**Protection of Minors Policy (Rev. 11/22/21)**

**Instructions**

The following sample is provided to assist you with the preparation and implementation of a truly effective Protection of Minors Policy. You will need to modify and customize several areas within the policy. The information needed will be indicated by BLUE TEXT. Other areas may also need to be modified to fit your organization.

**Name of Agency**

**Protection of Minors Policy**

**Insert Date**

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Attachments:

1. Request for Live Scan Service
2. Emergency Contact Form for Minors and Volunteers
3. Suspected Child Abuse Report Form (SS8572)
4. Acknowledgement Form

# Purpose, Intent, and Scope

The NAME OF AGENCY*’s* Protection of Minors Policy establishes mandated reporting protocols and procedures and direction to staff and volunteers when working with youth. The purpose of these protocols is to provide a safe environment for minors (persons under the age of 18) when they are participating in any agency-sponsored program. This policy applies to all employees and volunteers of NAME OF AGENCY who work directly or indirectly with youth, including but not limited to those who work in recreation programs, library programs, and any other agency-sponsored program where minors are participating in activities or other programs. Managers and supervisors who supervise employees and volunteers are also covered under this policy. All agency staff, volunteers, and third-party contractors who work with minors are responsible for their protection in compliance with the NAME OF AGENCY*’s* Protection of Minors Policy and all relevant laws, including [California Penal Code Section 11165.7](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11165.7) governing child abuse and neglect. Failure to comply with this policy may lead to disciplinary action.

# Background Checks

NAME OF AGENCY requires all staff working with minors, including third-party contractors, complete a background check and clearance prior to working with minors. All staff working with minors whose service with the agency is interrupted for more than 12 months must undergo a new background check before working with minors. Staff with continuing service with the agency must undergo a background check every three years.

* All potential staff who will be working with minors are required to complete a background check. Additional screening methods may be required and will be administered in accordance with NAME OF AGENCY existing practices and laws.
* If fingerprinting is required, a Request for Live Scan Service (Attachment A) will be provided by PERSON/TITLE/DEPARTMENT THAT WILL PROVIDE APPLICATIONS to all staff and potential volunteers and have them schedule their appointment with NAME OF AGENCY THAT WILL DO THE FINGERPRINTING.
* The NAME OF AGENCYwill cover the cost of screening*.*
* After they are hired and prior to working with children, all staff who work with children will receive training regarding requirements for mandatory reporting of suspected child abuse or neglect.
* All staff members who will be working with minors may not begin their position until all screening results have been received and cleared by the Human Resources Department.

Based on the information obtained through the criminal background checks, the Human Resources Department will advise departments as to whether individuals are eligible to participate in agency-sponsored program activities for minors.

The following staff are not required to complete the background check requirement unless the staff is staying overnight:

* Staff who engage with minors on or off agency property in settings where minors are under the supervision, care, and control of teachers, parents, or other adult chaperones from the minor’s school or organization
* Volunteers who will not have unsupervised contact with minors and 1) are under the direct supervision of a program staff member who has successfully completed a background check and 2) represent in writing that they are not on the sex offender registry
* Guest presenters if program staff members remain in the room.

# Mandated Reporter Training

NAME OF AGENCY requires staff or volunteers to complete mandated reporter training prior to participating in a program or activity involving minors. NAME OF AGENCY will conform with the Mandated Reporter Regulation ([California Penal Code Section 11165.7](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11165.7)). Mandated reporter training must include abuse awareness, safeguards for minors, and mandatory reporting requirements. Completion of this initial training is required prior to working with minors. Initial and annual refresher training should include signs and symptoms of child abuse, legal duty to report as a mandated reporter, and a review of NAME OF AGENCY Protection of Minors Policy and child abuse prevention procedures.

# Mandated Reporters

NAME OF AGENCY has designated certain positions as “mandated reporters” (Refer to [California Penal Code Section 11165.7](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11165.7)). Below is a list of the positions that have been designated as mandated reporters:

|  |  |
| --- | --- |
| **Job Title** | **Department** |
| Ex. Recreation Leader | Community Services  |
|  |  |
|  |  |
|  |  |
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Mandated reporters have an individual duty to report known or suspected abuse or neglect relating to children, elders, or dependent adults. These reports may be made to any police department or sheriff’s department (not including a school district police or security department), county probation department, if designated by the county to receive mandated reports, or the county welfare department (Refer to [California Penal Code Section 11165.9](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11165.9.&lawCode=PEN)). Any employee whose positions are designated by the state as mandated reporters must understand what they are required to report, when it must be reported, and to whom.

# What must be Reported

NAME OF AGENCY requires all mandated reporters to report the following types of abuse or neglect when they know or reasonably suspect such abuse or neglect has occurred:

* Physical Abuse ([P.C. 11165.6](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11165.6.))
* Child Sexual Abuse ([P.C. 11165.1](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11165.1.&lawCode=PEN))
* Willful Cruelty or Unjustified Punishment ([P.C. 11165.3](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11165.3.))
* Unlawful Corporal Punishment or Injury ([P.C. 11165.4](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11165.4.))
* Neglect, including General and Severe Neglect ([P.C. 11165.2](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11165.2.&lawCode=PEN))

# Reporting Process

A mandated reporter who knows of or reasonably suspects abuse or neglect must make an initial report immediately or as soon as is practically possible by phone, and the mandated reporter shall prepare and send, fax, or electronically submit a written follow up report within 36 hours. To comply with this reporting process and NAME OF AGENCY requirements, follow the requirements below:

* External Report - The external report must immediately be placed with the Department of Children and Family Services Child Protection Hotline at LIST COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES PROTECTION HOTLINE NUMBER or the LIST NAME OF LOCAL LAW ENFORCEMENT AGENCY.
* Internal Report - Immediately notify NAME OF HUMAN RESOURCES DIRECTOR OR DESIGNATED REPRESENTITIVE or the immediate supervisor.
* Within 36 hours - File a written report on [Form SS8572](file:///C%3A%5CUsers%5Cjane.hayes%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CV5FQMM86%5C%E2%80%A2%09https%3A%5Coag.ca.gov%5Csites%5Call%5Cfiles%5Cagweb%5Cpdfs%5Cchildabuse%5Css_8572.pdf) (Suspected Child Abuse Report-See Attachment C) with the LIST COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES PROTECTION.

By law, a mandated reporter must complete the external report and cannot hand off the responsibility to report to another by only completing the internal report. This includes making an external report if another staff member or volunteer within the agency is reasonably suspected of child abuse.

# Child Abuse Prevention Procedures

NAME OF AGENCY requires that all staff working with minors operate their programs with the safety of minors foremost in mind. Staff members, volunteers, and participants are prohibited from engaging in any form of abuse, including;

* Physical abuse: striking, spanking, shaking, slapping, etc.
* Verbal abuse: humiliating, degrading, threatening, etc.
* Sexual abuse: inappropriate touching or verbal exchanges, etc.
* Emotional abuse: shaming, cruelty, withholding kindness, etc.
* Neglect: withholding food, water, basic care, etc.

Any type of abuse will not be tolerated and may be the cause for immediate dismissal.

The following Code of Conduct must be followed at all times:

* Staff members and volunteers must never leave any vulnerable (e.g., disabled) teen or adult unsupervised.
* Age and developmentally appropriate activities and groupings will be implemented.
* Organized drop-off, pickup, and release systems (e.g., requiring identification, sign-outs, etc.) must be implemented.
* Regular and frequent unannounced visits from administrators and supervisors to worksites where minors are present. The visits focus on recognizing and rewarding safe measures being taken as well as addressing those safety measures that need improvement.
* All staff members and volunteers who interact with minors and vulnerable adults must place themselves where other staff members and volunteers can see them.
* At no time is a staff member, volunteer, or a participant permitted to ever be alone with a minor or vulnerable adult where he or she cannot be observed by others.
* Mentoring programs must be conducted in pairs or groups. Never is a minor permitted to be left alone with a mentor.
* Two deep leadership is required for all trips and outings; two adults must supervise all minors in pairs.
* Whenever possible, staff members and volunteers conduct or supervise private activities in pairs, for example, diapering or helping young children change into swimsuits. When this is not feasible, staff members and volunteers are positioned so they are visible to others.
* Restroom supervision is based on risk involved, e.g., the age of the children and the location of the restroom. (For example, if it is at an agency facility where staff members can monitor who enters it or off site where strangers are likely to be present)
* Regardless of the location, children are never allowed to enter a restroom alone. The “rule of three” is always followed (e.g., two children and an adult, or three children go to the restroom together).
* When supervising restroom usage, adult staff members and volunteers stand in the doorway of the room, holding the door at least partially open. If assisting young children in toilet stalls, the adult keeps the door to the stall open.
* Staff members are not allowed to transport minors or vulnerable adults in their own vehicles.
* Staff members and volunteers are prohibited from fraternizing with minors outside agency-sponsored or agency-supported activities or programs or after normal agency hours. This includes but is not limited to babysitting and dating. Any exceptions require a written explanation and approval from the staff member’s supervisor or the Human Resources Department.
* All interactions between an adult and a minor are to be observable and interruptible. In other words, contact must be able to be seen by another individual (observable), and someone must be able to stop the interaction easily (interruptible).
* Avoid engaging in private electronic communications with a minor. If it is necessary, ensure all electronic communication with minors is open and transparent, meaning at least three individuals (e.g., a co-worker, the minor’s parent/guardian, multiple participants) are included on all communications. This is referred to as the “rule of three.”
* Do not communicate with minors using personal accounts, including personal email, phone, or social media accounts.
* Do not shower, bathe, or undress in the presence of a minor. Plan ahead to ensure there are separate accommodations available for adults and minors, and make alternative arrangements, if necessary.
* Do not engage in any sexual activity, engage in sexually explicit conversations, or share sexually explicit material (or assist in any way to provide access to such material) with minors.
* Do not touch minors in a manner that a reasonable person could interpret as inappropriate. Limit physical contact unless there is a clear, appropriate purpose (e.g., treatment of an injury), it is done in the presence of others, and the consent of the minor and/or the parent/guardian is received first. (Inappropriate physical interactions include hugging with full body contact; kisses; sitting in someone’s lap; wrestling; carrying a minor/piggyback rides; tickling; massages; touching the bottom, waist, chest, or genital areas; any physical expression of affection; sexual contact of any kind; or staring at a minor’s body.)
* Do not comment on the physique or body development of a minor, make sexual comments or jokes in their presence, or talk about sexual matters with a minor.

# Facility Access

The following standards are followed at facilities where minors are participating in agency-sponsored activities or programs:

* Persons entering and exiting the facility are monitored, and windows and entrances are secured against trespassers.
* The facility and outdoor areas (e.g., parking lots, parks, etc.) are well lit.
* There are no accessible and unmonitored or hard-to-see areas, (e.g., unlocked closets, empty rooms, etc.)
* Each program shall have a system for monitoring and supervising children, teens, and dependent adults. Supervisors shall walk through each program area when program activities are occurring in order to monitor participant and volunteer behavior and activity.

# Sign In/Out Procedures

NAME OF AGENCY requires that a parent or legal guardian sign a child in and out of the program each day. Only those listed on the child’s enrollment form or the emergency contact form will be allowed to pick up the child. The parent or guardian may list as many people as they like but must include at least two names. Failure to comply with the sign in/out procedures can result in the dismissal of the child from the program.

Arrangements for alternates to pick up a child must be requested in writing by the parent or legal guardian. Alternates will be required to show picture identification at the time of pick up. Children or minors may sign themselves in and/or out only when authorized in advance in writing by a parent or legal guardian. Children will not be released to unauthorized individuals.

NAME OF AGENCY will ensure all children/minors have been picked up by an authorized person prior to leaving for the day by reviewing the sign in and out sheet.

NAME OF AGENCY will maintain an emergency contact form for all minors participating in agency-sponsored programs and activities. Minors will only be released to those persons listed on the emergency contact form (See Attachment B) or the enrollment form for the program.

# Minimum Staffing Ratios

NAME OF AGENCY requires every program meet the minimum appropriate staffing ratio of adults to minors as described below:

* For participants age 2-6 years, 1 staff for every 8 day participants;
* For participants age 6-8 years, 1 staff for every 8 day participants;
* For participants age 9-13 years, 1 staff for every 10 day participants;
* For participants age 14-17, 1 staff for every 12 day participants and every 10 overnight participants.

Staffing ratios may vary depending on the age of the children and type of program or activity. Parents must be allowed to visit the program in which their child is enrolled at any time during business hours.

There must be at least one staff member over the age of 21 assigned to supervise minors enrolled in any program. Any staff member under the age of 21 is only permitted to supervise participants who are minors when there is a least a five-year age difference between them and the minors.

# Compliance with Policy and Protection from Retaliation

NAME OF AGENCY requires every staff member or volunteer who will be working with minors comply with the NAME OF AGENCY Protection of Minors Policy and any applicable federal, state, or local laws. Non-compliance may result in disciplinary action up to and including termination of employment.

Program may be suspended during an investigation or discontinued if serious violations of this policy have occurred. Local law enforcement will handle all suspected or known violations of the law.

No staff member of the NAME OF AGENCY may retaliate against an individual because of the individual’s good faith participation in:

* reporting or otherwise expressing opposition to suspected or alleged misconduct;
* participating in any process designed to review or investigate suspected or alleged misconduct or non-compliance with applicable policies, rules, and laws; or
* accessing the Human Resources Department.

Reports of retaliation will be reviewed and investigated in the same manner in which other concerns of misconduct are handled. Any NAME OF AGENCY staff member who engages in retaliation may be subject to disciplinary action up to and including termination of employment.

# Exclusions

This policy does not apply to a parent, guardian, or other adult who is accompanying a minor while participating in a program and who is not a volunteer or staff for that program.

# Record Keeping

All records relating to staff assigned to work with minors shall be maintained in accordance with the NAME OF AGENCY record retention policy.

**Attachment A**

Request for Live Scan Service

A copy of this form can be found here: <https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/BCIA_8016.pdf>



**Attachment B**

Emergency Contact Form

For Minors or Volunteers

List two people to notify in the case of an emergency. For volunteers under the age of 18 years, list at least one parent/guardian as one of the two emergency contact people.

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| --- |
| **Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Relationship:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **City:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **State:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Zip Code:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Phone:** (H): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (W) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  (M) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

|  |
| --- |
| **Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Relationship:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **City:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **State:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Zip Code:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Phone:** (H): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (W) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  (M) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Appendix C**

Suspected Child Abuse Report

A copy of this form can be found here:

[BCIA 8572, Suspected Child Abuse Report (ca.gov)](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf)****

**Attachment D**

**Agreement to Abide by Name of Agency’s**

**Protection of Minors Policy and Code of Conduct**

I acknowledge that I have received the Protection of Minors Policy, which includes mandated reporter responsibilities and the Child Abuse Prevention Procedures and Code of Conduct as outlined in this policy. I understand it is my responsibility to read the contents in its entirety and report known or suspected abuse or neglect relating to children, elders, or dependent adults to the appropriate agency. In addition, I agree to follow the Child Abuse Prevention Procedures and Code of Conduct. I further understand that failure to abide by the Protection of Minors Policy and Code of Conduct may result in disciplinary action up to and including termination.

|  |  |  |  |
| --- | --- | --- | --- |
| Print Name: |  | Date: |  |
| Employee’s Signature: |  |
| Department/Location |  |
| Supervisor Name: |  |

***This form is to be kept in the employee’s personnel file.***