the best care for the children of these ages, we need to know information about the child and the whereabouts of parent/guardian in the church building while the child is in the nursery. To facilitate this, the parent/guardian is asked to fill out an Information Card and to write the child's name on the "Sign In" sheet each time the child is brought to the nursery/Children's Time.

### **Sick Children**

Do not bring your child to the nursery/children's church if he or she is ill. To do so would risk exposing other children to communicable diseases. Young children need the comfort of their own parent/guardian when they do not feel well and will probably be much happier and better off with you when they are ill. If your child becomes ill while in our care, we will use the information on the child's card to locate you. We cannot give medicine to children in nursery care and/or during Children's Time.

### **Supplies**

Please bring whatever your child will need while in our care. While we always have a few spare diapers for emergencies, you will want to bring the following items if you feel they will be needed: diapers, change of clothing, bottles, pacifiers, or any other things that your child normally uses. All items should be marked with your child's name.

### **Picking Up Your Child**

Children will be dismissed to their parent/guardian. If for some reason an older sibling or someone else will be picking up your child, please let us know in advance. Please be prompt in picking up your child after the worship service.

### **Diapering/Toileting**

The door to the diapering area will be a divided door. The top half will be left open when diapering babies or helping young children with toileting. In the children's Beginners and Preschool rooms, if a child needs help with toileting the bathroom door will be left partly ajar, or parents will be called to assist with their child.

## SYMPTOMS OF CHILD ABUSE

Church workers and staff should be alert to the physical signs of child abuse, as well as any behavioral signs that a victim may exhibit. While you may or may not see physical signs, we want you to be aware of the physical signs, should you have reason to become aware of them. Some of the signs are summarized as follows:

### Physical Signs

- Lacerations and bruising
- Nightmares
- Irritation, pain or injury to the genital area
- Difficulty with urination
- Discomfort when sitting
- Torn or bloody underclothing
- Venereal disease

### Behavioral Signs

- Anxiety when approaching church or nursery
- Nervous or hostile behavior toward adults
- Sexual self-consciousness
- “acting out” of sexual behavior
- withdrawal from church activities and friends

### Verbal Signs

- (A particular person) does things to me when we are alone
- I don't like to be alone with (a particular person)
- (A particular person) fooled around with me

## REPORTING OBLIGATION AND PROCEDURE

1. All workers are to be familiar with the symptoms of child abuse (see above) and can report directly to the designated reporting agency and may consult with Church Board Chair, a Pastor or member of the Safe Sanctuaries committee to assist.
2. With any suspicion of abuse, the following steps are to be followed:
  - Report the suspected abuse to the Church Board Chair, a Pastor or member of the Safe Sanctuaries committee.
  - If the complaint is lodged against a pastor, the complaint should be reported to the Church Board Chair or a member of the Safe Sanctuaries committee.
  - Do not interview the child regarding the suspected abuse. Trained personnel must handle the interview process.
  - Do not discuss the suspected abuse. It is important that all the information about the suspected child abuse (victim and abuser) be kept confidential by the reporting party.
3. Once a suspected child abuse incident has been reported to the Church Board Chair, a Pastor or member of the Safe Sanctuaries committee, it will be reported to the designated reporting agency.

(Also see Kansas Law Summary on page 14-15 of this document)

## **Action Plan for Handling Complaints**

1. When a suspicion of abuse has been reported in any setting, data concerning the child's name, address and other pertinent information will be obtained through discussions with the initial reporter and other staff. No one from the church shall attempt to interview the victim further. Support and empathy can be offered but trained interviewers must do interviewing.
2. The church's legal counsel shall be advised of the complaint. Local law enforcement and the Department of Children and Families (DCF) will be contacted and the church shall cooperate fully with them.
3. The church shall maintain confidentiality of the investigation as much as possible.
4. The accused individual shall immediately be relieved of all their duties until the investigation has been completed. In instances where child abuse is confirmed, the church will immediately dismiss the individual from their position.
5. In instances where the evidence is inconclusive, the church must take action depending on the strength of the evidence available and after consideration of the victim; and if appropriate, the victim's family.
6. The congregation shall be informed of the investigation with respect to matters that are not confidential, so that the congregation will hear about the investigation from within the church rather than from the news media.
7. The Church Board shall plan a response to the media and speak to the media through one appointed contact person. It is imperative that the church emphasizes its position on child abuse, concern for the victim, and the steps the church is taking to address the present occurrence, and to reduce the risk and continue to provide a safe environment for other children.
8. For further guidelines, please see the "Policy for the Care of Survivors of Sexual Abuse" and "Policy for the Care and Accountability of Sexual Abusers." These policies can be found in the church office.

## Safe Sanctuaries Committee

A committee of four persons, named Safe Sanctuaries Committee, will report to the Nurture Commission. Those four members will be as follows:

One member from Nurture Commission to serve at least two years

One member from Church and Staff Relations committee to serve at least two years

Two members appointed by the church board from the congregation at large

The members appointed from the congregation will serve three year terms that are renewable once. One of these two will be elected as chair of the committee.

The Safe Sanctuary Committee will make every effort to include at least one survivor, primary or secondary, of sexual abuse at all times.

Confidentiality is extremely important to this committee and assignments must be made with that in mind.

Responsibilities of the Safe Sanctuaries Committee:

1. Provide training as needed to include (but not limited to) all Sunday School teachers, Church family night workers, children's choir directors, Nurture Commission members, Pastors, Church and Staff Relations Committee, Safe Sanctuaries Committee members, Youth Sponsors, Jr. High Sponsors, VBS directors and workers, Nursery supervisors and workers, Children's Feature, Child care supervisors and workers.
2. Complete background checks on all of the above mentioned workers, plus check publicly available sources (i.e. social media), and the sexual predator list for those who work with individuals 17 years of age or younger.
3. Maintain confidential files in a secure location, including Volunteer Participation Agreements for all workers, background check results for all workers, parental consent forms for children and youth, medical release forms for children and youth, overnight youth activity consent forms, and summer trip consent forms.
4. Maintain a list of approved workers with children and youth (workers who have been trained, have agreed to follow church policy and guidelines, and who have completed a clear background check.). This list will be published in the church directory.
5. Check first aid kits in kitchen and church office two times a year and replace any outdated or unsterile supplies.

# *First Mennonite Church*

## *Child Registration*

(Includes child ministries such as Sunday School, Church Family Night, Children's Time and Vacation Bible School)

### Personal Contact Details

Parent/Guardian Name/s: \_\_\_\_\_

Name of Child: \_\_\_\_\_

Child's date of birth:     /     /                      Preferred Name: \_\_\_\_\_

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

Parent Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Alternate emergency contacts:

1. Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ Phone: \_\_\_\_\_

2. Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ Phone: \_\_\_\_\_

### Food Allergies/Health Concerns:

\_\_\_\_\_  
\_\_\_\_\_

### Other Important Information:

\_\_\_\_\_

### **We always need volunteers! Would you be willing to help? We will contact you!**

Sunday School Teacher     Sunday School Assistant     Church Family Nights

Vacation Bible School     Other \_\_\_\_\_ (please specify)

### **Permission to View Video Tapes and DVDs**

I consent to my child viewing VHS tapes or DVDs rated (G) General. I understand that all material will be previewed by a leader to check suitability.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Permission to be Photographed or Filmed** I give my permission for my child to be photographed or videotaped. I understand that the image may be displayed in the church publications, church buildings or website. Names will not be displayed.

Signed \_\_\_\_\_ Date \_\_\_\_\_

# FMC Off-Campus Activity Request

Activity: \_\_\_\_\_

On \_\_\_\_\_(date) we will be taking a

trip to \_\_\_\_\_(location). Children will be

gone from the church from \_\_\_\_\_ (beginning time)

and return by \_\_\_\_\_(ending time).

To attend this event please fill in the form below and hand it to your leader at the beginning of the event.  
Without a permission slip you cannot attend.

*(any further details here)*

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## **Permission Slip**

Name of Child: \_\_\_\_\_

Emergency Contact name: \_\_\_\_\_

Contact phone #: \_\_\_\_\_

Alternate Emergency contact name: \_\_\_\_\_

Contact phone #: \_\_\_\_\_

Allergies/Disabilities? \_\_\_\_\_

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***I give permission for my son/daughter to attend***

Parent Signature: \_\_\_\_\_

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

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

**First Mennonite Church  
Newton, Kansas  
Participation Agreement for Volunteer Workers  
With Children and Youth**

First Mennonite Church is committed to providing a safe, secure and healthy environment for all children, youth and adults who participate in its ministries and activities.

The Safe Sanctuary Policy reflects our congregation’s commitment to preserving this church as a holy place of safety and protection for all who would enter and as a place in which all people can experience God’s love, healing and hope through relationships with others.

As a volunteer in this congregation I agree to the following:

1. I will promptly report any abusive or other behavior in violation of the Safe Sanctuary Policy to the Church Board Chair or the Pastor.
2. I will complete an educational orientation or other training event provided by the church.
3. If under the age of 18, I will work under adult supervision at all times.
4. I will observe and abide by the Safe Sanctuary Policy and guidelines regarding working with children and youth.

I have read the Safe Sanctuary Policy of First Mennonite Church and this Participation Agreement, and I agree to observe and abide by the policies set forth therein. I also understand that by signing this agreement I have agreed to participate in a background check conducted by a member of the Safe Sanctuaries Committee and I agree to complete all said paperwork necessary for this action.

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

\_\_\_\_\_  
*Print Full Name*

\_\_\_\_\_  
*Volunteer Position*

# First Mennonite Church Newton, Kansas Parental Medical Consent Form

Child's name:

Parent's Name(s):

Address:

Home Phone Number:

Father's Work Number:

Mother's Work Number:

If my/our child \_\_\_\_\_ requires treatment by a physician or hospital, while attending \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_, please make every effort to contact me/us at the above phone numbers. If I/we cannot be reached to authorize treatment, I hereby authorize youth sponsors \_\_\_\_\_ or \_\_\_\_\_, to consent for treatment of my/our child.

Insurance Company:

Contract/Group No.

Person's name insurance is in:

Health information: Please list any allergies, medications and any special instructions that sponsors should be aware of:

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\_\_\_\_\_  
*Signature of Parent or Guardian*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Parent or Guardian*

\_\_\_\_\_  
*Date*

## KANSAS LAW SUMMARY

(Revised May 25, 2016)

The following is a summary of Kansas law about reporting and other requirements relating to child abuse. This is not a quotation of noted statutes and is only a summary.

1. Who Must Report? According to Kansas State Law (K.S.A. 38-1522) when there is reason to suspect a child has been injured as the result of physical, mental or emotional abuse or neglect or sexual abuse, a report must be made by the following persons: "Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; registered marriage and family therapists; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; fire fighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake assessment workers; and law enforcement officers."
  
2. Staff Pastors must report when they are responsible for the care or supervision of children. Kansas law does not say clergy must report simply because they are clergy.
  
3. What Requires A Report? A report must be made when a person has reason to suspect that a child has been injured through physical, mental or emotional abuse, or neglect or sexual abuse.
  
4. Summary of Legal Definitions:

"Child" refers generally to any person under 18 years of age.

"Abuse" minimally includes any or all of the following:

  - a. physical, mental or emotional injury inflicted on a child;
  - b. sexual contact or intercourse;
  - c. sexual exploitation of a child.
  
5. To Whom Must the Report Be Made: Reports - oral or written - are made to the Department of Children and Families (DCF). When this department is not open for business, the report is made to the appropriate law enforcement agency. (K.S.A. 38-1522 (c)). The person reporting may speak with the church attorney beforehand.
  
6. Willful and knowing failure to report by mandatory reporters is a Class B Misdemeanor. (K.S.A. 38-1522 (f)) Preventing or interfering with the making of a report required by the law is also a Class B Misdemeanor. (K.S.A. 38-1522 (g)).

7. Under Kansas law (K.S.A. 38-1526), anyone participating without malice in the making of an oral or written report on the abuse of a child, or in any follow-up investigation of the report shall have immunity from any civil liability that might otherwise be incurred or imposed. Such a participant has the same immunity with respect to participating in a judicial proceeding resulting from the report.
8. Kansas law (K.S.A. 60-429) recognizes as privileged what the statute defines as a "penitential communication."

"A person, whether or not a party, has a privilege to refuse to disclose, and to prevent a witness from disclosing a communication if he or she claims the privilege and the judge finds that (1) the communication was a penitential communication, (2) the witness is the penitent or the minister, and (3) the claimant is the penitent, or the minister making the claim on behalf of an absent penitent." (K.S.A. 60-429 (b))

9. Clergy should keep in mind that Kansas law does not REQUIRE them to report, unless they are functioning in one of the positions listed in K.S.A. 38-1522. See paragraph 1 above. The law clearly protects the clergy/penitent and confessional secrecy.

The statutory definition of penitential communication appears broader in scope, moreover, than a strictly sacramental and confessional communication: it protects a broader class of communications from disclosure. Nevertheless, a minister may well be subpoenaed to testify about cases of child abuse. He can legitimately be asked for all information obtained outside the embrace of a "penitential communication" as defined by the statute. For questions regarding whether a particular communication is privileged, pastors should consult legal counsel.

approved by FMC Church Board, December 14, 2017

reviewed and updated by Nurture Commission on November 7, 2019

reviewed and updated by Nurture Commission and Safe Sanctuaries Committee on November 5, 2020

Approved by Church Board on November 12, 2020

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