

August is Abuse Prevention Month Q & A

As promised during our training, we sent your questions to HR, legal, insurance, Ministry Safe and compliance. We have compiled their responses here. Each expert was careful to advise that special situations may need consultation with a specific expert. If you need HR, legal, insurance, or compliance expertise, please reach out to your District Office or the Conference (via A2B@calpacumc.org) for an appropriate referral.

Thank you again for your commitment to keeping our children, youth, and vulnerable adults safe.

1) Preschools

a) Supervision requirements for licensed preschools are different from those recommended in the Abuse Prevention Policy template. Do we need to tell our preschools that they have to have 2 unrelated adult staff people in every room?

Since the preschools have been operating under licensing requirements, it isn't necessary for them to change their requirements. Our insurance carrier does not require it either. The church's Abuse Prevention Policy should state that the preschool must follow state licensing requirements.

b) If the preschool is part of the church, is there any advantage to it completing Ministry Safe background checks and training in addition to what licensing requires?

The minimum goal should be to abide by the law and licensing. There's no legal "advantage" to exceeding the requirements of Business & Professions Code section 18975 (AB506) and meeting licensing requirements.

c) If the church owns a K-12 school, are the rules the same?

Not quite. SB848 became effective on 7/1/2026. This new law in the Education Code makes all K-12 school employees, public and private, "mandated reporters" of Child Abuse and Neglect, requires them to be Live Scanned and to receive training annually. "Preschools" are normally governed under the California Department of Social Services, Community Care Licensing Division, but if any of their employees also cross over into a companion K-6/8/12 school, then under SB848, those employees are now mandated reporters and must be trained in addition to being LiveScanned (as they already are). MinistrySafe's CA-specific Child Abuse Awareness & Prevention trainings provide more complete training than the state's Child Abuse & Neglect training. Either will comply with the state mandates under both AB506 and SB848.

Note: K-12 Schools do not have access to CalVECHS.

2) Contractors

a) Under what circumstances – if any – should 1099 contractors undergo background checks and training? Or sexual harassment prevention training?

*Any employee whether salaried or 1099 and volunteer of the church or church ministries working with children, youth, or vulnerable adults should have the abuse prevention training and background checks. If the contractor has regular, direct contact with, or supervision of, children, they should likely be background checked and trained. In California, a person that qualifies as an administrator, employee, or regular volunteer of a youth service organization needs to be LiveScanned and trained.

*“Contractors” provide services that the employer generally does not provide on its own – typically painters, plumbers, electricians, caterers, landscapers, etc. Those persons might be present when children are present, but they are not the focus of AB506 when it comes to Live Scan and mandated reporter or Child Abuse and Neglect training, so the answer to that question is, “No, contractors do not need to be Live Scanned or trained in child abuse and neglect.”

* Note: Churches and schools should be very careful to ensure proper employee versus independent contractor characterization for regular workers, especially those working with children.

To be a “contractor” the employer MUST be able to answer YES to all three questions of the ABC Test:

A: Is the worker completely free of control by the employer (uses own tools, sets own hours, chooses own methods to complete the contracted work, etc)?

B: Is the work performed completely outside the usual course of business of the employer?

C: Does the worker have a previously established business, and does the worker serve other customers?

If they are their own separate entity and work with these vulnerable populations, their contract with the church should require that they have Abuse & Molestation liability.

Sexual Harassment training is to protect employees, volunteers, vendors, for harassment in the workplace. This training should be given to 1099 employees, only if they act as an employee of the church.

b) If there are such circumstances, how is this requirement typically communicated and fulfilled?

It is usually expressed as a term in whatever agreement the parties enter into by which the worker is engaged.

3) Tenant Churches and Other Lessees

a) Must host churches require the same level of compliance from tenant churches and other lessees, or are they subject only to the requirements of their own organizations?

This could vary from state to state. In California, Landlord churches are not required to ensure that their tenant churches and other lessees abide by the child protection laws we've been discussing. However, some churches require this of their tenants anyway by including it as a term in the agreement between the parties. In this case, the landlord church should require proof of compliance.

You can require that the tenant follow AB506 in the lease agreement, but you are not responsible for implementing it for them.

b) If tenants are subject to the requirements of the host church, how is this usually communicated and enforced?

Tenants are subject first to the requirements of state law. Any additional ("host church") requirements that need to be communicated must be in writing, delivered to the President or Secretary of the occupant, and compliance reporting details determined in advance of tenancy. The ideal place to communicate such additional requirements is in the rental/lease agreement, along with performance metrics.

4) Church-operated food pantries and other services using volunteers

If a church has its own food pantry staffed by volunteers, and people come to receive food sometimes with children, do the volunteers need to be Ministry Safe checked and trained? Do they need to be Livescanned?

Use the "regular volunteer" benchmark in the law to determine this (AB506 aka B&P Code section 18975):

In California, a "regular volunteer" under B&P Code section 18975 is a volunteer with the youth service organization who is 18 years of age or older and who has direct contact with, or supervision of, children for more than 16 hours per month or 32 hours per year.

If the food pantry volunteers meet this criteria, then they need to be LiveScanned and trained.

Usually, unless the “Food Pantry or other “services” are engaging in direct supervision of the activities of children (such as monitoring children on a playground or in a child care room), children on the campus briefly to pick up food (with or without parents/guardians) do not trigger a compliance mandate under AB506. However, any child who comes onto the church campus and is observed by anyone (staff or volunteer) to have possibly been abused or neglected, the observer must report this to one of the church’s mandated reporters or the observer may contact Child Protective Services or local law enforcement to make the first report. For this reason, it is a “best practice” to train as many persons who might volunteer to serve in a “child-facing” role in Child Abuse and Neglect.

5) Tenant-operated nonprofits using church volunteers

If a 501(c)(3) nonprofit leases space from the church and runs a program and volunteers from the church participate, do these volunteers need to be Ministry Safe background checked, fingerprinted and complete the Abuse Training module and would the cost and responsibility rest with the church or with the nonprofit?

If the program is operated by a separate 501(c)(3) nonprofit, and the church members are volunteering for the nonprofit's program, the nonprofit should generally be responsible for determining and enforcing its volunteer screening requirements, including background checks, fingerprinting, and abuse-prevention training. Each “Youth Service Organization” is independent of all others. Church volunteers who serve another YSO, if applicable, must be Live Scanned separately under that organization’s own ORI. Any reported ORI is strictly confidential and a church may NOT share ORI information with any other entity except under a court order.

However, if the church is allowing its members to volunteer under the church's name, or if the volunteers are serving in a church ministry while supporting the nonprofit, the church may still have its own risk-management requirements and could require MinistrySafe screening regardless of what the nonprofit requires.

If the volunteer is:

- Recruited, trained, supervised, and scheduled by the nonprofit → nonprofit responsibility.
- Recruited and deployed by the church as part of church ministry → church responsibility.

It is best to have a written agreement between the church and nonprofit that addresses:

- Volunteer supervision.
- Background-check standards.
- Abuse-prevention training requirements.
- Insurance coverage.
- Indemnification.

- Responsibility for screening costs.

There are so many different types of organizations that use church space and there are several laws that we are probably not aware of. The church wants to require compliance from the tenants and other non-profits, but they need to make it clear it's their responsibility to know what these requirements are. You don't want to blur the lines where the church is acting as an "employer" or legal advisor.

The important thing is for the church to have a strong contract with the tenant.

6) LiveScan fingerprinting when there are no children or youth

a) If a church has no children or youth and does not need to be AB506-compliant, is it still recommended that the pastor be fingerprinted? And if so, is there a way to do that short of having the pastor complete the full application process for the church just for their own fingerprints?

While there's no legal requirement that an adult pastor be fingerprinted independent of some other legal mandate, such as child protection laws, Conference rules require fingerprint-based screening.

We are working with our experts to determine the best way to do this. We will get back to you!

c) If a church does not need to be AB506-compliant (CA) or is not an approved Qualified Entity (HI), are they fully in compliance with the Conference policy if they have the other 3 Keys of certification? (the abuse prevention policy, Ministry Safe background checks and training, sexual harassment prevention training)

Yes.

8) What about the old in2vate system for Sexual Harassment training?

Philadelphia has replaced the in2vate system with a new portal. Look for an email from HUB insurance.

You can use either this or the California State training for California-compliant sexual harassment training.

9) Why is Bishop Grant still at the end of the Ministry Safe training?

Ministry Safe knows this and is trying to update the training, but they are having technical difficulty. In the meantime please continue to receive Bishop Grant's thanks and blessings alongside those of Bishop Dottie.