



SPRINGSPIRIT BASEBALL CHILD PROTECTION POLICY

I. Introduction

Each day, as many as 150 individuals with criminal records apply for positions with nonprofit organizations, many of whom are registered sex offenders. According to the *National Center for Missing and Exploited Children*, and based on data collected by a *Federal Bureau of Investigation* survey of incarcerated sex offenders, on average, a serial offender will commit 150 acts of sexual abuse against a child prior to being caught. SpringSpirit Baseball (“**SpringSpirit**” or “**SSB**”) understands that organizations serving youth, particularly those from distressed circumstances, are particularly susceptible to being targeted by those who prey on children. Accordingly, to protect the children who participate in its programs (“**Participants**”), SpringSpirit has adopted this document, the “SpringSpirit Baseball Child Protection Policy” (the “**Policy**”), which establishes guidelines and procedures for [employees, board members, volunteers, interns, contractors, or anyone conducting business or involved in any activities on behalf of SpringSpirit in which direct contact with Participants is anticipated (collectively “**Covered Parties**”)]. The following guidelines and procedures are designed to protect Participants from harm and to prevent even the appearance of impropriety on the part of anyone associated with SpringSpirit Baseball.

SpringSpirit has a zero-tolerance policy for incidents of sexual abuse and neglect of children. We understand that for SpringSpirit to achieve its mission, we must ensure the safety of those who participate in our programs. Accordingly, EVERY reported or suspected incidence of sexual abuse or neglect will be treated with absolute priority, and SpringSpirit will do everything in its power to ensure the successful prosecution of any perpetrator to the fullest extent allowed by law.

II. Compliance

SpringSpirit, as part of its Child Protection Policy, shall appoint a Compliance Officer. The Compliance Officer will ensure that SpringSpirit is acting in accordance with any requirements outlined in this Policy. The Compliance Officer is also responsible for designing and implementing internal controls, policies and/or procedures to ensure certain outside parties comply with this Policy. The Compliance Officer will audit each outside party to ensure they are following Policy guidelines, and that any reports/incidents are handled in accordance with the Policy.

Other duties of the Compliance Officer include but are not limited to:

- Responding to requests for information from internal and external parties;

- Conducting orientation and youth protection training for new hires;
- Ensuring that background checks on Covered Parties are conducted annually;
- Receiving “Child Abuse Incident Reports” and notifying the President and Executive Director of SSB regarding any incidents. In the event that the incident involves the President or Executive Director of SSB, the Compliance Officer will notify the Chairman of the Board.
- Confirming that appropriate law enforcement has been informed of any incident.
- Developing, maintaining, and updating the “SpringSpirit Baseball Volunteer Handbook.”

III. Training

SpringSpirit will provide Covered Parties with the “SpringSpirit Baseball Volunteer Handbook” and youth protection training as soon as is practicable after hire. Employees and interns must attend youth protection training no later than the earlier of first contact with Participants or one year from date of hire.

It is strongly suggested that volunteers, board members and contractors that will have direct contact with Participants attend youth protection training but at a minimum these groups are required to read the “SpringSpirit Baseball Volunteer Handbook” and the Child Protection Policy and return Acknowledgment forms for both to the Compliance Officer prior to direct contact with participants/volunteering with SpringSpirit.

Training will cover:

- The SpringSpirit Child Protection Policy;
- Obligations under Texas law and this Policy to report incidents of child abuse or neglect, as those terms are defined in Texas Family Code § 261.001 (attached as Appendix “A” to this document);
- How to recognize signs that a child may have been abused;
- The process for reporting an incident.

IV. Background Checks

All Covered Parties must complete the volunteer registration process, which includes a background check where references may be required. At a minimum all potential Covered Parties will be subject to a national name-based criminal background check on an annual basis. SpringSpirit reserves the right to permanently bar an individual from volunteering if the volunteer’s background check results in a finding of past child abuse and/or neglect or any other offense SpringSpirit deems as a threat to youth participants.

Background checks will be conducted by an SSB approved vendor and may include:

- Federal background checks;
- State background checks for Texas, and all states of past employment or residence; and/or
- County and municipal background checks.

All background checks will be conducted in a manner, as determined by SpringSpirit Baseball, to ensure compliance with the Policy.

V. Reporting Requirements

On occasion, a Participant may choose to share personal information with a Covered Party. SpringSpirit will treat each Participant’s personal information with confidentiality. Although all Participants are free

to share personal information with Covered Parties, certain information is required by law to be reported to certain law enforcement agencies. Accordingly, private conversations with Participant should be held in strictest confidence **except:**

- If a Participant indicates or gives cause to believe that he or she is a victim of abuse or neglect, that those terms are defined in Texas Family Code § 261.001;
- If a Participant indicates or gives cause to believe that he or she is involved in any illegal activity; or
- If a Participant indicates or gives cause to believe that he or she is considering homicide or suicide.

IN THE EVENT A COVERED PARTY WITNESSES, A PARTICIPANT INDICATES, OR SUCH COVERED PARTY OTHERWISE HAS CAUSE TO BELIEVE THAT A CHILD (WHETHER OR NOT A PARTICIPANT) HAS BEEN A VICTIM OF ABUSE OR NEGLECT, SUCH COVERED PARTY SHALL IMMEDIATELY REPORT SUCH INCIDENT, OR SUSPECTED INCIDENT IN ACCORDANCE WITH TEXAS FAMILY CODE §§ 261.001, 261.101 ET SEQ.

Further, regardless of location or governing state law, Covered Parties must immediately report such incident, or suspected incident to the proper authorities and the SSB Compliance Officer. In addition, a Covered Party **MUST** complete a “Child Abuse Incident Report” in the event an incident occurs. The “Child Abuse Incident Report” will be available from the Compliance Officer. Once completed, this form should be submitted to the Compliance Officer immediately and under no circumstances more than twenty-four (24) hours after the incident occurs or is brought to the attention of the Covered Party. The form will be submitted to the SSB Compliance Officer and all appropriate authorities will be contacted.

It is not the responsibility of the Covered Party to decide if an incident is valid, truthful or worth reporting. Such a determination will be made by the proper authorities.

VI. Acknowledgement

If they have not already done so, all Covered Parties participating in an event where direct contact with a Participant is anticipated must read this Policy and deliver a signed copy of this acknowledgment, along with a waiver that will be provided prior to the event, to the SSB Compliance Officer. Covered Parties will not be given permission to participate in any event where children are present without signing the policy and waiver.

BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE RECEIVED, READ AND AGREE TO ABIDE BY THE SPRINGSPIRIT BASEBALL CHILD PROTECTION POLICY.

Signature: _____

Printed Name: _____

Date: _____

APPENDIX A

TEXAS FAMILY CODE

TITLE 5: THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING
THE PARENT-CHILD RELATIONSHIP

SUBTITLE E: PROTECTION OF THE CHILD

CHAPTER 261: INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT

SUBCHAPTER A: GENERAL PROVISIONS

Sec. 261.001. DEFINITIONS.

In this chapter:

(1) "Abuse" includes the following acts or omissions by a person:

- (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

- (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
 - (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
 - (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
 - (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or
 - (L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.
- (2) "Department" means the Department of Family and Protective Services.
- (3) "Designated agency" means the agency designated by the court as responsible for the protection of children.
- (4) "Neglect" includes:
- (A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
 - (B) the following acts or omissions by a person:
 - (i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - (ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - (iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

- (iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - (v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or
 - (C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.
- (5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:
- (A) a parent, guardian, managing or possessory conservator, or foster parent of the child;
 - (B) a member of the child's family or household as defined by Chapter 71;
 - (C) a person with whom the child's parent cohabits;
 - (D) school personnel or a volunteer at the child's school; or
 - (E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.
- (6) "Report" means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.
- (7) "Board" means the Board of Protective and Regulatory Services.
- (8) "Born addicted to alcohol or a controlled substance" means a child:
- (A) who is born to a mother who during the pregnancy used a controlled substance, as defined by Chapter 481, Health and Safety Code, other than a controlled substance legally obtained by prescription, or alcohol; and
 - (B) who, after birth as a result of the mother's use of the controlled substance or alcohol:
 - (i) experiences observable withdrawal from the alcohol or controlled substance;
 - (ii) exhibits observable or harmful effects in the child's physical appearance or functioning; or
 - (iii) exhibits the demonstrable presence of alcohol or a controlled substance in the child's bodily fluids.

SUBCHAPTER B: REPORT OF ABUSE OR NEGLECT; IMMUNITIES

Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT.

- (a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.
- (b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001 or 261.401, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.
- (c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.
- (d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:
 - (1) as provided by Section 261.201; or
 - (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

Sec. 261.102. MATTERS TO BE REPORTED.

A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect.