

Congregation Beth David
Child Abuse and Neglect Prevention Policy
Approved July 27, 2022, revised June 20, 2023

A. Background and Policy Overview

Congregation Beth David (the “Congregation”) aims to provide a safe and secure environment for children who attend our synagogue and participate in our programs and events. We strive to offer a positive and enriching Jewish, educational, spiritual, and social environment that promotes intellectual, moral, and emotional growth. We hold the safety and well-being of children as sacred.

As part of our commitment to providing a safe and secure environment for children, the Congregation complies with applicable provisions of the California Child Abuse and Neglect Reporting Act (“CANRA”) and Section 18975 of the California Business and Professions Code (“Section 18975”), relating to Child Abuse and Neglect Prevention in Youth Services Organizations. CANRA requires employers to promote the identification and reporting of Child Abuse and Neglect by Mandated Reporters such as teachers and clergy. This includes making sure that Mandated Reporters are given information about their reporting obligations and obtaining a signed statement from each Mandated Reporter acknowledging that they intend to comply. Employers are strongly encouraged to provide Mandated Reporters with training on their duties under CANRA but are not required to do so.

Section 18975 requires that Youth Service Organizations¹ perform background checks on administrators,² employees and Regular Volunteers (defined below). Youth Service Organization also are required to provide these individuals with training on how to identify and report Child Abuse and Neglect, and to develop and implement certain child abuse policies and procedures.

B. Definitions

For purposes of this policy, the following terms are defined as follows:

1. Child is any person under the age of 18 years old.
2. Child Abuse and Neglect includes the following: (1) A physical injury or death inflicted by other than accidental means on a child by another person; (2) Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code § 11165.1³; (3) Neglect of a child as defined in Penal Code § 11165.2; (4) Willful harming or injuring a child or the endangering of the

¹ The definition of “Youth Services Organization” set forth in Section 18975 is somewhat vague. Specifically, a “Youth Services Organization” is defined as “an organization that employs or utilizes the services of persons who, due to their relationship with the organization, are Mandated Reporters pursuant to paragraph (7) of subdivision (a) of Section 11165.7 of the Penal Code.” Section 11165.7(a)(7), in turn, identifies as a Mandated Reporter as “An administrator or employee of a public or private youth center, youth recreation program, or youth organization.”

² Section 18975 does not define the term “Administrator”. However, it’s our belief that the Congregation does not currently utilize the services of any individual who would be considered an Administrator who is not otherwise covered by this policy as an employee or Regular Volunteer. Accordingly, this policy does not list Administrators as individuals subject to its terms. If the Congregation does utilize the services of an Administrator now or in the future, that individual will be subject to this policy.

³ All references to the Penal Code are to the California Penal Code.

person or health of a child as defined in Penal Code § 11165.3; and (5) Unlawful corporal punishment or injury defined in Penal Code § 11165.4.

3. Congregation Beth David refers to the Congregation as well as its auxiliary groups and other groups affiliated with the Congregation.
4. Mandated Reporter is an individual required to report observed or suspected Child Abuse or Neglect to designated law enforcement or social services agencies under CANRA.⁴ Mandated Reporters include but are not limited to: teachers; instructional aides; teacher's aides or teacher's assistants employed by a public or private school; board members of a public or private organization whose duties require direct contact or supervision of children⁵; administrators and employees of private or public youth organizations; clergy⁶; and any custodian of records of a clergy member. For a complete list of Mandated Reporters, see Penal Code § 11165.7(a), attached to this policy as Appendix A.
5. Reasonable Suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect Child Abuse or Neglect. Reasonable Suspicion does not require certainty that abuse or neglect has occurred nor does it require a specific medical indication of Child Abuse or Neglect.
6. Regular Volunteer is any individual who is 18 years of age or older who provides services to Congregation Beth David without monetary compensation and who in this volunteer role:
 - (a) has direct contact with or supervision of children for more than 16 hours per month or
 - (b) has direct contact with or supervision of children for more than 32 hours per year, even if the individual has less than 16 hours direct contact with or supervision of children in a month.

C. Background Checks

1. Employees. All employees of the Congregation, as well as individuals offered employment by the Congregation, whether full-time or part-time, are required as a condition of employment to: (1) undergo a LiveScan background check (including fingerprints) at the local sheriff's office or other location, and (2) authorize Congregation Beth David to conduct a sex offender background check or checks annually. The Congregation will reimburse the cost of LiveScan Fingerprinting up to the amount charged for the service by the local sheriff's office. Sex offender background checks will be performed by the Congregation at its own expense. An individual may be denied or removed from employment based on the results of a LiveScan check or other background check to the extent permitted by applicable law. For example, if a LiveScan or sex offender background check reveals that the individual has a history of Child Abuse or Neglect, the individual will be denied or removed from employment at Congregation Beth David.

⁴ This policy goes beyond CANRA and also requires Regular Volunteers to report instances of Child Abuse and Neglect. See Reporting Requirements on pages 6 and 7 below.

⁵ Currently, the Congregation does not have any board members whose duties require direct contact or supervision of children. Should the duties of any board member change to require such direct contact or supervision, the provisions of this policy governing Mandated Reporters will apply to that board member.

⁶ A member of the clergy who acquires knowledge or a suspicion of Child Abuse or Neglect during a penitential communication is not subject to the mandated reporting requirements under CANRA.

2. Regular Volunteers. All Regular Volunteers are required, as a condition of serving as a regular volunteer, to: (1) undergo a LiveScan background check (including fingerprints) at the local sheriff's office or other location, and (2) authorize the Congregation to conduct a sex offender background check or checks annually. The Congregation will reimburse the cost of LiveScan Fingerprinting up to the amount charged for the service by the local sheriff's office. Sex offender background checks will be performed by the Congregation at its own expense. If a LiveScan or other background check reveals that the individual has a history of Child Abuse or Neglect, the individual will not be able to work with children at or on behalf of Congregation Beth David.

D. Notification to Individuals who are Mandated Reporters

The Director of Operations shall provide all new employees who are deemed Mandated Reporters under CANRA with a statement that informs the employee of: (1) their status as a Mandated Reporter, (2) their reporting obligations under Penal Code § 11166, and (3) their confidentiality rights under Penal Code § 11167. The Director of Operations shall also provide new employees who are Mandated Reporters with a copy of Penal Code §§ 11165.7, 11166 and 11167.

The Mandated Reporter will be required to sign a statement, as a prerequisite to employment, acknowledging that they have knowledge of their reporting obligations and will comply with those obligations.

E. Training Requirements

All employees and Regular Volunteers of the Congregation are required to successfully complete a Mandated Reporting Training Course approved by the Director of Operations whether or not they are deemed Mandated Reporters under CANRA. Among other things, the training must address: (1) how to identify Child Abuse and Neglect, and (2) how to report Child Abuse and Neglect. As a matter of policy, the Congregation's President and Vice President of Education also are required to complete the training regardless of their status as a Mandated Reporter or Regular Volunteer.

Employees must complete the course within ten (10) business days of employment. The individual must provide a certificate of completion to the Director of Operations within one week of completing the course. Failure to submit a certificate of completion in a timely manner may result in disciplinary action up to and including termination of employment.

Regular Volunteers must complete the course within ten (10) business days of the belief that the individual will attain Regular Volunteer status. The individual must provide a certificate of completion to the Director of Operations within one week of completing the course. Failure to submit a certificate of completion in a timely manner may result in the individual not being allowed to serve as a Regular Volunteer until a certificate of completion is submitted.

The President and Vice President of Education must complete the course no later than ten (10) business days after assuming office. The individual must provide a certificate of completion to the Director of

Operations within one week of completing the course. Failure to submit a certificate of completion in a timely manner may constitute cause for removal from office in accordance with the Congregation Beth David Bylaws.

F. Protecting Children

All employees and volunteers must establish and preserve appropriate boundaries in their interactions with children. This applies to all volunteers, not just Regular Volunteers. To this end, the following rules are designed to help ensure the safety of children during functions and activities taking place at Congregation Beth David as well as during Congregation sponsored or supervised events taking place off synagogue property.

1. Open Door Policy

- (a) All interactions with children must take place in spaces that are both observable and interruptible. This requirement applies to both instructional and non-instructional interactions as well as to both group and one-on-one interactions.
- (b) Classroom and activity room doors should remain open when in use. If this is not practical, a room with sufficient glass to view conduct must be used.
- (c) Doors should never be locked while children are inside the room, except during safety drills and emergency situations during which doors may be locked as appropriate under the circumstances.

2. Two Mandated Reporter Rule

- (a) The following provisions regarding the Two Mandated Reporter Rule do not apply to interactions between a child and a member of Beth David's clergy that are pastoral in nature or to Exempted Mentoring Relationships as defined in subparagraph (4) below.⁷ Two Mandated Reporters must be present to the greatest extent possible. This requirement can be satisfied by having one Mandated Reporter in the room with the children and a second Mandated Reporter present in the vicinity who checks in periodically either by entering the room or observing through a window or open door.
- (b) If it is not possible to have two Mandated Reporters present, the following procedures must be followed:
 - 1) One Mandated Reporter must be present in the room, and
 - 2) A second adult employee or volunteer who is not a Mandated Reporter but has completed Mandated Reporter training and agreed to report instances of observed or suspected Child Abuse or Neglect, must be in the room or check in periodically either by entering the room or observing through a window or open door.
- (c) The Two Mandated Reporter Rule should be considered whenever activities are planned involving the instruction or supervision of children at Congregation Beth David or offsite events supervised by the Congregation.

⁷ Members of Beth David clergy and any mentors exempted from the Two Mandated Reporter Rule under subparagraph (4) below are strongly encouraged to hold pastoral and exempted sessions at a time when and place where another adult who has completed Mandated Reporter Training is in the vicinity.

- (d) If an employee or volunteer inadvertently finds themselves in a situation where the employee or volunteer is alone with a child, the employee or volunteer must take the child to an area occupied by other adults who can easily observe the interaction.

3. One-on-One Interactions (In-person and online)

Except as specified below, the following provisions relating to one-on-one interactions do not apply to interactions between a child and a member of Beth David's clergy that are pastoral in nature.

- (a) One-on-one instructional sessions must be scheduled in advance and a notice with details about the session (e.g., location or Zoom link, date, and time) must be provided to a parent or guardian. The Congregation's Rabbi Educator shall be included in the notice whenever the session is scheduled to take place online.
 - 1) Notice of a one-on-one session with Beth David clergy must be provided to a parent or guardian unless the nature of the meeting request requires confidentiality. The Rabbi Educator need not be included in the notice.
- (b) The following additional procedures must be followed when one-on-one instructional interactions take place in-person at or on behalf of Congregation Beth David:
 - 1) A second Mandated Reporter, or another adult who has completed Mandated Reporter Training and has agreed to report cases of known or suspected Child Abuse or Neglect, must be in the vicinity and must periodically observe the activity. If this is not possible due to emergency situations, such as when access to the building is limited due to COVID, a parent must be in the vicinity and must be able to interrupt the meeting.
 - 2) This provision does not apply to Exempted Mentoring Relationships as defined in subparagraph (4) below.
- (c) The following additional procedures must be followed when one-on-one interactions take place online (e.g., Zoom):
 - 1) The Congregation's Rabbi Educator, or a Mandated Reporter designated by the Rabbi Educator, must periodically join online sessions, without prior notice, and observe a portion of the session.
 - 2) A parent or guardian must be notified that the Congregation strongly recommends that they be present in the home at the time of the session and within sight and hearing of the interaction.
 - 3) To ensure that all materials, such as documents or images, that are visible or potentially visible during the online session are appropriate for children, only tabs used for the current lesson should be open during the session. This provision applies to interactions that are pastoral in nature.
 - 4) Online sessions should never be saved or recorded on personal accounts. This provision applies to interactions that are pastoral in nature.

4. Exempted Mentoring Relationships

- (a) In limited situations (e.g., training for B-Mitzvot or other religious rituals), one-on-one mentoring relationships may be exempt from the Two Mandated Reporter requirements specified above but only if the following conditions are satisfied:
 - 1) The mentor has used best efforts to have a second adult present who is either a Mandated Reporter or has completed Mandated Reporter training and

agreed to report instances of Child Abuse and Neglect in accordance with this policy.

- 2) The mentor is an adult who has been comprehensively screened to identify risk factors associated with child abuse and neglect. At a minimum, this screening should include applications, interviews, and the background checks required by this policy.
- 3) The mentor has undergone training as set forth in this policy.
- 4) The parents or guardians of the child being mentored have received training in child abuse and neglect identification and reporting; and
- 5) Representatives of the Congregation have regular contact with the parents or guardians of the child being mentored.

(b) For the above exemption to apply, the Director of Operations, Mara D'atra, or Rabbi Educator must confirm in writing that the above conditions are satisfied with respect to the mentoring relationship. When the Director of Operations is the mentor, the Mara D'atra or Rabbi Educator must confirm in writing that the conditions are satisfied.

5. Supervision

- (a) Employees and volunteers are expected to provide age-appropriate supervision⁸ to children under their care.
- (b) Mandated Reporters, employees, and volunteers are prohibited from using or being under the influence of alcohol or any illegal drugs while supervising children. A token amount of wine (e.g., a sip or two) may be consumed by an adult Mandated Reporter, employee, or volunteer for ritual purposes provided that the adult is not impaired.

6. Discipline

- (a) Employees and volunteers are prohibited from using physical punishment in any way for management of the behavior of children. ***No form of physical discipline is acceptable.***
- (b) Physical force may only be used to stop a behavior that may cause immediate harm to an individual, and the force utilized must be the minimal amount necessary to protect the safety and wellbeing of the individuals present.
- (c) Employees and volunteers may not use overly harsh language, degrading punishment, or mechanical restraint for behavior management.

7. Communications Generally

- (a) Employees and volunteers must act professionally when communicating and interacting with children.
- (b) Communications with children should be encouraging and respectful. Employees and volunteers may not use language that teases, belittles or shames a child.
- (c) Inappropriate communications must be avoided. These include, but are not limited to, lewd or sexually suggestive language and information about the adult's own intimate relationships and sexual activities.
- (d) Employees and volunteers should never ask a child to keep a secret.

8. Electronic Communications

⁸ Age-appropriate supervision is defined as providing supervision appropriate to the age, needs, capabilities, activities, and location of the child. For example, a child under the age of six requires closer supervision than does a child of six or older.

- (a) The rules set forth in paragraph 7 above regarding communications generally apply equally to electronic communications.
- (b) Any email, electronic text, social media, or other electronic communication must copy or include the child's parent or guardian. The parent or guardian may request in writing (including email) that their child not be contacted through electronic communications and that request must be honored. Children should be encouraged to copy their parents or guardians on electronic communications.
- (c) Subject to the above requirements, employees and volunteers may communicate with children on social media sites like Facebook and Twitter, but all communications need to be in group form and public (no direct messages or private communications).
- (d) The use of Snapchat or similar services where messages disappear is not permitted.
- (e) The posting of photos or other images of children on social media sites may only be done with the permission of the child and the child's parent or guardian. Pictures and other images posted on public sites should not include the names of individual children.

9. Recognizing Problematic Behavior – The Grooming Process

- (a) Grooming involves building trust with a child and the adults around the child in an effort to gain access and time alone with the child. The purpose of grooming is to manipulate the perceptions of other adults around the child and to manipulate the child in becoming a cooperating participant.
- (b) Red flags that a person may be grooming a child for Abuse or Neglect include, but are not limited to:
 - 1) Special attention, outings, or gifts for no apparent reason
 - 2) Treating a child as if they are older, more mature than is developmentally appropriate
 - 3) Creating opportunities to be alone with the child
 - 4) Creating a special or secretive type of relationship with the child that excludes others
 - 5) Befriending a child's family, but showing more interest in the child than with the adults
 - 6) Sharing inappropriate sexual language or behavior that should only be shared with adults
 - 7) Appearing too good to be true
- (c) An employee, volunteer or other adult who suspects that a person (adult or youth) is engaging in grooming behavior should report their concerns as discussed below.

G. Reporting Requirements for Mandated Reporters and Regular Volunteers

All Mandated Reporters are required to report cases of observed or suspected Child Abuse or Neglect to local law enforcement agencies in accordance with CANRA. It is the Congregation's policy to further require all Regular Volunteers to comply with the CANRA reporting requirements. The following is a brief overview of those reporting requirements and identifies the local agencies who will receive reports of Child Abuse or Neglect. Mandated Reporters and Regular Volunteers should refer to the information provided in their training for more details about their reporting obligations.

1. Initial Telephone Report

When a Mandated Reporter (acting in his or her professional capacity or within the scope of his or her employment) or Regular Volunteer has knowledge of or observes a child whom they know or reasonably suspect has been the victim of Child Abuse or Neglect, the Mandated Reporter or Regular Volunteer must immediately or as soon as possible make an initial telephone report as follows:

- (a) In the case of a life-threatening emergency, the Mandated Reporter or Regular Volunteer should call 911;
- (b) In all other cases, the Mandated Reporter must:
 - ☐ Call the Santa Clara County Department of Family & Children's Services (DFCS), Child Abuse and Neglect Center (CANC) reporter hotline at (833) 722-5437. The hotline is available 24 hours a day, 7 days a week; or
 - ☐ Call a police department or Sheriff's Department
The Santa Clara County Sheriff's Office may be reached at (408) 808-4400 or (800) 211-2220 (toll free) or by e-mail at so.website@shf.sccgov.org

Employees, volunteers and other members of the Congregation who are not Mandated Reporters or Regular Volunteers are encouraged, but not required, to report cases of known or suspected Child Abuse or Neglect to the above agencies.⁹

2. Written Report

Within 36 hours of receiving the information concerning the incident, the Mandated Reporter or Regular Volunteer shall prepare a written follow-up report using a Department of Justice Form SS 8572. The form can be obtained from the DFCS website at

https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

The Mandated Reporter or Regular Volunteer must submit this form to DFCS, even if some of the information is unknown or is uncertain, using one of the following methods:

- ☐ Email: [SSA CANC eFAX@ssa.sccgov.org](mailto:ssa_canc_eFAX@ssa.sccgov.org) .
- ☐ Fax: [\(408\) 975-5851](tel:(408)975-5851).
- ☐ Mail: Department of Family & Children's Services
Attn: Child Abuse & Neglect Center (CANC)
373 W. Julian St.
San Jose, CA 95110

H. Reporting Expectations for All Employees and Volunteers (Regardless of Mandated Reporter Status)

⁹ Penal Code section 152.3 requires *any* person who witnesses the commission of a murder, rape or certain lewd and lascivious acts (as defined in Penal Code §280) against a child under the age of 14 to notify a peace officer.

Congregation Beth David expects all employees and volunteers (regardless of Mandated Reporter status) to report cases of observed or suspected Child Abuse or Neglect to the Director of Operations, the Mara D'atra, the Rabbi Educator, the President of the Congregation, or the Vice President of Education. In addition, all questions or concerns related to inappropriate behavior, including suspected grooming behavior, should be directed to one these individuals.

A Mandated Reporter who uses this process to report a case of observed or suspected Child Abuse or Neglect internally is still required to report the instance to local law enforcement agencies as described above and in the Mandated Reporter training.

I. Recordkeeping Requirements

The Director of Operations or his or her designee, must maintain the following records:

1. Records demonstrating that all employees and Regular Volunteers have undergone a LiveScan fingerprint background check and other background checks required by this policy.
2. Records demonstrating that all employees, Regular Volunteers, and Board Members who are required by this Policy to receive training have completed a Mandated Reporting Training Course approved by the Director of Operations. This may be satisfied by retaining copies of the Certificate of Completion provided the individuals taking the course.
3. Signed statements obtained from Mandated Reporters at the time of hire acknowledging knowledge of their reporting obligations and intent to comply.
4. An acknowledgement of Receipt of the Child Abuse and Neglect Prevention Policy from all employees and Regular Volunteers.
5. With respect to Exempt Mentoring Relationships, written confirmation that the conditions for the exemption have been satisfied.

J. Policy Dissemination and Affirmation

This policy will be posted on the Congregation's website and will be distributed to all employees and Regular Volunteers.

In addition, the Congregation requires all employees and Regular Volunteers to sign a statement acknowledging that they have received, read, and agree to abide by the terms of this policy. The acknowledgement should specifically state that the employee or Regular Volunteer agrees to report cases of observed or suspected Child Abuse or Neglect in accordance with this policy and applicable state law.