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.

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. 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 could lead to lawsuits against the church or religious organization 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. It is recommended to reach out to local counsel to ensure your understanding of local laws and ordinances.

Formulate a Plan

Once religious organization 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.
- 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 totally excluding them, is to allow limited access to certain programs or activities within the religious organization.

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

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 each Sunday, or during other religious organization 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.

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