

Covenant of Accountability and Support: Annotated Resources

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“...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 covenant of accountability and support is the means by which 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, allows rumors and misinformation to circulate, and denies those affected 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 01/12/21:

<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 01/12/21:
<http://www.faitrustinstitute.org/resources/articles/When-the-Abuser-Is-Among-Us.pdf>

AGFinancial. (2013, July 26). Church liability and registered sex offenders. [Resource Library section of AGFinancial's World Wide Web site.]

The company is affiliated with the Assemblies of God denomination. Very brief overview of 3 options: Do nothing; Total exclusion of all registered sex offenders from the church; Conditional attendance, according to a signed legal agreement. 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 01/12/21: <https://www.agfinancial.org/resources/article/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 01/12/21:
<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 01/12/21: <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> As of 01/12/21, it is no longer posted.

Brotherhood Mutual Insurance Company. (2018, May). [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 01/12/21: <http://brotherhoodmutual.com> [Go to Resources section, Children Safety subsection, Abuse Prevention category, & take the link "Tough Issues: Registered Sex Offenders in Ministry Activities."]

Church Law & Tax Group. (2010). Sex Offenders in the Church. Carol Stream, IL: Church Law & Tax Group, 33 pp. [Available for purchase, 07/30/14, from the World Wide Web site of Church Law & Tax Group:
<http://store.churchlawtodaystore.com/sexofinch.html>]

A compilation of items plus a 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 for registered sex offenders, sample restrictive access agreement, registered sex offender accountability covenant, and letter for a probation officer.

thirtyone:eight. (No date). Sex Offenders and Church Attendance. On-line resource. The agency is "an independent Christian charity." Question/answer format.
Accessed 01/12/21: <https://thirtyoneeight.org/get-help/resources/practice-guides-text/sex-offenders-in-the-church/>

GuideOne Insurance Co. (2021). *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 01/12/21:
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.

A manual prepared for the Unitarian Universalist Association. Accessed 01/12/21: <https://ccoso.org/sites/default/files/import/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 01/12/21 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

Halsey, Peggy. (2006). A delicate balance: Making churches safe and welcoming. *Response* [published by United Methodist Women], (October):14-15.

Halsey is the retired executive secretary, Office of Ministries with Women, Children and Families, United Methodist General Board of Global Ministries, New York, New York. Very brief magazine-style article. Begins with 2 anecdotes from her work which illustrate an issue which those “who worked in [The United Methodist Church (UMC)] and ecumenically” to reduce the risk of child abuse in church programs and facilities...did not adequately deal with...: the presence of registered child sex offenders in congregations.” States that these anecdotes “underline the dilemma churches face when two deeply held values appear to conflict: that of protecting the vulnerable, particularly children, and that of offering the church’s hospitality and ministry to all. Both are sacred duties of Christian communities.” Cites a 2004 UMC General Conference resolution, #355, Church Participation by a Registered Child Sex Offender, and its facts “that should be taken into consideration by local churches,” including “that without excessive professional treatment, child sexual offenders will re-offend.” States without qualification: “A registered child sex offender who seeks to be part of a church community should expect to have conditions placed upon his or her participation. Offenders who have been in treatment and are committed to living lives free of further abuse know that to accomplish that goal, they must structure a life that includes ongoing treatment, accountability mechanisms, and lack of access to or interaction with children.” Calls for local churches to discuss and plan in advance “of a convicted offender returning to or joining the church.” Cites the 2004 resolution’s commendation of action steps, which include: 1.) “Develop a carefully constructed and openly negotiated covenant between the offender and the church community,” including 5 specific topics; 2.) “Assure that the covenant is maintained by having it written and signed by the convicted offender, the pastor(s) and the chair of the church council.

Monitoring of the covenant should be undertaken as a serious and permanent responsibility of the church council or one of its committees.” Calls for openness and transparency regarding a covenant’s terms and monitoring, including awareness “particularly [by] parents and the convicted offender’s parole officer.”

Heggen, Carolyn Holderread. (1993). Sexual Abuse in Christian Homes. Scottsdale, 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.

Levenson, Jill S., Willis, Gwenda, M., & Prescott, David S (2015). Adverse childhood experiences in the lives of male sex offenders: Implications for trauma-informed care. *Sexual Abuse: A Journal of Research and Treatment*, 27(3):258-283.

Levenson is an associate professor, School of Social Work, Barry University, Miami Shores, Florida. Willis is with The University of Auckland, Auckland, New Zealand. Prescott is with Becket Family of Services, Falmouth, Maine.

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 01/12/21:
<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 01/12/21: <https://www.nsopw.gov>

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 01/12/21:
<http://www.criminaljustice.ny.gov/nsor/>

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, December 19). 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 01/12/21: <http://www.umc.org/what-we-believe/church-participation-by-a-registered-child-sex-offender>

Tummin, Patricia. (No date). 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.

Accessed 01/12/21:

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

Vieth, Victor I. (2015). Ministering to adult sex offenders: Ten lessons from Henry Gerecke. *Wisconsin Lutheran Quarterly*, 112(3, Summer):208-223.

Vieth is senior director and founder, Gundersen National Child Protection Training Center, Winona, Minnesota. "...this paper is focused on ministering to adult sex offenders – men and women who have, in many

instances, violated multiple children in order to fulfill their own sexual or other carnal desires. ...there are general guidelines pastors should adhere to – guidelines that can be drawn directly from the ministry of Henry Gerecke at Nuremberg.” Gerecke was a pastor in The Lutheran Church – Missouri Synod [LCMS] from 1925-1961. As a chaplain in the U.S.A. Army in World War II, he accepted an assignment “to minister to Nazi war criminals” who were being prosecuted for war crimes by the Allies through the International Military Tribunal convened in Nuremberg, Germany. Vieth constructs 10 guidelines based on Gerecke’s ministry as “a theologically sound approach to use with adults who have committed crimes against children.” Presents each with a brief rationale and practical application. 1.) “Assess your own abilities for ministry of this kind.” 2.) “Keep in the forefront of your mind the victims of the offender.” 3.) “Closely review the evidence in order to lessen the possibility of being manipulated.” 4.) “Stay within your field of expertise.” 5.) “Don’t go it alone: compare notes with other pastors and professionals.” 6.) “Remember the offender was once a boy or girl.” 7.) “Be cautious in pronouncing forgiveness.” 8.) “Remind the offender of the second thief on the cross.” 9.) “Find an avenue to care for yourself.” 10.) “Prepare yourself for criticism from multiple sources.” 73 footnotes. Accessed 01/12/21:

<https://static1.squarespace.com/static/5b0a335c45776ee022efd309/t/5bb46d2453450a1e7e6ff954/1538551076662/Ministering%2Bto%2BSex%2BOffenders%2B%28Vieth%29.pdf>

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 obtain 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> As of 01/12/21, it was no longer available.]

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. *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."