

APPENDIX ___: Policy on Parish Guidelines for Dealing with Registered Sex Offenders
Adopted by Council of Trustees, 04/19/2023

PURPOSE

These guidelines are intended to reasonably promote the safety of all persons in the parish while maintaining a welcoming place for registered sex offenders. It is applicable to all **Congregation Parishes** and Ministries in the Episcopal Diocese of Kansas.

POLICY

As the number of registered sex offenders living in the community increases, it is foreseeable that one or more such persons will seek to attend services at a parish and may seek to be involved in other activities of the parish. These guidelines are intended to reasonably promote the safety of all persons in the parish while maintaining a welcoming place for registered sex offenders. It is acknowledged that some registered sex offenders may attend our churches without our knowledge of their status. Should any of those persons seek to participate in volunteer activities or certain leadership capacities covered by our Safe Church Policy requirements for background checks, their registry status will usually be determined. It is hoped that all such registered offenders will self-disclose their status to the clergy or lay leadership.

DEFINITION

Registered Sex Offender: Person convicted of a sexual offense such as rape (sexual assault), sexual contact, or lewdness.

PROCEDURES

The following procedures apply in each case when the parish clergy, staff or lay leadership learns of a registered offender seeking to worship in the parish or otherwise participate in the life of the parish.

1. **Interview the offender.** Obtain residence address and telephone contact information. Ask about the offender's desires regarding contact with the church. Review these guidelines with the person and seek their cooperation as a means of making church services available to them while keeping the people of the church and our guests safe. Talk about how information concerning their status will be shared with people needing to know and do not promise confidentiality. Obtain information described in these guidelines from the offender and permission to talk to their parole or probation officer to verify terms and conditions of parole/probation and the offender's criminal record.
2. **Call the parole/probation officer to verify the terms of parole/probation and criminal history.** Talk about whether attending church or participating in any church activities, with or without a monitor, would violate the terms of parole/probation.
3. **Inform appropriate parties.** In the parish: Clergy, staff, wardens, vestry, ministry leaders (ECW, etc). At the Diocese: the Bishop, the Chancellor, and the Canon to the Ordinary.
4. **Consider talking to the offender's therapist, with express written consent, depending on other circumstances.** This would be helpful if there are certain behavioral tools the therapist might want the monitors or others to know about that would protect the offender from becoming vulnerable.
5. **Identify appropriate monitors and provide them with explicit training and**

instructions. This includes having the offender in line of sight at all times, deflecting contact with children and watching for any social invitations by unsuspecting parishioners.

6. **Develop an agreement or covenant with the offender, affirming the mutual desire to make it possible for the offender to attend services within these guidelines and other reasonable efforts to make the church a safe place.** The covenant should include a description of how the information will be handled by the parish, but not promise confidentiality beyond the sacrament of confession. It should state that any violations of the covenant will be grounds to deny the offender further access to the church or its activities. The offender should agree to notify the church office if they decide to attend a different church. It should also be reviewed periodically (every six months).

The parish needs to identify a means by which this information will be preserved and shared with all new clergy, staff, and lay leaders as changes in personnel occur.

SAMPLE PARISH POLICY

PURPOSE

To add to our Safe Church Policy specific safeguards for members and children in the event our congregation includes registered sex offenders or those currently facing allegations of criminal sexual offenses.

POLICY

These safeguards apply at St. _____, on St. _____ property, and at any event sponsored by, but away from, St. _____.

1. The following safeguards apply to alleged sex offenders:
 - a. They cannot have unsupervised contact with vulnerable adults or anyone under 18, other than their own family members.
 - b. They will be accompanied outside of services by a sponsor (a willing member who has been so named by the Rector).
 - c. They cannot have a St. _____ key or fob.
 - d. They alone cannot reserve St. _____ facilities for any purpose.
 - e. Their status will be disclosed by clergy to St. _____ staff, and to workers in the nursery, Godly Play, and Youth and Family programs as appropriate.
 - f. Any additional bail conditions must also be followed at St. _____.
 - g. They must provide clergy with access to their pretrial release officers, so that clergy can discuss with them what church activities, if any, can be accessed.
 - h. Once allegations are dismissed, these safeguards no longer apply.

2. The following safeguards apply to registered sex offenders:
 - a. They cannot have unsupervised contact with vulnerable adults or anyone under 18, other than their own family members.
 - b. They will be accompanied outside of services by a sponsor (a willing member who has been so named by the Rector).
 - c. They cannot have a St. _____ key or fob.
 - d. They cannot reserve St. _____ facilities for any purpose.
 - e. St. _____ staff, and volunteers and workers in the nursery, Godly Play, and Youth and Family programs will be notified of any and all alleged sex offenders known to St. _____ clergy. Their status will be disclosed by clergy to other

- members if appropriate.
- f. They must provide clergy with access to their probation officers, so that clergy can discuss with them what church activities, if any, can be accessed.
- g. Any additional parole conditions must also be followed at St. _____.
- 3. Any violation will result in banning the alleged or registered sex offender from St. _____.
- 4. Newcomers and members will be informed of this policy and requested to inform clergy of pending allegations and convictions of sex offenses.

Notes for further consideration/discussion before adopting a policy:

Mike Morrow provides the following perspective for the Council as it considers a policy update. This is an article from AG Financial, a Springfield, MO based financial services group, “helping people connect their faith and finances” rooted in the Assemblies of God tradition.

<https://www.agfinancial.org/resources/article/church-liability-and-registered-sex-offenders>

Church Liability and Registered Sex Offenders

One of the top questions asked about church liability has to do with dealing with known registered sex offenders who attend church. What steps should a church take to protect its members from potential harm and itself from a potential lawsuit?

First, let it be understood that a church has not been held liable for unknowingly allowing a registered sex offender to attend services. This information relates to known registered sex offenders only. Furthermore, there is no need to perform background checks on everyone in the church. The church’s legal duty to proactively check backgrounds arises when someone is set apart in an official capacity as with employee’s or board members, or those who work with minors in some way, as a volunteer, teacher, transportation provider, etc., or those who have keys to the church.

When it becomes known to the pastoral staff that a registered sex offender is attending, the church can choose one of the following three responses:

1. Do nothing. Unfortunately, this is often the approach taken by many churches. This response is not recommended due to its associated legal risks, which include the following: risk that the offender may molest a minor, liability to the church if the person will be working with minors, punitive damages for reckless or gross negligence, liability for board members who failed to implement appropriate safeguards, negative media publicity, and the risk of a potentially uninsured claim (intentional or criminal misconduct is not an insurable risk). Bottom line: in choosing to do nothing, you carry a high risk of harm to minors and of being sued for negligence.
2. Total exclusion of all registered sex offenders from the church. Although it may appear harsh and unforgiving, this is a valid option that depends on the severity of the person’s crimes. There are different segregations of the crimes for which a person can be placed on a state's sexual offender registry:
 - Tier 1. These are the least severe sex crimes. The person is on the registry for 15 years.
 - Tier 2. These are more severe sex-related crimes and the person is on the registry for 25 years.
 - Tier 3. These are the most heinous sex crimes and the person remains on the registry for life.

If you have someone who’s a Tier 3 offender, the best response is to exclude them from

attending. Even if the crime(s) occurred decades ago, consider the age of the victim(s); if the incident(s) involved pre-pubescent or early-pubescent children, it should not matter how long ago it occurred, since such a person may be a pedophile (someone with a sexual preference for prepubescent or early pubescent minors). According to an FBI profile, pedophiles are incurable, promiscuous, predatory, and have a high recidivism rate. From a liability standpoint, the risk to minors and to your church in allowing a pedophile to attend may be too high. In addition, exclusion may be the proper response in cases where the victim(s) of the sex offender's crimes attend the same church.

3. Conditional attendance, according to a signed legal agreement. This means that the person is allowed to attend provided he or she complies with the conditions of the agreement. This is sometimes viewed as a more merciful response. Worded properly, this can put the church in a position to be viewed as having acted reasonably under the circumstances, which means that it may not be considered negligent. However, a couple things must be kept in mind if this course is chosen. First, this document must be drafted by an attorney and comply with any requirements under state law. Second, careful thought must be given as to the conditions stated in the policy. The following conditions often are inserted in such documents:

- The offender may not work with minors in any official capacity.
- The offender may not transport minors.
- The offender may not attend children's or teens' functions at church.
- A chaperone must be designated to observe the person at all times while on church premises, never letting the person out of sight. Restrooms, in particular, pose a risk. Many documented cases of child molestation have taken place in a restroom. Always have the chaperone follow the offender into the restroom. In general, the spouse of a sex offender would not be a good choice for a chaperone. Ushers or board members are good candidates. In the case of a minor who has sexually molested another minor, the parents or legal guardians could act as chaperones. In their absence, another designated chaperone may be appointed.

It is also recommended that churches adopt a Zero Tolerance Policy for violation of a conditional attendance agreement. Even a single violation should result in the individual no longer being permitted to attend. In addition, it is best to contact your insurance agent or company to review the agreement after it is drafted and reviewed by an attorney. This is for your own protection as many applications for insurance ask if any member, employee, or volunteer (past or present) associated with your organization has been accused or convicted of sexual misconduct. The last thing a church wants is to have coverage denied in the event of a material misrepresentation.

One more step should be taken before adopting an attendance agreement. Check with the individual's probation officer if they have one. Many registered sex offenders have been released from incarceration as a result of a probation or parole agreement. Some probationary agreements prohibit offenders from attending church, and if this is the case, it is essential for church leaders to know it.

When faced with the need to deal with a registered sex offender in your church, the point of these recommendations is not to eliminate risk but to reduce it to a manageable level to meet the standard of reasonable care. Ask yourself, how would a jury view your church's actions? In setting up a policy, you are attempting to act reasonably and with due care for everyone involved, especially the precious children in your ministry.