



## GuideOne Center for Risk Management Dealing with Sex Offenders

---

This fact sheet addresses the delicate situation in which a congregation learns that a convicted sex offender has been attending its services or activities. There are currently more than half a million registered sex offenders in the United States. With over 60 percent of convicted sex offenders under some form of community supervision, the likelihood that offenders are worshipping in local congregations is great.

How should a congregation respond to a known sex offender in its midst? One approach is to work through a four-step process, ideally in advance of the situation arising. The four steps include:

1. Learn local laws.
2. Formulate a plan.
3. Meet with the offender.
4. Implement the plan.

### Learn Local Laws

The first thing you should do is be certain the individual is a convicted sex offender. You do not want to accuse someone of being a sex offender and find out that it was not true, which most likely would lead to lawsuits against the church. Check the National Sex Offender Public Website (NSOPW) at <http://www.nsopw.gov> for verification.

The next step is to research your jurisdiction's laws and ordinances regarding sex offenders. In recent years the rules pertaining to sex offenders have been tightening, particularly at the local level. While these laws typically involve restrictions on where an offender can live, some also prohibit an offender from having any contact with minors, or being anywhere that children congregate.

### Formulate a Plan

Once church leaders clearly understand local laws and ordinances, they should decide in advance the approach they will take toward sex offenders. The following lists several options:

- Allow unfettered access to programs and facilities.
- Exclude the individual from the congregation entirely.
- Limit access to certain programs or areas at specific times.

Continued>>

(2011)

This material is for informational purposes only. It is not intended to give specific legal or risk management advice, nor are any suggested checklists or actions plans intended to include or address all possible risk management exposures or solutions. You are encouraged to retain your own expert consultants and legal advisors in order to develop a risk management plan specific to your own activities. For more information, contact the GuideOne Center for Risk Management at (877) 448-4331, ext. 5118 for Church and Schools.



- Require other conditions, such as monitored attendance and/or coordination with the individual's probation/parole officer or treatment provider.

At one end of the spectrum, treating the offender like every other member and allowing the individual unrestricted access to the congregation presents an extraordinary liability risk. On the other end of the spectrum, totally barring the individual from the property is an action that should be taken only with the guidance of legal counsel. In the middle, a range of possibilities exist. Perhaps the safest approach, short of totaling excluding them, is to allow limited access to certain programs or activities within the church.

Once the policy is adopted, it's important that the church is consistent in how it is applied.

## Meet With the Offender

Once a policy is formed, the organization is better prepared to address particular situations if they arise. When the congregation becomes aware of the involvement of a sex offender, the minister and at least one other person should schedule a meeting with the individual. Such a meeting serves several purposes, including the following:

- Lets the person know that the congregation is aware of his/her background;
- Affords an opportunity for the congregation to provide and explain its policy;
- Provides an opportunity to discuss ministry needs of the individual;
- Allows signing authorization for a background check and release of probation/parole information to your organization; and
- Provides a time to discuss who will be made aware of the situation.

If the individual will not agree to the guidelines, or is prohibited by the terms of his or her probation or parole from going where children congregate, by default the individual will be excluded from participation in the congregation's services and activities.

## Implement the Plan

If the guidelines are agreeable to the offender, a team approach should be used to implement the plan. Since it is too much to ask one individual to follow the offender around, the team should function cohesively to minister to the individual, while at the same time working to safeguard the congregation and its children. If monitored attendance is a part of the plan, the team should determine who will be the offender's chaperone on each Sunday, or during other church activities. Even a seemingly innocent violation of the agreed guidelines must be taken seriously.

## Safeguarding Children is Key

While the precautions mentioned in this fact sheet may seem extreme to some, there is little margin of error for the church. If an incident was to repeat itself, a church with knowledge of an individual's past sexual misbehaviors with children will face enormous legal liability if it provided the setting for a later crime. In the delicate balance between ministering to the needs of an offender and providing for the safety of the church's children, it is better to err on the side of the children.