

HOW TO DEAL WITH A CONVICTED SEX OFFENDER

- ***What should church leaders do when they learn that a convicted child abuser is attending church?***

This is a problem that poses a significant “dilemma” to a church pastor who wishes to make his church safe for members, particularly children, and also wishes to deal with the offender in a “redemptive” manner and afford him (or her) the opportunity to worship. Even so, it is important for the pastor to know that child abusers are often individuals who cannot be cured, who are driven to repeat their conduct, and many times sincerely hold a persuasive conviction that they will not repeat their offense.

If a person abuses a child/minor on church premises or at church functions and its leaders know *or should have known* the person is a child abuser, the church will have a difficult case to defend. The church will need to demonstrate that it exercised a high degree of care and vigilance in the supervision of the individual. The following guidelines have been developed for implementation:

1. Individuals who are known to have committed physical or sexual abuse may not work or serve as volunteers or staff in any church or school sponsored activity or program for children.
2. **Exclusion**. Obviously, the risk of liability based on negligent supervision of the offender is eliminated by total exclusion from the church or school property and activities.
 - a. The person does not have to be cut off entirely
 - b. The pastor or other church leadership can meet with such a person off the church premises to provide spiritual support.

NOTE TO CONFERENCES - In reviewing whether a person should be allowed to participate in church services and other activities, the individual’s record and facts of the offense should be considered. Legal counsel in the jurisdiction should review the Participation Agreement to be sure it meets with all legal requirements of the jurisdiction and be suitable for the individual.

(Adventist Risk Management’s Church Attendance/Participation Agreement for Sex Offenders, <http://www.adventistrisk.org/prevention-resources/safety-topics/child-and-youth-activities/child-protection>)

3. **Close Supervision**.
 - a. The church board or board of elders will designate a “chaperone” to accompany the abuser at all times when present on the church or school property or at church or school functions.

- b. The chaperone should be a responsible, mature adult of the same gender as participant, over 30 years of age; with no sexual misconduct history, and not a relative of the abuser.
- c. It need not be the same chaperon every week.

4. **Church Attendance / Participation Agreement for Known Sex Offenders.**

NOTE TO CONFERENCES - In reviewing whether a person should be allowed to participate in church services and other activities, the individual's record and facts of the offense should be considered. Legal counsel in the jurisdiction should review the Participation Agreement to be sure it meets with all legal requirements of the jurisdiction and be suitable for the individual. (Statement from Adventist Risk Management's Church Attendance/Participation Agreement for Sex Offenders, <http://www.adventistrisk.org/prevention-resources/safety-topics/child-and-youth-activities/child-protection>)

- a. The church leaders can permit an offender to attend church and participate in its activities subject to specified conditions to which the offender agrees in writing.
- b. Such an agreement may specify that:
 - i. He or she is not to perform any responsibilities directly or indirectly with children.
 - ii. Is not to transport children to or from church or church functions.
 - iii. Is not to attend youth (under 18) functions.
 - iv. Does not sit with children during church services or functions.
 - v. And does not have any contact off the premises with children who are church members.

(To acquire a sample of the Church Attendance/Participation Agreement for Sex Offenders, visit <http://www.adventistrisk.org/prevention-resources/safety-topics/child-and-youth-activities/child-protection>)

If there is a convicted sex offender attending church, a deacon or other responsible adult should be assigned to monitor the person while on the premises. The offender shall be informed of the procedure. (For more information on the Chaperone' criteria, find Adventist Risk Management's Church Attendance/Participation Agreement for Sex Offenders doc, <http://www.adventistrisk.org/prevention-resources/safety-topics/child-and-youth-activities/child-protection>)

- c. If a sex offender transfers to or attends another church, notification of the previous history will be provided to the new congregation.

- d. Be knowledgeable of the legal requirements for reporting suspected cases of abuse. Work closely with your church pastor and conference leaders when reporting.
 - e. If the offender is a minor, the agreement has to be signed by his or her parents. The local conference's legal counsel should review the agreement.
5. **Notification of Families.** The church should consider the possibility of privately notifying the parents of children.

Under certain circumstances, courts have found the church to have a “duty to warn” church members of the presence of child abusers and other persons believed to be child abusers who attend church or otherwise participate in church functions. Such a step is often difficult to administer, particularly since new or guest families may not receive the warning. Furthermore, the child abuser may feel this is an unjustified step to take. Nevertheless, warning other families may be necessary. The offender or his/her family should be informed if such a step is contemplated.

Helpful Child Protection Resources:

Child Predators Video by Adventist Risk Management

<https://www.youtube.com/watch?v=rWyEbKNynao>

Sex Offenders In Church Article by Adventist Risk Management

https://www.adventistrisk.org/sitemedia/siteresources/pdfs/cpp_sexoffendersinchurch.pdf

Sex Offenders: Keeping Children, Schools, and churches Safe Article by Adventist Risk Management

https://www.adventistrisk.org/sitemedia/siteresources/pdfs/cpp_prevention.pdf

Dealing with child abusers who attend church services and other functions should be done aggressively. In most cases the offender has a criminal record. The church pastor should work with the parole officer and request an affidavit from the offender or from the court, this document will indicate charges and convictions. Be sure to determine whether there are any paroles or probation conditions to his/her release. Consider contacting the parole or probation officer or prosecuting attorney who pursued the criminal action for advice. The benefit of any doubt should be in favor of the church members.
