

THE INSURANCE ADVISOR

For America's Churches and Related Ministries from Brotherhood Mutual and Its Agents

STEPS TO REDUCE AN ALLEGATION OF SEXUAL MISCONDUCT IN YOUR CHURCH

ISSUE 24—HOW CAN YOU PREVENT SEXUAL MISCONDUCT IN THE COUNSELING SETTING?

In today's increasingly litigious society, you need to know the legal risks associated with clergy counseling and manage your ministry activities accordingly.

In recent years, churches and related ministries have become targets of lawsuits alleging some type of sexual impropriety by a counselor.

In today's increasingly litigious society, you need to know the legal risks associated with pastoral counseling and how to protect your organization and staff against allegations of sexual misconduct.

PREVENTING SEXUAL MISCONDUCT

Your ministry should develop and implement counseling guidelines. Here are some suggestions:

- Put your counseling procedures in writing.
- Offer only pastoral (spiritual) counseling only. Develop a referral network of other

professionals who provide help beyond the scope of spiritual counseling.

- Limit the duration and number of sessions in which opposite-sex counseling is permitted (typically two or three per person per year). After the limit is reached, require the counselor to refer the person to another counselor.
- Screen everyone who will be providing counseling. Review their qualifications. To avoid a charge of negligence, verify and document that the counselor has no record of criminal activity or sexual misconduct.
- Consider conducting opposite-sex counseling by telephone. If this is not an option, consider having two counselors present.
- Conduct counseling sessions only on church premises when others are present in the building. All notes and records taken during the counseling session should be properly secured and kept strictly confidential.
- Refrain from any speech or physical act that could in any way be construed sexually or romantically.
- Keep the door to the counseling office open or install a window in the counseling office.



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CAUTIONS CONCERNING COUNSELING

1 Using secular counseling methods without possessing secular credentials increases your legal liability.

If you employ such methods, you will probably be required to meet the standard of care imposed by the legal system on professional counselors. You could lose your First Amendment “freedom of religion” protection by using secular counseling.

2 Youth ministries are at high risk for sexual misconduct allegations. Youth workers are often closer in age to the teens they work with, they’re often unmarried, and they spend a lot of time with youth—sometimes off premises or at overnight activities.

You need to establish rigid guidelines for youth ministers and youth activities. Two ways to help reduce problems are to plan youth activities in advance of an event and ensure that adequate adult supervision (two or more) is present.

3 A growing number of states deem it a criminal offense for a counselor to become sexually involved with a client. Consensual sexual conduct is not a valid defense if a court determines that such a law was violated.

Louis Blosch Insurance Agency

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can spend spreading the good news of Jesus Christ.

Our team professionals are Louis Blosch, Jerry Hendon, Chuck Lewis, Guy Landes and Clayton Haggard.



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