

# SCREENING CHURCH WORKERS

**D**o churches have an obligation to screen workers who will be working with children at every level from nursery to youth? The answer is yes for two reasons.

1. Children are the most vulnerable members of the congregation and should be protected.
2. Negligent selection of workers is a common legal risk faced by churches today.

## CHURCH LAW

A recent court ruling established clear rules for accomplishing this mission.

- Every worker, paid or volunteer, fills out an application form, listing references.
- Every reference is contacted and the question of suitability for work with minors is asked and answered.
- Criminal background checks are done.
- All candidates are interviewed and questions of past work with minors are asked and answered.

In addition, the following rules should also be part of your plan:

1. Never use new church members as children's workers. The relationship between the worker and the church should be at least six months old.
2. No second chances. If you place a person in a position of trust with children with knowledge of prior misconduct (physical, sexual, etc.), the church may view that as mercy, but a jury will view it as gross negligence.

Once these rules are put in place, the church must always follow them. No exception should be made. To have a plan and use it only selectively is as bad as having no plan at all.

*\* Bad News! The IRS has appealed the tax court ruling which would have allowed a minister to claim housing allowance in excess of the fair market rental value of his or her home, to the ninth circuit federal court of appeals. If you rely on that tax court ruling now, you risk a judgment against you should the decision be overturned by the court of appeals. I'll keep you posted, but expect the answer to be at least a year away.*