

Covenant of Accountability and Support: Annotated Resources

Rev. James S. Evinger 02/27/16

“...be wise as serpents and innocent as doves.”

Jesus to the disciples. Matthew 10:16

Note the sequence of the images in the analogy.

Preface

A person who is a convicted sex offender and seeks to be part of the church community, whether as a congregant or member, shall have conditions placed upon his or her participation through a written covenant signed by the person and church leadership. (This covenant applies equally to one who is a congregant or member and has been arrested or charged legally with a sexual offense.) *A covenant holds accountable the person who has offended and also holds the church leadership accountable.* To the fullest extent possible, it is imperative that the session be open with the congregation about this covenant. Secrecy is a form of control that excludes others, keeps people ignorant, and denies them the ability to make informed decisions.

The annotations which follow are descriptive only. Inclusion does not equal endorsement. Neither is this a comprehensive listing.

“Community engagement is key to any successful movement. Elected officials; public health experts; and leaders from schools, religious groups, youth serving organizations, and law enforcement must partner with parents and local citizens to become the first line of defense against child sexual abuse.”

Jetta Bernier, Massachusetts Citizens for Children.

Quoted in: Lyles, Annie, Cohen, Larry, & Brown, Margot. (2009, May).

Transforming Communities to Prevent Child Sexual Abuse and Exploitation: A Primary Prevention Approach. Oakland, CA: Prevention Institute, p. 12.

Accessed 02/26/16:

<http://www.atsa.com/pdfs/Policy/PreventionInstituteTransformingCommunities.pdf>

1. Circumstances involving adults who have offended or are alleged to have offended.

Adams, Carol J. (1993/1994). When the abuser is among us: One church's response to a perpetrator.

Presents choices facing leaders of a church, and offers rationale for recommended positions. Accessed 02/26/16:
<http://www.faitrustinstitute.org/resources/articles/When-the-Abuser-Is-Among-Us.pdf>

AG Financial Solutions. (2013, July 26). Church liability and registered sex offenders. [Blog section of the AG Financial Solutions World Wide Web site.

The company is affiliated with the Assemblies of God denomination. Very brief overview of 3 options. Includes a link to a 34-minute YouTube video, "How to Deal with Registered Sex Offenders in Your Church," which includes attorney and church risk management expert, Richard Hammar. Accessed 02/26/16: <http://blog.agfinancial.org/bid/100370/Church-Liability-and-Registered-Sex-Offenders>

Anonymous. (2010). [Recent Developments] Sexual misconduct by clergy, lay employees, and volunteers. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(2, March/April):24-25.

Briefly reports the decision by state of Washington Supreme Court that "affirmed the revocation of a child molester's probation as a result of his repeated violations of the terms of the probation which, among other things, barred him from attending church or other places frequented by minors." In the Application section of the article, states: "This case demonstrates that child molesters who are not currently in prison may be subject to a supervised probation arrangement that restricts their church attendance... A church's exposure to liability is increased if it allows a known sex offender to attend services or other church activities without ascertaining the existence and conditions of a probation arrangement."

Association for the Treatment of Sexual Abusers, Executive Board of Directors. (2014, June 23). Eight things everyone should know about sexual abuse & sexual offending.

The organization promotes empirically based assessment, practice, management, and policy strategies to enhance community safety, reduce sexual recidivism, and protect victims and vulnerable populations, among other goals. Accessed 02/26/16:
<http://www.atsa.com/pdfs/Policy/8ThingsEveryoneShouldKnow.pdf>

Bass, Simon. (2015, July 25). A careful grace: Accountability for sex offenders in the church. [A guest blog posted on the World Wide Web site of Religious News Service.]

Bass is chief officer, Churches' Child Protection Advisory Service, which is the United Kingdom. Discusses topics and issues related to a contract between a church and a sex offender, "the principle aim of [which] is the

protection of children who are a precious part of the church family.”
Accessed 02/26/16: <http://boz.religionnews.com/2015/07/25/a-careful-grace-accountability-for-sex-offenders-in-the-church/>

Board for Social Responsibility, The Church of England. (1999, August). Meeting the Challenge: How Churches Should Respond to Sex Offenders, (2nd ed.). London, England: Board for Social Responsibility, The Church of England, 21 pp.

Context is England and the Church of England. Contents are presented as topical questions with responses. Accessed 02/26/16:
<https://www.churchofengland.org/media/45540/meeting.pdf>

Brotherhood Mutual Insurance Company. (2011, August). [White Paper: Tough Issues]. Registered Sex Offenders in Ministry Activities. Fort Wayne, IN: Brotherhood Mutual Insurance Company, 9 pp.

Per the company’s website, its roots are Mennonite, it serves 40,000+ churches, and is owned by the policyholders (i.e., not shareholders).
Accessed 02/26/16: <http://brotherhoodmutual.com> [Go to Resources section, Children & Youth subsection, Abuse Prevention category, & take the link “Sex Offenders in Ministry Activities.”]

Church Law & Tax Group. (2010). Sex Offenders in Church. Carol Stream, IL: Church Law & Tax Group, 24 pp. [Available for purchase, 07/30/14, from the World Wide Web site of Church Law & Tax Group: <http://store.churchlawtodaystore.com/sexofinch.html>] [The document is also posted on the World Wide Web; accessed 02/26/16: <http://www.nerfmc.com/Sex%20Offenders%20in%20the%20Church.pdf>]

A compilation of 10 items plus a 1-page list of resources. Sources include: magazine and journal article reprints and adaptations, an attorney, a church insurance company, and *Church Law & Tax Report*. Practical orientation; risk management perspective. Sample items include: a policy registered sex offenders, restrictive access agreement, register sex offender accountability covenant, and letter for a probation officer.

Churches’ Child Protection Advisory Services. (2005; 2010; 2011). Help... sexual offenders and church attendance. Swanley, Kent, England: Churches’ Child Protection Advisory Services, 16 pp.

By a non-profit agency serving the United Kingdom. Booklet. Question/answer format.
Accessed 02/26/16: <http://files.ccpas.co.uk/documents/Help-SexualOffenderChurchAttendance.pdf>

GuideOne Insurance Co. (2016). *GuideOne Center for Risk Management: Dealing with Sex Offenders*.

Described as a fact-sheet. Brief, practical, 4-step advice from a company that insures tens of thousands of churches. Accessed 02/26/16:
https://www.guideone.com/safety_resource/dealing-with-sex-offenders/

Hafner, Debra W. (no date). Guidelines for Involving Sex Offenders.” Chapter in Balancing Acts – Keeping Children Safe in Congregations, pp. 23-35.

Prepared for the Unitarian Universalist Association. Accessed 02/26/16:
<http://www.uua.org/sites/live-new.uua.org/files/balancingact.pdf>

Halsey, Peggy. (2001, March). What if the abuser is one of us? A model for congregational response.

Prepared for a United Methodist Church context; principles and components are transferable to other denominations. Utilizes a covenant to guide limited participation. Identifies specific components. Accessed 02/26/16 from Evangelical Lutheran Church in America:

http://download.elca.org/ELCA%20Resource%20Repository/Responding_to_Sex_Offender_in_a_Congregation.pdf?_ga=1.67431059.34022810.1432656461

Hammar, Richard R. (2010). Sex offenders in church: How to safely integrate high-risk individuals. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 24(5, September/October):1, 3-12. [Available for purchase, 07/30/14, from the World Wide Web site of Church Law & Tax Group:
<http://store.churchlawtodaystore.com/sexofinchfer.html>

Hammar, a lawyer and CPA, is senior editor of the journal. Part 1 states: “Church leaders are increasingly confronted with a challenging and novel question: How do we respond to the presence of registered sex offenders at church? It is a difficult question because it pits two competing biblical principles against each other – showing mercy to the offender, and protecting children from harm.” Cites factors for why the “issue has taken on greater significance, if not urgency, in recent years due to two developments” -- media focus on cases of child abuse in churches, and the number of registered sex offenders, “a staggering 550,000 and rising.” States: “A church’s response to the presence of a sex offender is critical, since a decision to allow such persons to attend church without restriction (‘erring on the side of mercy’) may expose a church to liability for any incidents of molestation that may occur.” Part 2 briefly describes the legal term, *registered sex offender*, based on federal and state laws. Part 3 discusses legal risks for churches in cases of “the molestation of a child by a registered sex offender who the church selected for its children’s or youth ministry... Tragically, several churches have been sued because a minor was sexually molested on church property or during an off-site church activity by a person whose background and fitness for working with minors was not thoroughly examined.” Cites 5 state and federal cases from California, Florida, New York, Rhode Island, and Virginia, which involved United Methodist, Roman Catholic, and Baptist churches. Part 4 briefly discusses legal risks for church board members. States: “In summary, the limited immunity from personal liability that is available to uncompensated church board members under both state law and the

federal Volunteer Protection Act may not protect them from being sued personally by persons who are molested by known sex offenders who are were allowed to attend church services and activities without restriction if their failure to implement reasonable safeguards is deemed to amount to gross negligence or willful or wanton contact by a jury.” Part 5 begins by identifying 7 risks “associated with the unrestricted access by known sex offenders to church services and activities.” Identifies 7 “factors for church leaders to consider in reaching an informed decision,” which include: 1.) pedophilia; 2.) sexual offenses that occurred long ago; 3.) prior sex offenses involving “‘superficial’ contact”; 4.) criminal records check; 5.) probation and parole agreements; 6.) 3 options “in dealing with a registered sex offender” – doing nothing, adopting a policy of total exclusion, or “condition the sex offender’s church attendance on signing a ‘conditional attendance agreement’ that imposes several conditions...”; 7.) whether to inform the congregation, and options for doing so. Part 6, the conclusion, very briefly addresses biblical principles to consider in responding to the presence of a registered sex offender. [The wording suggests Hammar favors a position that “safeguard[s] and protect[s] the innocent and defenseless” as a “duty [that] transcends any duty of ‘mercy’ owed to a convicted child molester.”] Part 5’s discussion of #6, the conditional attendance agreement option, identifies 7 examples of conditions to impose. Notes that the circumstances of the specific case determine a church’s decision.

Heggen, Carolyn Holderread. (1993). Sexual Abuse in Christian Homes. Scottdale, PA: Herald Press, pp. 98-120.

By a psychotherapist who specializes in treatment of adult survivors of sexual abuse, and is a pastoral elder in the Mennonite Church, Albuquerque, New Mexico. Chapter 8, “Congregational Responses to Abuse,” includes subsections on congregational support for victims, pp. 136-143, congregation’s role when a member is a sexual abuser, pp. 143-148, and response to an offender’s family, pp. 148-152. Bibliography.

Methodist Conference. (2000, June). “Practical Implications.” Chapter 7 in The Church and Sex Offenders. London, England: The Methodist Church of Great Britain, 38 pp.

The entire document, a report, was developed by a working party; adopted by the Methodist Church in Great Britain’s annual conference. Chapter 7 contains recommended procedures for congregations, including suggested language. Accessed 02/26/16:

<http://www.methodist.org.uk/downloads/conf-church-and-sex-offenders-2000.pdf>

National Sex Offender Public Website

Coordinated by U. S. Department of Justice. Provides information on based on sex offender registries. Allows for a variety of search options.

The Education and Prevention section includes links to a number of topics. Accessed 02/26/16: <http://www.nsopw.gov/Core/Conditions.aspx>

New York State Sex Offender Registry

Maintained by New York State Division of Criminal Justice. Allows searches by name, county, or ZIP code. Lists persons identified as Level 2 (*moderate risk*) and Level 3 (*high risk*) sex offenders. Level 2 and 3 offenders must register for life. Accessed 02/26/16: <http://www.criminaljustice.ny.gov/nsor/>

Solver, Cynthia. (2010, April). Sex Offenders in the Church Survey: Executive Report. Carol Stream, IL: Christianity Today International, 27 pp. [Retrieved 02/26/26 from the World Wide Web site of Christianity Today, Inc.:

<http://store.churchlawtodaystore.com/20sexofinchs.html>

Solver is affiliated with Solver Solutions. Drawing from subscribers to Christianity Today International various e-newsletter publication subscribers, 2,864 respondents “were gathered in an online survey” conducted in 2010. “The primary purpose of this research is to explore the attitudes and beliefs among church leaders regarding integrating sex offenders into the faith community. Likewise, it seeks to compile practices churches are using to both extend compassion to offenders and maintain the safety of all church members, especially children. In addition, this research shows the differences in attitudes among pastoral leaders, church staff, and lay leaders.” Of the respondents, 32% were pastoral leaders, 20% were non-pastoral leaders/staff, and 43% were lay leaders/members/attenders. Among topics in the section, “Respondents’ Opinions About the Issue,” were the following. To the question, “...do convicted sex offenders, who have been released from prison, belong in a church?”, responses included: “Yes, as attenders, under supervision, and subject to appropriate limitations” (79%), “No, if one or more of the offender’s victims attend the same church” (24%), “Yes, as a member” (21%), “Yes, as an attender (no limitations, no supervisions required)” (5%), “Yes, as a leader” (4%), and “No, convicted sex offenders do not belong in church” (3%). Regarding factors influencing whether sex offenders should be allowed to participate in a church, the 4 most frequent were: “Repentant attitude of offender” (83%), “Do one or more of the offender’s victims attend the church” (66%), “Type of offense” (61%), and “Terms of the offender’s probation (if any)” (61%); the 8th most frequent was “Risk of legal liability for the church or board” (42%). Regarding who needs to be notified of the presence of a registered sex offender: “Staff (youth/children’s ministry directors, etc.)” (90%), Elders (78%), “The offender’s probation officer (if applicable)” (64%), “Board” (62%), “Insurance company” (26%), “Entire congregation” (18%). 63% of respondents believed that people who were sexually abused as children are at greater risk for becoming abusers as adults. Of those 63%, 56% “think all adults should be questioned about history of past abuse as a

standard policy before they are allowed to serve in a ministry at church,” and 23% responded, “No, this is an invasion of privacy.” Regarding response to discovering by church leaders that an attender or church member is a former sex offender, the 5 most frequent responses were: “Pray about it” (82%), “Talk to elders” (76%), “Talk to staff” (76%), “Contact their probation officer” (57%), and “Draft conditional attendance agreement (i.e. chaperone agreement, accountability agreement, etc.)” (57%). Regarding whether a known ex-offender should ever be allowed to serve in a position of leadership, 26% said yes, 38% said no, and 36% were not sure; pastors were more likely than leaders and members to answer yes (31% vs. 24% vs. 23%). Regarding whether sex offenders can be completely rehabilitated to the point they no longer pose a threat to others: 38% said yes, 25% said no, and 37% were not sure; pastors were more likely than leaders and members to answer yes (43% vs. 35% vs. 36%). Among topics in the section, “Realities in the Church,” were the following. Regarding whether their church actively determined the presence of sex offenders, 39% said this was “done only when an individual is being considered for position of leadership, teaching or working with children and other vulnerable individuals.” “...about 2 in 10 [respondents] say they know of an attender or member who has a criminal record based on sex offense(s).” Regarding how respondents learned of a person’s sex offense record, the 4 most frequent responses were: “The offender told the pastor or a church leader” (55%), “Someone from the congregation told us (church leadership) and we investigated” (34%), “Through sex offender registries” (33%), and “Through background screening” (21%). 18% of the “respondents are aware of someone attending their church that is a spouse or family member of a known sex offender.” 6% “of respondents are aware of juvenile sex offenders attending their church.” Regarding how the church learned of a juvenile’s sex offense record, the 4 most frequent responses were: “The offender’s parent(s) or legal guardian(s) informed the pastor or a church leader” (49%), “Someone from the congregation informed church leadership, and we investigated” (32%), “The offender told the pastor or a church leader” (27%), and “Someone from outside the church informed church leadership, and we investigated” (13%). Among topics in the section, “Church Response,” were the following: Regarding actions taken by their church upon discovery of a sex offender attending their church, 46% of respondents reported they had not encountered a known offender in church; 37% reported: “Conditionally include the offender (with chaperones, attendance agreement).” When asked their opinion about response strategies church leaders should take when they become aware of an offender in their church versus what steps they do take, the 5 most frequent responses were (opinion vs. reality): “Pray” (82% vs. 43%), “Talk to Elders” (76% vs. 39%), “Talk to Staff” (76% vs. 39%), “Draft Policy” (57% vs. 23%), and “Contact Parole Officer” (57% vs. 20%). Among topics in the section, “Church Profile,” were the following. Mean size of

respondents' churches was 620 people in total worship attendance, including children; median was 274. Regarding respondents' denominational affiliation, the 5 most frequent responses were: "Baptist" (22%), "Independent/Interdenominational/Nondenominational/Nondenominational" (21%), "Assemblies of God/Pentecostal/Charismatic" (11%), "Presbyterian" (7%), and "Methodist" (6%). Some variations between subgroups of respondents are reported.

Sternstein, Hillel. (2011). "Treatment of Adult Offenders." Chapter 11 in Mandel, David, & Pelcovitz, David (Eds.). Breaking the Silence: Sexual Abuse in the Jewish Community. Jersey City, NJ: Ktav Publishing House, Inc., pp. 238-303.

Included because of its contemporaneity and overview of the "rehabilitation and clinical containment" of those who sexually abuse minors. While the context is Jewish communities in the U.S.A., the material is transferrable to other faith communities.

Swagman, Beth A. (2009). "Appendix W: Guidelines for Integrating Sexual Offenders." In Preventing Child Abuse: Creating a Safe Place. Grand Rapids, MI: Faith Alive Christian Resources, pp. 175-185.

By the director of Abuse Prevention for the Christian Reformed Church in North America. The appendix contains a number of concrete, practical recommendations for constructing and implementing a "Covenant of Conduct" in relation to a sexual offender and a faith-based organization. [Available in the Resource Center of the Presbytery of Genesee Valley.]

The United Methodist Church. (2004; 2008). Church Participation by a Register Child Sex Offender. The Book of Resolutions of The United Methodist Church.

A brief statement containing steps which "should be taken in order to be faithful to the Social Principles' commitment both to safety from abuse and to ministry with abusers." From the 2012 edition, The United Methodist Publishing House. Accessed 02/26/16: <http://www.umc.org/what-we-believe/church-participation-by-a-registered-child-sex-offender>

Tummin, Patricia. (n.d.). A sex offender in church. [Posted on the World Wide Web site, Safe Congregations section, of the Unitarian Universalist Association.]

Context is Unitarian Universalist Association churches. Tummin briefly reports the experience of a congregation in Massachusetts in which two persons who were released sex offenders were welcomed by ministers without informing the congregation. Describes the development of a committee to develop a policy regarding the participation of sex offenders. See the link at the end of the article to another: Haffner, Debra W. (n.d.). Balancing compassion and protection. Hers is an essay that is excerpted from a handbook she wrote, Balancing Acts: Keeping Children Safe in Congregations. Addresses principles and practical steps a congregation can take to integrate a person who is a sex offender while

being responsible for the safety of children in the congregation. A link is available to the handbook.

Accessed 02/26/16:

<http://www.uua.org/safe/handbook/reand/165933.shtml>

Prior to drafting a covenant of accountability, it is critical that church leaders have complete and relevant facts based on documents obtained directly from law enforcement agencies and court systems, including probation and parole records, to the fullest extent possible. First-hand reporters by person who offended and second- or third-hand oral reports by church members are NOT adequate. If a document is restricted, request that the offender waive privacy. Rather than perceived as an invasion of privacy, it is an invitation for the person to demonstrate honesty and truthfulness. The goal is obtaining as full and complete picture as possible, based on facts which have been corroborated to the fullest possible extent.

2. Circumstances Involving Minors Who Offended Sexually

Church Law & Tax Group. (2010). Juvenile Offenders in Church. Carol Stream, IL: Church Law & Tax Group, 25 pp. [Available for purchase, 02/26/16, from the World Wide Web site of Church Law & Tax Group:
<http://store.churchlawtodaystore.com/juofinch.html>]

A compilation of 11 items plus list of resources. Practical orientation; risk management perspective. Topics include: prevention, risks recognizing the threat of youth sexually abusing youth, 7 tips to reduce potential liability, screening, information about youth sex offenders, national statistics, and samples of practical tools.

For a thoughtful response to the matter of a minor who has committed sexual boundary violations and is a participant in a church's ministry and mission, see:

Hammar, Richard R. (2008). Ask Richard: A teenage boy wants to continue to attend our church even though he's a child molester.

Accessed 09/25/10 from *Your Church* magazine:

http://www.christianitytoday.com/yc/churchlawtax/update/ask_080404.html
[Originally published in *Church Law & Tax Report* (2008), 22(2, March/April).]

Hammar observes: 1.) "Allowing a known child molester to have unrestricted access to your church property and church activities exposes the church to an extraordinary risk of liability." 2.) "...a jury would be incredulous that the church took no steps to protect minors in such a case." 3.) "...if a jury concludes that the church was reckless in not adequately supervising or restricting the offender, it may assess punitive damages." 4.) "...if a jury concludes that the church was not merely negligent, but grossly negligent, in supervising or retaining the offender, then the members of the church board may be exposed to personal liability." 5.) "...it is always a good idea to check with other charities in your community regarding the practice in similar circumstances." 6.) "...in similar cases some churches have allowed the offender to attend church services and activities, but only in the presence of a parent or other designated person." 7.) "[extending mercy] should not be an excuse for allowing the offender to have unrestricted access to church property."