



Adventist Risk
Management, Inc.

SEX OFFENDERS IN THE CHURCH: A LEGAL GUIDE

Karnik Doukmetzian
Robert Burrow
Victor Elliot



SEX OFFENDERS in Church

...our ministry is to **protect** your ministry

Several weeks ago, National Public Radio's program All Things Considered broadcast a story about a congregation in Southern California struggling with whether to open its arms to a child molester and allow the sex offender to worship among them. The debate that followed exposed the deep divide that all churches struggle with when it comes to this sensitive subject. Churches simultaneously reach out to the perpetrator and to the survivors of abuse. Often they seem like conflicting ministries. Many pastors have sought advice on how to deal with sex offenders who have been released from prison and want to return to church. In this issue of Solutions we, too, will address this issue and offer some legal and practical advice on how to best serve and at the same time, protect.

In the Christian realm of forgiveness and the offer of a sanctuary for all sinners one would think that the welcoming hand of fellowship would be extended to all, but even the most accepting and affirming congregations struggle when a sex offender arrives at the door. We are admonished by Christ to forgive. On numerous occasions He told His disciples that: "if ye forgive men their trespasses, your heavenly Father will also forgive you: But if ye forgive not men their trespasses, neither will your Father forgive your trespasses" (Matthew 6: 14-15). The apostle Paul also counseled us to "be kind to each other, tenderhearted, forgiving one another, just as God through Christ has forgiven you" (Ephesians 4:32). How

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do we reconcile the words of Jesus and Paul with the reality before us as we deal with these individuals? While all sinners need an opportunity to recover and lead productive lives, a balance must be drawn between recovery and living in the real world. Having safety measures and a policy to deal with sex offenders before the crisis arises is the best way to protect church members and avoid congregational turmoil. The policy should start with a clearly defined set of rules about how sex offenders should conduct themselves in

church. These rules should include limited access to church property, staying away from children, and being accompanied by escorts while on church grounds, and limits on holding church offices.

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KARNIK DOUKMETZIAN is General Counsel for the Seventh-day Adventist® Church.



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12501 Old Columbia Pike, Silver Spring, MD 20904 | Phone: 1-888-951-4ARM (4276)
customer@adventistrisk.org | www.adventistrisk.org



SEX OFFENDERS

The Struggle

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There are sex offenders in your local congregation. Some are known, but some labor with a secret sin and remain unknown. No church is immune. Every congregation must decide whether it will attempt to include known sex offenders or direct them elsewhere. This is not an easy choice to make. There are legitimate reasons for excluding the offender even though, on the surface, it appears to be contrary to Christ's teachings. Not every congregation is equally equipped to manage the issue. If, after prayerful consideration, a church determines that it cannot meet the needs of a sex offender, it should not attempt to do so. If, on the other hand, the congregation determines that it has the resources and will to manage The Struggle, the next question is—How?

The goal of this article is not to supply solutions for specific situations, but rather to provide a framework for thinking about the issue and preparing for this inevitability. It focuses on the known sex offender. The time to consider these issues is now—before a sex offender is identified in the pew. Before that day arrives, you should develop a plan for managing the issue. Such pre-planning will serve you well.

What We Hope to Achieve

The goal we must reach is inclusion with verifiable limitations. As with most things, ideas conceived in the abstract do not always work in real life. There is no substitute for flexibility and sound judgment. Not all sex offenses are equally risky. An adult man convicted at 19 of sexual contact with his 16-year-old girlfriend presents a far different set of risks than a life-long pedophile with many victims. The former may not be an issue for the church's consideration; the latter is a high risk individual. How we manage these two extreme situations will showcase how flexible we are and the soundness of our judgment.

With many sex offenders, strict limits are completely appropriate. Limits have little to do with forgiveness, rather, they serve to protect the congregation from the offender's potential sin and shield the offender from his or her weakness.

Sometimes, the idea of forgiveness may be used to justify a lack of vigilance in this area. Such a perversion of forgiveness is neither appropriate nor Biblical. Scripture is filled with examples of flawed, yet godly, people who were forgiven, but suffered the



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consequences of their respective sin. David and Moses are two clear and familiar examples.

There is also an idea that springs from secular culture into church life, which impacts decisions on how to manage The Struggle. The idea is this: We should not judge the behavior of others. The reality is that while we cannot judge the heart of another, we do and must judge behavior.

Process Points to Ponder

There are a number of different techniques by which to manage an offender's presence in a congregation. Some suggestions follow. This is not an exhaustive list and there are many variations of each idea. The common thread throughout is that the limits must be consistently enforced as a condition of an offender participating in worship. Deviation or violation by the offender should, in most situations, act to disqualify him or her from further worship.

1 | **CONDITIONAL MEMBERSHIP**

We all hold church membership conditionally. At a minimum we must accept the fundamental beliefs of the Seventh-day Adventist faith, and be baptized or enter by profession of faith. Sex offenders who wish to worship in a given congregation will,

as a consequence of their wrongdoing, have additional conditions placed upon them. Explaining that conditional membership applies to all may help persuade those who resist limits.

2 | COVENANT

This is the heart of managing The Struggle. Before allowing offenders to attend services, ask them to commit to a covenant designed to set forth the conditions of membership or participation in services. Such a covenant should clearly state the level of participation the congregation will permit. Typically, it would prohibit contact with children. Prohibition of participation in youth or children's ministries, such as Pathfinders, Adventurers, and Children's Sabbath School, would be appropriate. It may also prohibit the offender from attending functions such as church potlucks and other social events in which children are likely present. This should be reduced to written form, and signed and dated by the offender. Some conferences are using this technique with success.

3 | ACCOUNTABILITY PARTNER

I call this the guardian angel solution. This person would be responsible for assisting the offender in honoring the promises made in the covenant. You may want to have two or three people involved in this to avoid burnout or lapses in supervision. The accountability partner should stay within sight of the offender at all times. Supervision must be well coordinated to avoid lapses in

responsibility ("I thought it was Bob's turn"). You may wish to consider having this person report to the church board or executive committee annually or semi-annually to discuss any problems with the offender or with the process.

4 | DISCLOSURE TO CHURCH MEMBERS

This is a delicate situation requiring a high degree of skill. Do we disclose that a sex offender is worshiping with us? If so, how and to whom? These are all tough issues to work through.

First, disclosure is appropriate and necessary. It gives congregants fair warning, particularly those with children or other vulnerable family members. Second, a one time disclosure is not effective. In time, membership rolls change and those who need to know may change. Departing pastors should advise incoming pastors of the presence of a sex offender in the congregation. Third, the content of the disclosure should be factual, respectful, and true. Disclosure should avoid opinion, speculation, or pseudo-analysis. Lastly, prior to making such a disclosure, it is important to consult with local legal counsel to obtain guidance on the appropriate legal limits of such a disclosure.

5 | CONTACT WITH CHILDREN

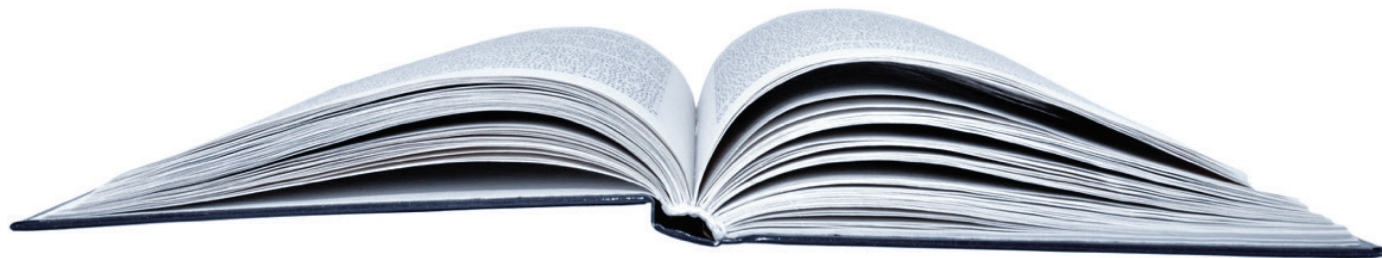
Many churches have a policy or a practice of conducting criminal background checks on all people working with children. Any policy or practice should clearly state that anyone with a history

of sex offense forfeits the privilege of working with young people and children, and as a condition of membership is prohibited from contact with them within or outside of church or its functions.

As with many things, success lies with the people responsible, in this case, for enforcing limits. Those responsible for enforcement, including the offender, must be committed to the idea and the process. It is important to stress that these limits are not punitive. Instead they make it possible for the offender/believer to participate in corporate worship and fellowship.

6 | FLEXIBILITY

Within your policies, allow some flexibility and discretion. Whatever guidelines or policies you adopt, make sure you have sufficient discretion to address individual situations. Such flexibility will include some assessment of whether or not the offender is truly repentant or merely seeking an opportunity to approach the vulnerable. The truly repentant may be provided with conditional membership which includes appropriate limits and safeguards. Those offenders who seek access to the vulnerable should not be permitted access, under any circumstances, limits, or conditions. How to determine who is and is not truly repentant is a huge challenge, but the attempt must be made. Speaking to probation officers, observation, and other background data gathering may assist you in assessing the offender.





Impact on the Congregation

My mother once told me to avoid discussing religion and politics. This is because such discussions rarely bring out the best in us. The same can be said for addressing The Struggle. You will find, within most congregations, that any attempt to deal with this problem will polarize the members. Some will line up on the law and order side and others will stand squarely under the umbrella of grace. Few are able to see that both can be achieved. Further, the uncharitable tone of many discussions on this subject conflicts with the scriptural beliefs of some believers. No matter how this issue is managed, it is likely that some will leave and worship elsewhere. That should not deter you from working hard to manage The Struggle. Simply understand that this issue brings out strong opinions and no matter how you manage it, you will have some who strongly disagree with you.

You are Not Alone

As a local pastor or church leader, it is easy to feel overwhelmed when facing The Struggle. Please know that you are not alone. There are many resources you can call upon, including the staff at Adventist Risk Management. There is no single source of information on this topic. Some places where you can seek help include your local police department, probation officers, mental health care professionals, and social workers. Such professionals can assist you in evaluating your processes and help you assess the risk of a given individual. Beware, however, of the self-proclaimed experts in this field. With the problems of sex abuse within faith communities making national headlines in recent years, many are now profiting in the prevention field. You need to beware of such experts and stick with sources offering sound advice and proven techniques.

Conclusion

Developing the right processes and getting people in your congregation to commit to unwavering diligence will stretch your leadership ability to its limits.

The Struggle, however, requires your best efforts. The sin of sexual abuse ripples throughout the lives of individuals and creates burdens for our churches and institutions. But this is work that must be done as it enables our objective—spreading the Gospel. If you have ideas on this subject to share, I welcome your input and frank discussion. ▣

Please contact me at:
rburrow@adventistrisk.org
to share your ideas or comments.

ROBERT BURROW is Vice President and Chief Legal Officer for Adventist Risk Management,[®] Inc.





RECOGNIZING & DEALING with Sexual Predators

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When church members and their children come to worship or attend other church functions, it should be with the understanding that there is no bubble that encapsulates and protects the participants from all danger. Yes, there is always the possibility of a miraculous deliverance from the evil that may have otherwise befallen someone, but the Lord has given us the ability to think and to plan on ways to protect those who need protection.

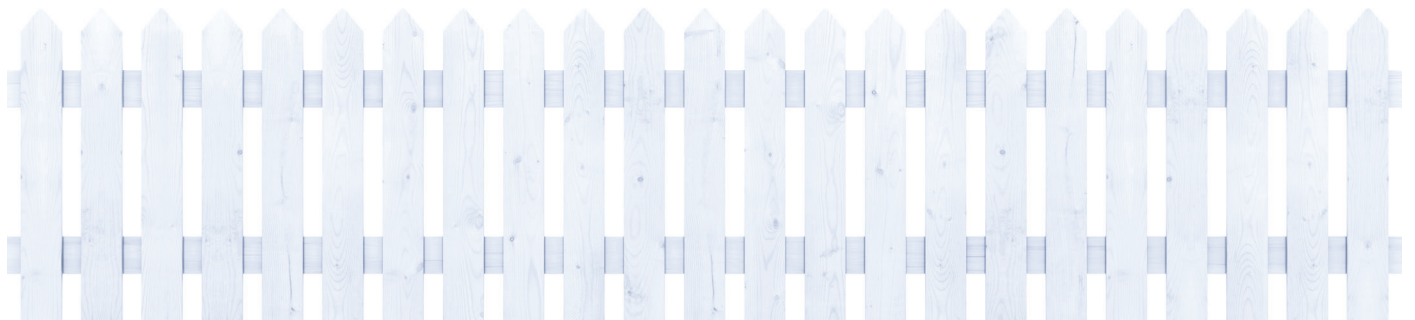
Sure, we need to continue to run fingerprint cards and do background checks on adults who minister to the children and youth of our church, but that will only screen out those who have already been caught. There may be individuals in your congregation who have never been caught by the law and have engaged in sexual abuse with children, perhaps even those whom you see from week to week in your church building.

Leaders of our local churches need to equip the adult members by educating them to recognize the symptoms of sexual abuse in the children they minister to. There are several physical symptoms that may indicate sexual abuse in a child: difficulty walking or sitting; pain/itching in genital area; bruises/bleeding in private areas; STDs; abrupt change in personal care - child fails to bath, comb hair, brush teeth, etc. When these types of symptoms are seen, an adult should feel an obligation to act to protect the child and to clarify what is going on with the child. Local laws may require mandatory reporting of what you see to either the police or some other social services agency. Your church may also develop a protocol of other individuals you should contact with your concerns (pastor or parents/guardians of the child).

Church members also need to be able to recognize inappropriate interaction by other Sabbath School leaders or other adults with children. Some danger signs could include any of the following: adult always alone with the child; adult giving child lingering full frontal hugs instead of side hugs; expensive gift by adults to children who are not the natural objects of their affection by family line; adult always wanting to take the child places; adult and child stop talking when others are near; unusual amount of time spent together or an unusual amount of physical contact between adult and child. Again, if something suspicious is noticed, you may be under an obligation to have the professionals look into the matter for the protection of the child involved.

In a perfect world, there would be no predators in our midst. But Jesus has warned us that the devil will come among us like a roaring lion seeking whom he may devour. Can that illustration be stretched to encompass the thought that it would be very wise to prepare the paid and volunteer staffs in our local churches with the education that will allow them to more effectively recognize predators and perhaps prevent the harming of young worshippers?

From the count of actual claims being brought against churches and schools in the Seventh-day Adventist Church, there are a number of children each year who have encounters with sexual predators. Either the numbers of events occurring per year are increasing, or victims and their families are becoming more inclined to report the encounter to the authorities. There may still be some in the church that resist the thought that in most jurisdictions it is the law that sexual abuse of a minor must be



reported to the local government (police or social services). Mandatory reporting by our churches happens most of the time when it should happen.

A good way to approach the mindset that seeks to prevent sexual abuse and protect the children would be by educating three different groups in a nearly simultaneous and overlapping fashion. First the local church leaders would have to be educated. This would target not only the paid leaders, but also the volunteers that deal with church management or with the children's programming. They need to recognize that there is a sexual abuse problem throughout society in general and even specifically within the Seventh-day Adventist community. Education is a resource that can be an effective measure to help the local church better protect the children.

When this administrative group buys in to the concept they can create a consciousness throughout the church that will empower the other two types of educational programs.

The second type of educational materials would be targeted to the parents of the children in the church to share with them

ways to better protect their children and to help the children recognize behaviors that they should not allow. The home

should be the primary place for children to learn about the beautiful, God-given gift of sex and how it has been perverted in this sinful world. However, it is possible to provide programmed teaching packets and visual aids for the parents to use with their children in such a way that both the parents and the children learn survival skills in this area of life.

The final educational thrust would be aimed at directly helping the children themselves understand the difference between a good and bad touch. They also need to know what their best options could be when they are faced with a potential sexual abuse situation. This is a fallback way to help the children if their parents are too busy, too unengaged in the usual child rearing responsibilities or are otherwise unable to talk about this topic. Some of the same teaching packets discussed in the previous family education paragraph may be useful here also. The object is to create awareness so that children will not be tricked by a sophisticated predator. There may need to be some parental authorization for this direct training of the children. ■

VICTOR ELLIOT is Claims Counsel for Adventist Risk Management,® Inc.



“Yes, we allow sex offenders membership. We just have a few conditions here that need to be met.”

