



# SMYB Child Protection Policy

## PURPOSE

San Marcos Youth Baseball (SMYB) is committed to the safety and well-being of every child who participates in the league. The SMYB Child Protection Policy was created to prevent child abuse from occurring through an application screening process (Live Scan) for all volunteers. SMYB provides league volunteers with initial and ongoing training to educate and increase awareness of suspected child abuse. Volunteers are required to complete the online Abuse Awareness training prior to engaging in team activities where children are present. Successful completion of the Abuse Awareness course qualifies SMYB volunteers as mandated reporters.

[Assembly Bill 506](#) identifies a volunteer as anyone who is 18 years of age or older who have direct contact with or supervision of, children for more than 16 hours per month or 32 hours per year. SMYB is committed to enforcing this Child Protection Policy to help identify and eliminate any potential for child abuse within SMYB.

## **BACKGROUND CHECKS**

San Marcos Youth Baseball utilizes criminal background checks, [as required by Assembly Bill 506](#), to protect children from abuse in youth organizations. This new law requires a fingerprint-based background check, which is conducted through Live Scan. This will help identify if a youth sports volunteer has a criminal history, and help protect the safety and welfare of children participating within SMYB.

## POLICY

A criminal background check (JDP and Live Scan) is a database search of federal, state and/or local government records for past criminal conviction(s). Each individual applying for a volunteer position within SMYB is required to complete a background check. Prior to becoming a volunteer, SMYB will conduct the following:

1. Live Scan background checks on all volunteers [permitted](#) to associate with children. This is further defined as any individual 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. This includes all SMYB board members, managers, assistant coaches, team mom and umpires.

2. Background checks conducted through J.D. Palatine (JDP) each season (Spring/Fall). This includes **all** volunteers regardless of their position or number of years they have been involved with SMYB. Examples of other volunteer positions include team moms/dads and adults who assist with concessions.

## **LIVE SCAN PROCESS FOR VOLUNTEERS**

Any individual who intends to volunteer for SMYB must first register through the league's website on the homepage. Volunteers are required to have Live Scan performed prior to engaging in any team activities. SMYB acts as the criminal background requesting entity to receive information related to each volunteer's Live Scan results. SMYB has a specific ORI number filed with the DOJ, and Live Scan must be completed through SMYB to be valid. To streamline the process, SMYB has partnered with Applicantservices.com.

## **HANDLING OF INFORMATION**

The Department of Justice will notify the Custodian of Records (COR) of SMYB of any previous or subsequent California arrests. The handling of information will be kept confidential and only the COR will be authorized to review or have access to criminal background reports. Should the background check process produce information that disqualifies a volunteer, SMYB shall be responsible for notifying the affected volunteer in a confidential manner. The volunteer is responsible for taking appropriate action to have the results of criminal check corrected if he/she believes the information was reported in error. For further information regarding perceived errors within a background check, volunteers may reference *Title 28, C.F.R., §16.34*.

Should the background check indicate a volunteer has pending criminal charges outlined in the next section, the volunteer shall not participate in team activities until there is resolution resulting in acquittal or dismissal. If a volunteer subsequently has any disqualifying charges brought against them during the course of volunteering, they shall notify the SMYB President and Safety and Compliance Director. In such case, the volunteer shall not participate in team activities until there is resolution resulting in acquittal or dismissal.

SMYB is responsible for securing written results of the criminal background checks in a safe and secure location, and keeping them for the time period required by law, or two years, whichever is greater.

## OFFENSES THAT PROHIBIT PARTICIPATION

Any individual will be disqualified and prohibited from serving as a volunteer for SMYB if they have been found guilty of any crimes listed below. This is any individual who was found guilty through a trial process, entered a plea of guilty or nolo contendere, entered a no contest plea accompanied by the court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt, or the record has been expunged. This policy does not apply if criminal charges resulted in acquittal or dismissal.

1. All sexual offences, regardless of the amount of time since the offense. Examples include, but are not limited to: child molestation, rape, sexual assault, sexual battery, sodomy, solicitation, and indecent exposure.
2. All felonies that constitute offences against the person. Examples include, but are not limited to: murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary.
3. Any crimes involving children, regardless of the amount of time since the offense.
4. Any crimes that could be considered a potential danger to children or is related to the functions of the applicant. Examples include, but are not limited to: felony drug offences, theft, embezzlement, and fraud.
5. Any crime not listed above in which the Custodian of Records determines would jeopardize the safety and welfare of children participating within SMYB.
  - *SMYB may consider accepting the volunteer on a case-by-case basis. Careful consideration will be given to the nature of the offense as it relates to the position being applied for and the potential risk to children.*

## RIGHT TO APPEAL

Any volunteer who is disqualified by SMYB may appeal the decision within 14 days of receiving notice. An interview with the affected volunteer and SMYB Background Check Committee<sup>1</sup> shall occur to discuss the reason(s) for disqualification. The appeal decision shall be given to the volunteer within 7 days of the interview. The decision regarding the appeal will be final.

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<sup>1</sup> SMYB Background Check Committee consists of the President, Vice Presidents 1 and 2, and the Safety & Compliance Director.

## HOW TO APPEAL

To appeal a decision, a notice of appeal must be filed with SMYB. There are two options to appeal a disqualification: (1) The notice of appeal sent by registered mail to: San Marcos Youth Baseball at P.O. Box 111, San Marcos, CA 92078, or (2) Email notification to the Safety and Compliance: [smyb.safety.director@gmail.com](mailto:smyb.safety.director@gmail.com). For the notice of appeal to be accepted, it shall include:

1. The full name and address of the appellant
2. The grounds for the appeal. The appellant shall provide a detailed explanation of the objections to the decision for disqualification, additional facts or factual errors included within the Live Scan results.
3. The appellant's signature and date.

## **MANDATED REPORTER REQUIREMENTS**

All volunteers shall complete child abuse and neglect reporter training as required by Federal and State laws. SMYB has a **zero-tolerance** policy, which prohibits any type of activity that promotes or allows any form of misconduct or abuse (mental, physical, emotional, sexual, or bullying) between players, coaches, parents/guardians/caretakers, spectators, volunteers, and/or any other individual.

The prevention of child abuse through education and training is an important tool for adults and children to create a safe environment. It allows for volunteers to recognize potentially compromising situations and identifies how to take appropriate action.

## **POLICY**

All volunteers who are the age of 18 or older are required to complete online child abuse and neglect reporter training. SMYB requires new volunteers to create a user account with [USA Baseball](#) and complete the Abuse Awareness course. Existing volunteers are required to complete the course every two years to stay up to date with the provided education and training. Upon completion of the Abuse Awareness course training, volunteers are qualified as mandated reporters.

## **SMYB CHILD PROTECTION PROGRAM DEFINITIONS**

Defining child abuse is the first step in battling it. Child abuse can take several different forms, and it is important to understand what is considered child abuse and other terms that are mentioned throughout the Child Protection Program.

**Abuse or Neglect:** The Federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A §5106g), as amended by the CAPTA Reauthorization Act of 2010, defines child abuse and neglect as, at a minimum, "any recent act or failure to act on the part of

a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation;” or “an act or failure to act which presents an imminent risk of serious harm.”

Different types of Child Abuse or Neglect:

- ❑ **Neglect** is the negligent failure of a minor’s caretaker to provide adequate food, clothing, shelter, medical care, or supervision which threatens harm to a minor’s health, safety, or welfare.
- ❑ **Physical Abuse** is any non-accidental, intentional, deliberate act that results in physical injury.
- ❑ **Emotional and Psychological Abuse** is any act that diminishes the sense of identity, dignity, and self-worth by humiliation, intimidation, verbal assault, and emotional deprivation.
- ❑ **Sexual Abuse** is any type of maltreatment, violation, or exploitation that refers to the involvement of the child in sexual activity to provide sexual gratification or financial benefit to the perpetrator.
- ❑ **Bullying** is the intentional, repetitive harmful act, words, and behavior that makes the victim feel hurt, scared, and/or ashamed. Bullying can also be an imbalance of real or perceived power between the bully and the victim. Different types of bullying include, but are not limited to, physical bullying, verbal bullying, emotional bullying, harassment, and hazing.
- ❑ **Grooming** is the process where an individual creates a relationship with a minor or the minor’s family to gain trust so he or she can take advantage of a minor for a sexual purpose.

**Child/Minor:** Any individual who is younger than 18 years of age who is not an emancipated minor.

## WHAT ARE MANDATED REPORTERS REQUIRED TO REPORT?

A mandated reporter is required to make a report “whenever the mandated reporter, in the mandated reporter’s professional capacity or within the scope of the mandated reporter’s employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.” (*Id.*, § 11166, subd. (a).)

Penal Code section 11166(a)(1) defines “reasonable suspicion” as when it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position to suspect child abuse. When appropriate, the reporter can draw on their training and experience to determine whether reasonable suspicion exists. “Reasonable suspicion” does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any ‘reasonable suspicion’ is sufficient.

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***As a mandated reporter, volunteers are required to report suspected child abuse or neglect to local law enforcement within 24 hours of their observations.***

***If a volunteer reasonably suspects that a child is in immediate danger, call 9-1-1.***

## **SMYB VOLUNTEER REPORTING RESOURCES**

- [Suspected Child Abuse Report Form](#)
- [San Diego Sheriff's Department](#) (SDSO)
  - (858) 285-6222 – Sheriff's Child Abuse Unit
- [San Diego County Health and Human Services Agency](#)
  - (858) 560-2191 – Child Abuse Hotline

After making a report to law enforcement (SDSO), individuals may also consider contacting one of the following for additional support:

- [The Childhelp National Child Abuse Hotline](#)
- [U.S. Center for Safesport](#)

If a case of child abuse is suspected within SMYB and a report is made, notification shall be made to the league President and/or Safety and Compliance Director.

## **INVESTIGATING SUSPECTED ABUSE**

The handling of the investigation resides with the Sheriff's Department or other appropriate agency. SMYB will cooperate with local authorities during the investigative process.

*Suspension:*

- If there are any type of allegations against an individual, SMYB shall promptly notify the alleged abuser that they are suspended until the end of an external investigation.

*Termination:*

- If the allegations are substantiated, SMYB shall notify the alleged abuser that they are terminated from their position. The SMYB President shall then communicate with all league participants about the termination.

The SMYB President shall notify parents if a substantiated abuse allegation is made against a volunteer or participant within the league. The privacy rights of both parties

(suspect and victim) shall be protected. SMYB must only provide a public record, without any commentary, about an arrest that involves claims of child abuse. Any parents within SMYB have the right to submit a public records request through the appropriate authorities (SDSO or other appropriate agency).

## **NON-RETALIATION FOR REPORTING**

Concern has been expressed over the potential for criminal or civil liability if a report of abuse is subsequently found to be unsubstantiated. However, potential reporters should not be afraid to come forward in cases where they either have firsthand knowledge of or a **good faith belief** that abuse has occurred, even if there is a possibility that the report is wrong. SMYB prohibits retaliation, of any kind, when a good faith report of child abuse is made.

## **GUIDELINES FOR APPROPRIATE YOUTH INTERACTIONS**

An adult participant should not allow themselves to be alone with a minor (who is not their child) and should always position themselves in an area where they can be observed by others. Minors must always be supervised by approved volunteers who have completed the mandated background check. If an adult participant finds himself or herself alone with a child, he or she should remedy the situation by removing themselves to an area within an observable and/or interruptible distance of another adult over the age of 18.

### *Practices or Games*

- **Encourage the Buddy System:** There is safety in numbers. Encourage players to move about in groups of two or more children of similar age, whether an approved adult is present or not. This includes travel, leaving the field, or using the restroom areas. It's far more difficult to victimize a child if they're not alone. If an approved adult must accompany a minor to another location, a minor of the same age or another approved adult should accompany them. All interactions between minors and adults should be observable and within an interruptible distance of another adult.
- **Restroom Facilities:** Most children can use restroom facilities on their own, so there should be no need for an adult to accompany a child into restroom areas. However, there are special circumstances under which a child requires assistance to use the restroom facilities. For example, within the Shetland and Pinto Divisions, there may be a need for adult assistance, but there should still be adequate privacy for that child and there must be another approved adult who is within an observable and/or interruptible distance from you and the child

you are assisting. Again, the “buddy system” should be utilized in instances like this.

- **Proper Supervision:** Minors must always be within the visual contact of an approved volunteer when outside to verify that they are not approached by a stranger or an individual who is not permitted near minors. This includes controlling access to areas such as dugouts or equipment storage buildings. Mission Sports Park is open to the general public. Volunteers must make every effort to ensure the safety and well-being of all league participants when engaged in baseball activities.

### *Transportation*

- **Rides:** Children dropped off too early or picked up late are potential targets. SMYB parents and volunteers should be encouraged to pick up and drop off on time. SMYB encourages parents talking to their youth who participate in our league about safety issues. Children should be warned about the risk of strangers and how to avoid accepting rides from anyone that was not pre-arranged by their parent/legal guardian. Children should also be told to always tell someone if they're approached by a stranger for any reason, even if it seems innocent. If a player is left unattended after a practice/game by their parent or guardian, the coach or manager is responsible for providing supervision until the parent or guardian picks up the child.

## **ONE-ON-ONE INTERACTIONS THAT ARE PROHIBITED**

Most child sexual abuse or grooming is perpetrated in isolated, one-on-one situations. By reducing such interactions between players and adult volunteers, you reduce the risk of child sexual abuse. To minimize the chance of an individual's opportunity to groom or abuse a player, SMYB requires volunteers to comply with the following when engaged with minor participants.

- Volunteers are prohibited from being alone with a minor athlete during the league's programs and events unless:
  - There is an emergency.
  - There is written permission from the player's parent/legal guardian
  - The volunteer is the player's parent/legal guardian, or sibling.
- A Volunteer's interactions with players must be observable and interruptible by another adult.
- Volunteers are prohibited from contacting players directly through social media or electric communication unless another adult volunteer is or the player's parent/legal guardian is copied.
- Volunteers are discouraged from interacting one-on-one with unrelated minor athletes in settings outside of local SMYB programs and activities (such as volunteer's home, restaurant, a vehicle).
- Players may not reside with unrelated volunteers for the purpose of participation qualification within the league.



- If a volunteer is in a position where he/she is left alone with a player, he/she should not leave the child so long the volunteer has exhausted all options above to comply with the guidelines of this policy. Likewise, if a child is injured and must be transported to a hospital, urgent care, or treatment center, the volunteer should not leave the child alone if all options have been exhausted. Every effort shall be made to contact the parent/legal guardian prior to transport disposition to receive medical care.
- Physical contact between volunteers and players shall be limited. Some examples of appropriate physical contact include high fives or administering appropriate first aid when needed.

### **SMYB CHILD PROTECTION REQUIREMENTS CHECKLIST**

1. Complete Background Checks
  - a. Both Live Scan and JDP
2. Mandatory Training and Education
  - a. Abuse Awareness – Mandated Reporter
  - b. Concussion
  - c. Sudden Cardiac Arrest
3. Mandatory Reporting Requirements
  - a. Report child abuse, including sexual abuse involving a minor, to the proper authorities with 24 hours
4. Non-retaliation for reporting suspect child abuse
  - a. SMYB prohibits retaliation against “good faith” reports of child abuse
5. Prohibit one-on-one interactions

### **NON-WAIVER**

Nothing in this policy shall be construed as a waiver of limitation of the discretion of SMYB to disqualify an applicant for an employment or volunteer position when, in the sole opinion of SMYB, such is in the interested of SMYB or its program participants.