

**DRAFT 8/28/18**  
**AMENDED AND RESTATED**  
**PRESBYTERY OF SHEPPARDS AND LAPSLEY**  
**CHILD AND YOUTH PROTECTION POLICY**  
**EFFECTIVE AS OF \_\_\_\_\_**

This Amended and Restated Child and Youth Protection Policy (the “Policy”) of the Presbytery of Sheppards and Lapsley (the “Presbytery”) replaces and supersedes all prior child protection policies of the Presbytery, including the revised Child Protection Policy approved by the Presbytery on November 9, 2017.

**I. STATEMENT OF PURPOSE/THEOLOGICAL FOUNDATION**

The Presbytery has declared in *Our Statement of Purpose*:

“As a covenant people, we are life-sharing people. It is through our shared life together that we live in relationship with God and with each other. This shared life is lived out through our congregations, which are the primary agents of God’s mission in the world. As the connectional expression of the Presbyterian Church (USA) in central Alabama, we are called by grace to life-giving service to our congregations, engaging, equipping, nurturing and empowering them in their collective witness to God’s love for all people in Jesus Christ.”

Consistent with this purpose, we adopt this Amended and Restated Child and Youth Protection Policy to establish essential procedures and standards of conduct to guide us in our work with children. We believe that children are a gift of God to the whole of the human community. They are an integral part of the faith community contributing to its worship and ministry. Through the church’s ministry and mission, the faith of children and youth is formed and nurtured as they hear and experience the good news of God’s love in Jesus Christ who welcomes all to come to him.

Therefore, we believe that we are called by God to create a safe haven for all of the children and youth in our care, nurturing, protecting, and empowering them, through faith and trust, in mind, body, and spirit. This commitment includes taking appropriate steps to reduce the risk to the young people in our care. This policy is established to seek the best interests of the child, to protect the rights of a child, and to minimize the risk of any of our children and youth being subjected to sexual, physical, or mental abuse. This policy is also intended to respect the rights and afford due process to persons accused of improper conduct.

**II. APPLICABILITY OF POLICY**

Through action taken at the 221<sup>st</sup> General Assembly (2014) of the Presbyterian Church (U.S.A.) and later approved by vote of the presbyteries, the General Assembly amended the Book of Order, effective as of June 21, 2015, to require all councils of the church (including the General Assembly, presbyteries, synods, and church sessions) to adopt child and youth protection policies. Pursuant to that directive, at the 222<sup>nd</sup> General Assembly (2016), the General Assembly adopted a Child/Youth/Vulnerable Adult Protection Policy to govern activities and events sponsored by the General Assembly. Our Presbytery adopted a child protection policy in 2017 that is being amended and restated by this Policy. All churches in our Presbytery are required to adopt a child protection policy. The Presbytery will assist any church that needs help in creating a policy.

This Policy applies to all Presbytery activities and events that involve children and/or youth. Events such as Youth Council, children or youth retreats, the Main Event, and mission trips are examples of Presbytery-sponsored events to which the provisions of this Policy will apply. For all events and activities sponsored by an individual Church and for short-term/one day Presbytery-sponsored events and activities at an individual Church, the provisions of that Church's child protection policy will apply. **Presbytery events that involve children or child-care will not be held at a Church unless the host Church has a child protection policy in place and on file with the Presbytery's Stated Clerk in accordance with Section VI. A. 6. of this Policy.**

Living River, a Retreat on the Cahaba, maintains its own child protection policy that applies to summer camp, the Cahaba Environmental Center, and other events that it plans and staffs. However, when the Presbytery or a Church uses the facilities at Living River for its own activities, the policy of the sponsoring organization (the Presbytery or a Church) will apply.

### III. DEFINITIONS

**A. Book of Order** - Part II of the Constitution of the Presbyterian Church (U.S.A.) (2017-2019), as it may be amended from time to time.

**B. Child (also 'youth' or 'minor')** - A person under 18 years of age (§ 26-16-2, Ala. Code 1975).

**C. Child abuse** - Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation.

Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law.

Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

The above definitions are found in § 26-14-1, Ala. Code 1975.

**D. Child/Youth Worker** - A term that includes Presbytery Staff, Church Staff, and all Volunteers who work in any capacity with children or youth at Presbytery Events.

**E. Church** - A Presbyterian Church that is a member of the Presbytery of Sheppards and Lapsley.

**F. Church Staff** - The following are considered Church Staff for purposes of this Policy: any person who is paid by a Church and works or assists in any capacity with children at Presbytery Events. College interns working for a Church, whether paid or unpaid, are also considered Church Staff.

**G. Designated Event Supervisor(s)** - The individual(s) who is (are) primarily responsible for planning and leading a Presbytery Event.

**H. National Background Check** - A review by a professional background check firm which shall include, at a minimum, a Social Security trace, a State of Alabama criminal check, and a national (multi-jurisdictional) criminal check (that includes a national sex offender registry check). Applicants who may reasonably be expected to transport children or youth by vehicle shall also consent to a motor vehicle record (MVR) check. Prior to requesting a firm to provide a National Background Check or MVR, the Presbytery or Church requesting the information must obtain a signed consent from the individual that complies with the applicable state and federal law, including the Fair Credit Reporting Act.

**I. Neglect** - Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter (§ 26-14-1, Ala. Code 1975).

**J. Presbytery** - The Presbytery of Sheppards and Lapsley, and all Presbytery related entities or organizations, including, but not limited to, the Executive Council, committees of the Executive Council or Presbytery, and Youth Council.

**K. Presbytery Event**– An activity, event or program sponsored by the Presbytery that involves children or youth participants or childcare.

**L. Presbytery Staff** - The following are considered Presbytery Staff for purposes of this Policy even though certain of these individuals may be employed by a Church: Ministers of the Word and Sacrament (excluding those not actively engaged in Church ministry); Commissioned Ruling Elders; individuals serving a Church on a temporary or interim basis with the approval of the Committee on Ministry (sometimes referred to as “stated supply”); Certified Christian Educators; and all Presbytery employees. College interns working for the Presbytery, whether paid or unpaid, are also considered Presbytery Staff.

**M. Safe Child Response Team** - The Safe Child Response Team is a team comprised of at least three members of Presbytery appointed by the Executive Council of Presbytery who are trained to respond to allegations and reports of child or youth abuse or neglect at Presbytery Events. The names of and contact information for the Team members will be provided to all Child/Youth Workers as a part of the orientation for each event/activity.

**N. Volunteer** - A person who works or assists in any capacity with children or youth at a Presbytery Event but is not paid by the Presbytery or a Church for such service. Occasionally, a church from a different presbytery will provide chaperones when participants from that church are accepted for enrollment; such chaperones will be considered Volunteers.

**O. Youth Volunteer** - A Volunteer under the age of 18.

#### **IV. LEGAL AND ECCLESIASTICAL REQUIREMENTS**

The Presbytery will abide by the provisions of the Alabama Mandatory Reporting Law for Child Abuse and Neglect, a copy of which is found in Appendix A to this Policy. While only certain organizations and professionals (including ministers) are named as mandatory reporters under this law, the Presbytery Staff and all Child/Youth Workers will report incidents of child abuse and neglect in the manner outlined in this Policy.

The *Book of Order* requires ministers of the Word and Sacrament, ruling elders, commissioned ruling

elders, deacons, and certified Christian Educators to report allegations of child abuse or neglect to the appropriate civil and ecclesiastical authorities, subject to certain conditions, and sets forth procedures for investigating allegations and disciplining those who are found to have committed abuse (*Book of Order*, G-4.0302; Rules of Discipline).

## V. GENERAL POLICIES AND PROCEDURES

**A. Screening and Selection Procedures** – The following sets forth the selection and screening requirements for Presbytery Staff, Church Staff, Volunteers and others:

**1. Presbytery Staff and Presbytery Volunteers** - The Presbytery will screen all members of the Presbytery Staff, as defined in this Policy, prior to beginning their position with the Presbytery or a Church. At a minimum, the screen shall include an application (or similar documentation), a personal interview, reference checks, and a National Background Check.

Effective with the adoption of this Policy, the Presbytery will conduct a National Background Check for all members of the Presbytery Staff every three years, regardless of whether the individual attends Presbytery Events. If there is a National Background Check on file with the Presbytery that meets the definition in this Policy, a new National Background Check need not be repeated until three years after the date of the background check on file. If the annual certification provided by a Church pursuant to Section VI.A.6 of this Policy certifies that the Church has obtained a background check on an individual who is considered a member of Presbytery Staff under this Policy (such as a Church's minister or Certified Christian Educator), the Presbytery may rely on that certification without obtaining its own report.

In most cases, Churches recruit Volunteers for Presbytery Events. In the event that the Presbytery recruits its own Volunteers, the Presbytery will screen such Volunteers in the same manner as its Staff. The Presbytery will also screen any Volunteer from a church outside of the Presbytery.

The Presbytery will obtain an MVR on Presbytery Staff and Presbytery Volunteers who are requested by the Presbytery to drive children or youth in their own cars or Presbytery-owned vehicles to or from, or during, Presbytery Events. The MVR is valid for three years.

**2. Church Staff and Church Volunteers** - Effective as of the date of this policy, all Churches must screen all members of its Church Staff, as defined in this Policy, and all of its Volunteers. At a minimum, the screen shall include an application (or similar documentation), a personal interview, reference checks, and a National Background Check performed within the last three years. If there is a background check for the Church Staff member or Volunteer that meets the definition of National Background Check, a new background check need not be repeated until three years after the National Background Check on file.

A Church will obtain a MVR on Church Staff and Volunteers who are requested by the Church to drive children or youth in their own cars or Church-owned vehicles to or from Presbytery Events. The MVR is valid for three years.

At a Church's request, the Stated Clerk of Presbytery or his or her designee will obtain a

National Background Check for a Church Staff member or Volunteer, and communicate the results to the Church. The Church will be billed for the cost of the background check.

**3. Youth Volunteers** - Youth Volunteers will not be required to undergo a National Background Check. However, they must complete their Church's or the Presbytery's volunteer application on which they will certify that they have not been convicted of the listed offenses. The application or other documentation must include the recommendation of their pastor or youth leader and a signed statement of the parent/guardian that there is no reason that the Youth Volunteer should not serve as a Child/Youth Worker.

**4. Third Party Firms and Individuals** – The Presbytery will screen outside speakers or others with whom it contracts to provide services to children and youth at Presbytery Events in the same manner as it screens Presbytery Staff. When arranging for third party transportation of children or youth, the Presbytery will obtain a certification from such party that all drivers have recently passed a screen that includes all elements of a National Background Check as well as an MVR check.

**5. Screening Results** - No person may serve as a Child/Youth Worker who has been convicted of or pled guilty to misdemeanors or felonies, including but not limited to, violent crimes, crimes of moral turpitude, sexual assault or misconduct, sexual or other abuse or neglect of a child, pornography, drug offenses or dangerous driving offenses.

The results of any background check that indicate a crime or misdemeanor or other issue of concern must be reviewed by the Stated Clerk or an appropriate Church Staff member, depending on whether the background check was obtained by the Presbytery or a Church. The Safe Child Response Team may also be consulted. Any Child/Youth Worker who is denied a position or assignment based on his/her National Background Check will be advised of the action by the Stated Clerk or by the Church performing the check, and given an opportunity to dispute the results, in accordance with the requirements of applicable federal or state law.

**6. Other Eligibility Criteria** - All Presbytery and Church Volunteers must have regularly attended a Church for at least six months. Any exception with respect to a Presbytery Volunteer must be approved by the Stated Clerk of Presbytery and any exception with respect to a Church Volunteer must be approved by the Church Session (or appropriate Session committee or its designee).

The Stated Clerk of the Presbytery or a Designated Event Supervisor may exercise discretion at any time to determine that a person is, or is no longer a good fit as a Child/Youth Worker, and will privately communicate this to the individual and to a Church when appropriate.

**7. Confidentiality of Records** – The Presbytery and Churches shall maintain all Child/Youth Worker applications, results of background and MVR checks, and related information in confidential, secured files. If the Presbytery performs a National Background Check for a Church or third party, the Presbytery will maintain such records.

## **B. Training and Agreement to Abide by the Policy**

At each Presbytery Event, an orientation will be held for all Child/Youth Workers. The orientation will include a review of this Policy, including the supervisory and behavior protocols and the reporting requirements, as well as any specific expectations or rules specific to the event/activity.

Contact information for the Designated Event Supervisor, the individual trained in First Aid, other Church Staff and Presbytery Staff present at the activity, the Moderator of the Executive Council, the General Presbyter, members of the Safe Child Response Team, and the Department of Human Resources and/or law enforcement will be provided to all Child/Youth Workers.

The Designated Event Supervisor or his or her designee must present age appropriate training to children and youth participants regarding behavior that should be reported to the Designated Event Supervisor or other adults at the event or activity. The training should include standards of conduct that apply to participants.

All Child/Youth Workers shall also be required to sign an acknowledgement that they have read and will abide by this Policy.

## **C. Supervisory Protocols**

The following protocols must be followed for the safety of children and youth involved in activities and events sponsored by the Presbytery.

**1. Four-year Rule** - All Child/Youth Workers who work in a supervisory role must be at least four years older than the oldest member of the group they are leading/supervising, provided that exceptions may be made for a Church or Presbytery Staff member whose position requires them to serve as a leader.

**2..Two-Adult Rule** –Two non-related adults must be present to supervise children and youth during Presbytery Events and in each vehicle in which children or youth are present, except in emergency or unforeseen circumstances, and except as provided below. Related adults are considered one adult for purposes of this policy. If, at any time, due to emergency or unforeseen circumstances, it is not possible to observe the two-adult rule, the three-person rule described below must be followed.

When the two-adult rule is not feasible in a room or area in which events or activities are taking place, floaters may be utilized, provided that floaters must meet the screening requirements applicable to Child/Youth Workers, and must maintain immediate access to all rooms or areas for which they are responsible.

When the two-adult rule is not feasible with regard to vehicles, caravans or multiple vehicles with only one adult per vehicle who remain within sight of each other at all times and start and stop travel simultaneously, may be used.

**2. Three-Person Rule** – In all situations, including the circumstance noted in the Two-Adult Rule above, three persons shall be present during all activities at Presbytery Events. ‘Three’ can be two

children/youth and one adult or two adults and one child/youth. Priority should be given to the rule of three in planning and implementation of all Presbytery Events.

**3. Minimum Age Rule** - Child/Youth Workers must be at least eighteen (18) years old. Youth Volunteers will be allowed to volunteer at Presbytery Events in a support role (not a supervisory one), subject to meeting the provisions of Section V.A.3 of this Policy.

**4. Supervisor Ratios** - The following minimum number of adult Child/Youth Workers will be maintained at all times:

- Participants 5 years of younger – One adult Child/Youth Worker per 5 participants
- Participants age 6 to 8 – One adult Child/Youth Worker per 6 participants
- Participants age 9-14 – One adult Child/Youth Worker per 8 participants
- Participants age 15-18 – One adult Child/Youth Worker per 10 participants

**5. Windows/Doors** - When Child/Youth Workers and children or youth are in a room, the door must remain open unless there is a view window. Child/Youth Workers must avoid being alone with a child without being visible to those in the immediate area.

**6. One-on-One Counseling** - Counseling with one child/youth is sometimes necessary and appropriate, but care must be taken to ensure that the environment is acceptable and is visible to other adults. If meeting in a room or office, the door must be left open. Another adult must be informed of the counselor's whereabouts and with whom they are meeting.

**7. Overnight Events** - For overnight events, there shall be at least one adult of each gender when there are one or more minors of each gender in a group of participants. A Child/Youth Worker may not sleep in the same bed with a child. The exception to this rule is for the occasional legal caregiver/child situation or parent/child situation. Children and adults must maintain different showering and grooming hours at events in which bathrooms and shower rooms are shared in housing.

**D. Behavior Protocols** – While working at Presbytery Events, all Child/Youth Workers must abide by a code of conduct that recognizes appropriate boundaries and prohibits, among other inappropriate behaviors, the following:

1. Display of sexual or romantic affection toward a child.
2. Use of profanity or off-color jokes.
3. Discussion of sexual encounters with or around children.
4. Dating or becoming “romantically” involved with children.
5. Using or being under the influence of alcohol or illegal drugs, or any substance (including prescription drugs) which may impair the physical or cognitive abilities of a Child/Youth Worker to care for children or youth.
6. Allowing a child or youth to consume alcohol or other prohibited substances.

7. Tobacco use in any form, including vapor or e-cigarettes, in the presence of a child or youth.
8. Possessing, creating, or sharing inappropriate, obscene, sexually oriented, or pornographic images or materials (including print, non-print media and digital communications).
9. Having secrets with youth/children.
10. Staring at or commenting on children's bodies.
11. Engaging in inappropriate electronic communications with children.
12. Giving gifts to individual children without prior knowledge of the parent(s) and/or approval by the Designated Event Supervisor.
13. Working one-on-one with children in a private setting.
14. Abusing or neglecting a child in any way, including (but not limited to) the following: (a) physical abuse (hit, spank, slap, shake, or unnecessary restraint); (b) verbal abuse (degrade, threaten, curse); (c) sexual abuse (inappropriately touch, expose oneself, or engage in sexually oriented conversations); (d) mental abuse (shame, humiliate, or act cruelly); or (e) neglect (withhold food, water, shelter, or medical treatment).
15. Participating in, encouraging, or allowing demeaning and belittling behaviors or language involving or directed toward children, including, but not limited to, cultural, racial or ethnic insensitivity, sexual orientation, and gender issues.
16. Permitting children or youth to engage in the following: hazing, bullying, derogatory name-calling, ridicule, humiliation, or sexual activity.

Any Child/Youth Worker who witnesses or experiences any of the above behaviors should report such conduct immediately to the Designated Event Supervisor or to any other Church or Presbytery Staff member at the event/activity.

## **E. Miscellaneous Protocols**

**1. Social Media and Social Networking** - Photos, video, or comments of a child or youth at a Presbytery Event can be used only for Presbytery or Church sponsored printed, video, web-based, social media, or other publicity materials with the signed consent of the parent or guardian.

**2. Transportation** – In most cases, a participant's parent or a Church arranges transportation to or from Presbytery Events, and such transportation is subject to that Church's policy.

When the Presbytery arranges for transportation of children or youth to or from, or during, a Presbytery Event, a parental/guardian consent and release form must be obtained for each child or youth being transported. Adult drivers must have proper licensure and insurance on file with

the Presbytery. All vehicles used must have seat belts for the driver and each passenger. No child under age 13 may sit in the front seat of any vehicle. All drivers transporting minors must be over the age of 25 and must be informed that if their vehicle is used, their insurance will be primary if an accident occurs.

If the Presbytery contracts with a bus or other outside carrier to transport children or youth, the outside carrier must sign a statement affirming that national criminal background and MVR checks have been completed recently on their drivers.

No minor may be a driver at any event or activity (this includes golf carts at events).

**3. First Aid/CPR** – At each Presbytery Event, there must be a First Aid kit, and at least one adult trained in First Aid/CPR.

**4. Required Forms** - The parent or legal guardian of a child/youth participant at a Presbytery Event must execute forms that provide required contact and health information, consent and release forms for emergency medical care (including a copy of the minor’s health insurance card), and a photo release form. These forms may be collected by the Presbytery or a Church and must be stored or accessible at the event site, in a secure manner with restricted access. See Appendix B of this Policy for a copy of forms provided by Presbytery.

## **VI. ADMINISTRATION OF POLICY**

**A. Stated Clerk** – The Stated Clerk of Presbytery has the following responsibilities with regard to this Policy:

**1. National Background Checks on Presbytery Staff** - Contract with a professional background check firm to obtain National Background Checks for all members of the Presbytery Staff and to rerun such checks every three years.

With respect to background checks run by the Presbytery, determine whether an offense will disqualify an individual from serving as a Child/Youth Worker, and communicate that decision to the individual in accordance with applicable law. The Stated Clerk’s determination with regard to Presbytery Staff may be appealed to the Presbytery’s Personnel Committee and a determination concerning a Presbytery Volunteer may be appealed to the Executive Council.

**2. MVR Reports** - Obtain a Motor Vehicle Report for any member of the Presbytery Staff or Presbytery Volunteer who will drive children or youth to or from, or during, a Presbytery Event.

**3. Background Checks for Church Staff or Volunteers** – Upon request by a Church, obtain a National Background Check for a Church Child/Youth Worker, provided that the Church provides the correct paperwork and agrees to pay for the background check.

**4. Background Checks on Third Parties** - Obtain a National Background Check on third parties with whom the Presbytery has contracted to provide services at Presbytery Events.

**5. Background Checks on Child/Youth Workers from Other Presbyteries** - Obtain a background check on any Child/Youth Worker who accompanies participants from churches outside of the Presbytery.

**6. Annual Church Certification** - On an annual basis, solicit from each Church that plans to participate in Presbytery Events, a certification regarding the Church's adoption of its own child/youth protection policy and an updated list of all Church Staff Members and Volunteers who have been approved to serve as Child/Youth Workers based on the National Background Check and other eligibility criteria set forth in this Policy.

**7. Policy Interpretation-** Provide guidance and clarifications concerning the provisions of this Policy, seeking the guidance of the Executive Council or the appropriate Council committee when necessary.

**B. Designated Event Supervisor(s)** - The Designated Event Supervisor(s) is (are) responsible for ensuring that all requirements of this Policy are met at a Presbytery Event, including but not limited to the following:

**1. Eligibility of Child/Youth Workers** - Ensure that all Child/Youth Workers and third party providers at the event are on the list of approved Child/Youth Workers who have been screened and deemed eligible by a Church or the Presbytery in accordance with the provisions of Section V. A. of this Policy.

**2. Training** - Conduct training and orientation for all Child/Youth Workers and for participants prior to or at the beginning of each event in accordance with Section V. B. of this Policy.

**3. Policy Adherence** - Ensure that all Child/Youth Workers have been given a copy of this Policy and have signed a statement in writing that they will abide by the Policy.

**4. Supervisory/Miscellaneous Protocols** - Monitor compliance with the supervisory and miscellaneous protocols set forth in Sections V. C. and E. of this Policy, and facilitate corrections when needed.

**5. Forms** - Ensure that all required contact, medical and permission forms for participants are on file and accessible to all leaders and supervisors at the event.

**6. Reporting** - Respond to any allegation of child abuse or neglect or any alleged violation of the behavior protocols in Section V. D. of this Policy, in the manner set forth in Section VII below.

**C. Executive Council** - The Executive Council of Presbytery is responsible for oversight of this Policy. As a part of this role, the Executive Council (or an appropriate Committee under the Council) will take the following actions:

**1. Compliance Review** - Periodically request and review a report from the Stated Clerk as to Presbytery and Church compliance with the Policy provisions for which the Stated Clerk has responsibility, and recommend corrective action if needed.

After each Presbytery Event, request and review a report from the Designated Event Supervisor regarding compliance with those Policy provisions for which the Designated Event Supervisor has responsibility (including a description of any issues that arose or need attention), and recommend corrective action if needed.

**2. Insurance Review** - Periodically review with the Trustees the provisions of the Presbytery's

insurance program concerning events involving children and youth, and recommend changes necessary to ensure adequate coverage.

**3. Policy Changes** – Respond to the comments or concerns of Church or Presbytery Staff relating to this Policy, and recommend changes to the Presbytery.

**4. Safe Child Response Team** – Appoint members of the Safe Child Response Team and arrange for their training.

## VII. REPORTING AND RESPONSE PROCEDURES

**A. Internal Reporting and Initial Response** - After attending to the immediate physical and emotional needs of the child involved, a Child/Youth Worker must immediately report incidents of suspected abuse or neglect to a Designated Event Supervisor or other Church or Presbytery Staff member who is not implicated in the allegation.

The Designated Event Supervisor or staff member shall immediately contact the Moderator of the Executive Council, the General Presbyter, and the Safe Child Response Team. Contact information for these individuals will be made available to all Child/Youth Workers at an event or activity.

The Designated Event Supervisor or staff member notified of the suspected child abuse or neglect should

1. Notify the parent or guardian of the victim (unless they are the suspected perpetrator);
2. Care for the child and ensure that any immediate aid for the child has been rendered or arranged;
3. Relieve the accused of his or her duties and/or remove the accused from the event or activity until an investigation is complete;
4. Treat the accused with dignity and not pre-judge the situation;
5. Treat the situation confidentially;
6. Complete an Incident Report but leave the investigation to professionals; and
7. Report or assist in reporting the incident to DHR and/or law enforcement.

If an individual who reports suspected child abuse or neglect to a Designated Event Supervisor or other staff member is not satisfied with the response by that person, he or she should contact the Stated Clerk, Moderator of the Executive Council, General Presbyter or a member of the Safe Child Response Team.

Any person bringing a report of abuse or cooperating in an investigation will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged for such actions.

**B. Reporting Requirements Under Alabama Law** - The Alabama statute on the mandatory reporting of suspected child abuse/neglect (attached to his policy as Appendix A) requires certain listed entities and persons called “mandatory reporters” to report known or suspected child abuse or neglect directly to the authorities. Reporting suspected abuse or neglect to a supervisor or other person does not relieve a mandatory reporter from reporting the incident directly to authorities. Failure to do so subjects a mandatory reporter to criminal liability. The law also encourages the voluntary reporting of suspected child abuse or neglect by entities or individuals who are not mandatory reporters. **The Presbytery’s policy is to report suspected child abuse or neglect to the Alabama Department of Human Resources and/or local law enforcement in all cases, whether a report is mandated or permissive.**

The Alabama law provides that individuals who meet the definition of “clergy,” are mandatory reporters. Clergy, as defined in the law, must report to authorities known or suspected abuse or neglect unless such information was received in a confidential, privileged communication, as defined under Alabama law. As stated in Section IV of this Policy, ministers of the Word and Sacrament, ruling elders, commissioned ruling elders, deacons, and certified Christian Educators are subject to the provisions of Sections G-4.0301 and 4.0302 of the *Book of Order* that require the reporting to authorities of suspected or known child abuse, subject to certain qualifications.

**Nothing in this policy shall be considered a restraint of an individual’s statutory obligation to report directly to authorities. Furthermore, no person shall be prevented from directly reporting an incident on the basis that he or she is not a “mandatory reporter.”**

**C. Communications with Media** - All communications with media about the alleged abuse or neglect must be referred to the Moderator of the Executive Council who will consult with the General Presbyter and the Safe Child Response Team.

**D. Role of Safe Child Response Team** - The Safe Child Response Team will be trained on the terms of this Policy (including the law included in Appendix A) as well as established procedures under the *Book of Order* for reporting child abuse and neglect and for investigating and disciplining those accused of child abuse or neglect.

The Safe Child Response Team, in consultation with legal counsel, shall have the following responsibilities in response to allegations of child/youth abuse or neglect covered by this policy:

- Ensure that the allegation is reported to the DHR and/or law enforcement;
- Ensure that Presbytery’s insurance company is notified about the allegation;
- Advise the reporter and/or others concerning any immediate documentation that must be obtained;
- In consultation with the Moderator of the Executive Council and the General Presbyter, determine the appropriate spokesperson for communications with the media;
- Determine who should investigate the situation;
- Determine if additional reports must be made according to the *Book of Order*;
- Provide or arrange for counseling for the principal parties involved (reporter, possible victim(s), accused, family members);
- Take actions appropriate to resolve the matter including, but not limited to, making recommendations for prevention as well as response.

## **VIII. POLICY VIOLATIONS**

Violations of this Child and Youth Protection Policy will result in discipline, up to and including termination of employment, in the case of Presbytery and Church Staff; and termination of authority to work with children through church or Presbytery programs, in the case of Volunteers.

## **IX. AMENDMENTS TO POLICY**

This Policy may be amended only by a vote of Presbytery. However the Stated Clerk and Executive Council of Presbytery have authority to provide guidance and issue interpretations of this Policy.

## **X. FORMS REQUIRED UNDER THIS POLICY**

This Policy calls for a number of forms and certifications. The following forms are included in Appendix B to facilitate implementation of the Policy. The Executive Council or its designee may reformat or modify these forms or create new forms without seeking the approval of Presbytery. A Church may submit its own form(s) provided that such form(s) include(s) all of the requested information.

[The following forms and additional forms relating to participant registration (including contact information, health plan information, medical release and photo release) are being reviewed by a task force and will be posted online and included in the packet sent to all churches in connection with the November 2018 Presbytery meeting.]

1. Agreement to Abide by Child and Youth Protection Policy
2. Consent for Background Check
3. Church Certification of Child/Youth Protection Policy and Screened Child/Youth Workers
4. Incident Report Form

Code of Alabama  
Title 26. Infants and Incompetents.  
Chapter 14. Reporting of Child Abuse or Neglect.

ALA.CODE § 26-14-1

**§ 26-14-1. Definitions.**

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **ABUSE.** Harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation. “Sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. “Sexual exploitation” includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

(2) **NEGLECT.** Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

(3) **CHILD.** A person under the age of 18 years.

(4) **DULY CONSTITUTED AUTHORITY.** The chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the Department of Human Resources; or any person, organization, corporation, group, or agency authorized and designated by the Department of Human Resources to receive reports of child abuse and neglect; provided, that a “duly constituted authority” shall not include an agency involved in the acts or omissions of the reported child abuse or neglect.

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ALA.CODE § 26-14-2

**§ 26-14-2. Purpose of chapter.**

In order to protect children whose health and welfare may be adversely affected through abuse and neglect, the Legislature hereby provides for the reporting of such cases to the appropriate authorities. It is the intent of the Legislature that, as a result of such efforts, and through the cooperation of state, county, local agencies and divisions of government, protective services shall be made available in an effort to prevent further abuses and neglect, to safeguard and enforce the general welfare of such children, and to encourage cooperation among the states in dealing with the problems of child abuse.

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ALA.CODE § 26-14-3

**§ 26-14-3. Mandatory reporting.**

(a) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, physical therapists, nurses, public and private K-12 employees, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, employees of public and private institutions of postsecondary and higher education, members of the clergy as defined in Rule 505 of the Alabama Rules of Evidence, or any other person called upon to render aid or medical assistance to any child, when the child is known or suspected to be a victim of child abuse or neglect, shall be required to report orally, either by telephone or direct communication immediately, followed by a written report, to a duly constituted authority.

(b) When an initial report is made to a law enforcement official, the official subsequently shall inform the Department of Human Resources of the report so that the department can carry out its responsibility to provide protective services when deemed appropriate to the respective child or children.

(c) When the Department of Human Resources receives initial reports of suspected abuse or neglect involving discipline or corporal punishment committed in a public or private school or suspected abuse or neglect in a state-operated child residential facility, the Department of Human Resources shall transmit a copy of school reports to the law enforcement agency and residential facility reports to the law enforcement agency and the operating state agency which shall conduct the investigation. When the investigation is completed, a written report of the completed investigation shall contain the information required by the state Department of Human Resources which shall be submitted by the law enforcement agency or the state agency to the county department of human resources for entry into the state's central registry.

(d) Nothing in this chapter shall preclude interagency agreements between departments of human resources, law enforcement, and other state agencies on procedures for investigating reports of suspected child abuse and neglect to provide for departments of human resources to assist law enforcement and other state agencies in these investigations.

(e) Any provision of this section to the contrary notwithstanding, if any agency or authority investigates any report pursuant to this section and the report does not result in a conviction, the agency or authority shall expunge any record of the information or report and any data developed from the record.

(f) Subsection (a) to the contrary notwithstanding, a member of the clergy shall not be required to report information gained solely in a confidential communication privileged pursuant to Rule 505 of the Alabama Rules of Evidence which communication shall continue to be privileged as provided by law.

(g) Commencing on August 1, 2013, a public or private employer who discharges, suspends, disciplines, or penalizes an employee solely for reporting suspected child abuse or neglect pursuant to this section shall be guilty of a Class C misdemeanor.

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ALA.CODE § 26-14-4

**§ 26-14-4. Permissive reporting.**

In addition to those persons, firms, corporations, and officials required by Section 26-14-3 to report child abuse and neglect, any person may make such a report if such person has reasonable cause to suspect that a child is being abused or neglected.

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ALA.CODE § 26-14-5

**§ 26-14-5. Contents of reports.**

The reports provided for in this chapter shall state, if known, the name of the child, his or her whereabouts, the names and addresses of the parents, guardian, or caretaker, and the character and extent of his or her injuries. The written report shall also contain, if known, any evidence of previous injuries to the child and any other pertinent information which might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the same.

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ALA.CODE § 26-14-6

**§ 26-14-6. Temporary protective custody.**

A police officer, a law enforcement official, or a designated employee of the State or County Department of Human Resources may take a child into protective custody, or any person in charge of a hospital or similar institution or any physician treating a child may keep that child in his or her custody, without the consent of the parent or guardian, whether or not additional medical treatment is required, if the circumstances or conditions of the child are such that continuing in his or her place of residence or in the care and custody of the parent, guardian, custodian, or other person responsible for the child's care presents an imminent danger to that child's life or health. However, such official shall immediately notify the court having jurisdiction over juveniles of such actions in taking the child into protective custody; provided, that such custody shall not exceed 72 hours and that a court of competent jurisdiction and the Department of Human Resources shall be notified immediately in order that child-protective proceedings may be initiated. During such period of temporary custody, the director of the county department of human resources may give or cause to be given effective consent for medical, dental, health, and hospital services for any abused or neglected child.

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ALA.CODE § 26-14-6.1

**§ 26-14-6.1. Duties and responsibilities for investigation of reports.**

The duty and responsibility for the investigation of reports of suspected child abuse or neglect shall be as follows:

- (1) Reports of suspected child abuse or neglect involving disciplinary or corporal punishment committed in a public or private school or kindergarten shall be investigated by law enforcement agencies.
- (2) Reports of suspected child abuse or neglect committed in a state-operated child residential facility shall be investigated by law enforcement agencies.
- (3) All other reports of suspected child abuse and neglect shall be investigated by the Department of Human Resources.

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ALA.CODE § 26-14-7

**§ 26-14-7. Duties of Department of Human Resources.**

- (a) The State or County Department of Human Resources shall make a thorough investigation promptly upon either the oral or written report. The primary purpose of such an investigation shall be the protection of the child.
- (b) The investigation, to the extent that is reasonably possible, shall include:
  - (1) The nature, extent and cause of the child abuse or neglect;
  - (2) The identity of the person responsible therefor;
  - (3) The names and conditions of other children in the home;
  - (4) An evaluation of the parents or person responsible for the care of the child;
  - (5) The home environment and the relationship of the child or children to the parents or other persons responsible for their care; and
  - (6) All other data deemed pertinent.
- (c) The investigation may include a visit to the child's home, an interview with the subject child, and may include a physical, psychological, or psychiatric examination of any child or children in that home. If the admission to the home, school, or any other place that the child may be, or permission of the parent or other persons responsible for the child or children, for the physical, psychological, or psychiatric examination, cannot be obtained, then a court of competent jurisdiction, upon cause shown, shall order the parents or persons responsible and in charge of

any place where the child may be to allow the interview, examinations, and investigation. If, before the examination is complete, the opinion of the investigators is that immediate removal is necessary to protect a child or children from further abuse or neglect, a court of competent jurisdiction, on petition by the investigators and with good cause being shown, shall issue an order for temporary removal and custody.

(d) The county department of human resources shall make a complete written report of the investigation, together with its recommendations. Such reports may be made available to the appropriate court, the district attorney, and the appropriate law enforcement agency upon request. The county department of human resources shall make a written report or case summary, together with services offered and accepted to the state's central registry on forms supplied by the registry for that purpose.

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ALA.CODE § 26-14-7.1

**§ 26-14-7.1. Due process rights for persons under investigation by department.**

Any person who comes under investigation by the Department of Human Resources for the abuse or neglect of a child or children and who is employed by, serves as a volunteer for, holds a license or certificate for, or is connected with any facility, agency, or home which cares for and controls any children and which is licensed, approved, or certified by the state, operated as a state facility, or any public, private, or religious facility or agency that may be exempt from licensing procedures shall be granted the following due process rights by the Department of Human Resources:

- (1) The department shall notify the alleged perpetrator that an investigation has commenced against him or her after such investigation has officially begun in accordance with written policies established by the Department of Human Resources. The notice shall be in writing and shall state the name of the child or children allegedly abused, the date or dates that the alleged abuse is thought to have occurred, and the substance of the person's actions which are alleged to be abusive. The department shall establish and maintain written policies outlining the specifics of such notification and other policies deemed necessary and prudent by the department to inform the alleged perpetrator of his rights and the procedures utilized by the department involving child abuse and neglect investigations.
- (2) If the department conducts an investigation relating to child abuse/neglect, the alleged perpetrator shall be notified of the investigator's conclusions.
- (3) If the department's investigators conclude that child abuse/neglect is indicated, an investigative hearing may be held to confirm or reject the investigators' conclusions.
- (4) The alleged perpetrator shall be given ten departmental working days from the receipt of the notification of the investigator's conclusions to request a hearing, and such request must be in writing. If no such request is received in the department's office within ten departmental working days, the alleged perpetrator's opportunity for a hearing shall be considered waived by the department.
- (5) The employer of an alleged perpetrator shall not be notified of the investigator's conclusions prior to a hearing or its waiver unless, in the opinion of the department's investigators, a child is in danger of abuse or neglect; in such case, any person in a position to discover, prevent, or protect the child from his abuse or neglect may be informed of information gathered in the investigation prior to a requested investigative hearing for the

alleged perpetrator.

(6) The alleged perpetrator shall be notified of the date, time, and place of any investigative hearing. Such hearing shall not be open to the public.

(7) The alleged perpetrator shall have the following rights at any departmental investigative hearing:

- a. The right to present his case himself or be represented by legal counsel or any other person.
- b. The right to present written evidence, oral testimony, and witnesses.
- c. The right to be provided by the department a short and plain written statement of the matters asserted which will be presented at the hearing.
- d. The right to review and copy at cost any written or recorded statement made by the alleged perpetrator to departmental personnel in the course of the child abuse/neglect investigation. This request must be made prior to the date for the hearing.
- e. The right to review and copy at cost, before or during the hearing, the written material and other evidence in possession of the department which will be placed into evidence at the hearing.
- f. The right to inspect any exculpatory evidence which may be in the possession of departmental investigators, and the right to be informed of such evidence if known by departmental investigators before the hearing; provided, that a request for such evidence is made at least five working days prior to the date set for the hearing.
- g. The right to review and copy at cost all non-confidential department documents pertinent to the case, including written policies and rights.
- h. The right to cross-examine witnesses testifying at the hearing.
- i. The right to request issuance of subpoenas to witnesses and compel attendance. This request must be received no later than ten calendar days prior to the hearing, unless a shorter time is agreed upon by the hearing officer.
- j. The right to review and copy at cost all documents in the official hearing file maintained by the hearing officer.
- k. The right to have a hearing officer appointed who shall be disinterested, fair, and impartial.

(8) The Department of Human Resources or its investigative hearing officers shall have the power and authority to issue subpoenas to compel attendance by and production of documents from any witness. Subpoenas may be served in the same manner as subpoenas issued out of any circuit court. Where any witness has been summoned by the Department of Human Resources, its commissioner or any of his or her agents, and the witness refuses to appear, testify, or produce records or documents as requested; then any circuit court in this state, or any judge thereof, on application, may issue an attachment for such person and compel him or her to comply with such order and the court or judge shall have power to punish for contempt in cases of disobedience of such order.

(9) The Department of Human Resources shall establish policies and written guidelines for the conduct and procedures involved in an investigative hearing. At such hearing, the fact that there was a finding by a juvenile court judge or by a criminal court that child abuse or neglect has occurred shall be presumptive evidence that the report should be marked indicated.

(10) The hearing officer shall notify the alleged perpetrator in writing of the hearing officer's decision.

(11) Results of investigative hearings:

a. If the hearing officer concludes that child abuse and/or neglect is "indicated," such findings and evidence shall be filed with the appropriate district attorney and other law enforcement officials which the department may deem necessary.

b. The alleged perpetrator's employer or licensing/certifying agency or group may also be notified of the "indicated" findings. Such notification shall be marked "Confidential" and "To Be Used Only For The Purpose Of Discovery Or Preventing Child Abuse." The department shall establish written policies for notification of employers, prospective employers and licensing/certifying agencies or groups.

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ALA.CODE § 26-14-7.2

**§ 26-14-7.2. Child denied medical treatment due to parents' religious beliefs.**

(a) When an investigation of child abuse or neglect by the Department of Human Resources determines that a parent or legal guardian legitimately practicing his or her religious beliefs has not provided specific medical treatment for a child, the parent or legal guardian shall not be considered a negligent parent or guardian for that reason alone. This exception shall not preclude a court from ordering that medical services be provided to the child when the child's health requires it.

(b) The department may, in any case, pursue any legal remedies, including the initiation of legal proceedings in a court of competent jurisdiction, as may be necessary to provide medical care or treatment for a child when the care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatments from infants with disabilities and with life-threatening conditions. Upon application by the department, the court may issue prelitigation or pretrial discovery orders for persons, medical records, and other documents or materials.

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ALA.CODE § 26-14-8

**§ 26-14-8. Statewide central registry.**

(a) For the purposes of this section, the following words shall have the following meanings, respectively:

(1) **INDICATED.** When credible evidence and professional judgment substantiates that an alleged perpetrator is responsible for child abuse or neglect.

(2) **NOT INDICATED.** When credible evidence and professional judgment does not substantiate that an alleged perpetrator is responsible for child abuse or neglect.

(b) The Department of Human Resources shall establish a statewide central registry for reports of child abuse and neglect made pursuant to this chapter. The central registry shall contain, but shall not be limited to:

(1) All information in the written report;

(2) Record of the final disposition of the report, including services offered and services accepted;

(3) The names and identifying data, dates, and circumstances of any persons requesting or receiving information from the registry; provided, however, that requests for information and responses where no report exists may be destroyed after three years from the date of the request;

(4) The plan for rehabilitative treatment; and

(5) Any other information which might be helpful in furthering the purposes of this chapter.

(c) The Department of Human Resources shall establish and enforce reasonable rules and regulations governing the custody, use, and preservation of the reports and records of child abuse and neglect. Child abuse and neglect reports and records shall be limited to the purposes for which they are furnished and by the provisions of law under which they may be furnished. The reports and records of child abuse and neglect and related information or testimony shall be confidential, and shall not be used or disclosed for any purposes other than:

(1) To permit their use to prevent or to discover abuse or neglect of children through the information contained therein, except reports or records in cases determined to be “not indicated” shall not be used or disclosed for purposes of employment or other background checks; or

(2) For investigation of child abuse or neglect by the police or other law enforcement agency; or

(3) For use by a grand jury upon its determination that access to such reports and records is necessary in the conduct of its official business; or

(4) For use by a court where it finds that such information is necessary for the determination of an issue before the court; or

(5) For use by any person engaged in bona fide research who is authorized to have access to such information by the Commissioner of the Department of Human Resources; or

(6) For use by any person authorized by a court to act as a representative for an abused or neglected child who

is the subject of a report; or

(7) For use by a physician who has before him a child whom he reasonably suspects may be abused or neglected; or

(8) For use by an attorney or guardian ad litem in representing or defending a child or its parents or guardians in a court proceeding related to abuse or neglect of the child; or

(9) For use by federal, state, or local governmental entities, social service agencies of another state, or any agent of such entities, having a need for the information in order to carry out their responsibilities under law to protect children from abuse and neglect; or

(10) For use by child abuse citizen review or quality assurance or multidisciplinary review panels; or

(11) For use by child fatality review panels; or

(12) For public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality; the term "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. Information identifying by name persons other than the victim shall not be disclosed.

(d) The names of persons or information in the investigative report placed on the state's central registry which may be made available to the alleged perpetrator's employer, prospective employer, or others are those cases that the Department of Human Resources or the investigative hearing officer has determined child abuse or neglect to be indicated.

(e) In the case of any child abuse or neglect investigation which is determined to be "not indicated," the alleged perpetrator may request after five years from the completion of the investigation that his or her name be expunged from the central registry so long as the Department of Human Resources has received no further reports concerning the alleged perpetrator during the five years, at which time the department shall expunge the name.

(f) Nothing in this section shall be construed as restricting the ability of a department to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the department may not refuse such a disclosure in cases in which a court orders such disclosure after the court has reviewed, in camera, the record of the department related to the report or complaint and has determined that it has reason to believe that the person making the report knowingly made a false report.

(g) Any person receiving reports or records of child abuse or neglect or related information under this section shall maintain the confidentiality of the documents and information and not disclose it except as authorized by law.

(h) Any violation of the provision of confidentiality shall be a Class A misdemeanor.

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ALA.CODE § 26-14-9

**§ 26-14-9. Immunity from liability for actions under chapter.**

Any person, firm, corporation, or official, including members of a multidisciplinary child protection team, quality assurance team, child death review team, or other authorized case review team or panel, by whatever designation, participating in the making of a good faith report in an investigation or case review authorized under this chapter or other law or department practice or in the removal of a child pursuant to this chapter, or participating in a judicial proceeding resulting therefrom, shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

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ALA.CODE § 26-14-10

**§ 26-14-10. Doctrine of privileged communications not grounds for exclusion of evidence as to child's injuries.**

The doctrine of privileged communication, with the exception of the attorney-client privilege, shall not be a ground for excluding any evidence regarding a child's injuries or the cause thereof in any judicial proceeding resulting from a report pursuant to this chapter.

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ALA.CODE § 26-14-11

**§ 26-14-11. Appointment of attorney to represent child.**

In every case involving an abused or neglected child which results in a judicial proceeding, an attorney shall be appointed to represent the child in such proceedings. Such attorney will represent the rights, interests, welfare, and well-being of the child, and serve as guardian ad litem for the child.

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ALA.CODE § 26-14-12

**§ 26-14-12. Establishment of regulations by Department of Human Resources.**

The State Department of Human Resources may establish such regulations as may be necessary to implement this chapter and to encourage cooperation with other states in exchanging reports to effect a national registration system.

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Code of Alabama  
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ALA.CODE § 26-14-13

**§ 26-14-13. Penalty for failure to make required report.**

Any person who shall knowingly fail to make the report required by this chapter shall be guilty of a misdemeanor and shall be punished by a sentence of not more than six months' imprisonment or a fine of not more than \$500.00.