

NEW TEXAS YOUTH CAMP RULES

Effective May 16, 2010

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The Texas Youth Camp and Safety Act became effective June 1, 2006 (“Youth Camp Act”). The requirements of the Youth Camp Act were found in the Texas Health and Safety Code (Chapter 141) and the Texas Administrative Code (Title 25, Part 1, Chapter 265, Subchapter B).

Effective May 16, 2010, new rules introduced by the Texas Department of State Health Services (TDSHS) will become effective. Rather than simply *adding* to the existing rules, the TDSHS has modified the existing rules within the Texas Administrative Code:

<http://www.dshs.state.tx.us/youthcamp/rules.shtm>

The first challenge for organizations and camps complying with the Act is to determine what has been changed by comparing the old Act with the new – identifying provisions which have been changed, added or removed. A highlighted copy of the amended Texas Administrative Code section containing new youth camp rules is available at the websites below. All modifications appear in yellow. Occasional commentary appears within the body of the highlighted copy when a change in the law impacts screening, training or reporting requirements related to child sexual abuse.

MinistrySafe: <http://www.ministrysafe.com/resources.html>

Abuse Prevention Systems: <http://www.abusepreventionsystems.com/resources.html>

The comments appear in boxed inserts, and are discussed below.

The second challenge relates to the timing of enforcement. The TDSHS acknowledges that the new rules are effective immediately, with little time available for camps and organizations to modify practices to accommodate the new measures. TDSHS expects immediate compliance and will note all deficiencies. If the deficiency is related to the new rules (2010 changes/additions), the deficiency will not be accompanied by a fine. This ‘grace period’ will extend through the ‘summer of 2010’. For more information about the compliance plan for the new rules, contact your representative of the Youth Camp Advisory Committee.

<http://www.dshs.state.tx.us/youthcamp/AdvCom.shtm>).

SPECIFIC CHANGES

The mission of MinistrySafe and Abuse Prevention Systems is to equip member entities to reduce the risk of child sexual abuse. In accord with this mission, this information concerning changes in Texas law is offered to members. Though many changes to the youth camp rules were made, this discussion is limited to those rule changes involving screening, training or reporting requirements related to child sexual abuse.

Requirement to Complete Criminal Background Checks PRIOR to Access to Children

The changes contained in §265.12(f) are the most significant additions relating to screening practices and the protection of children from sexual abuse. Though subsection (f) is not new, its significant modification requires close review.

The 2006 requirements called for searches of criminal conviction records and the sex offender registration records; it did not, however, specifically require the searches to be completed prior to allowing adult staff members or volunteers unsupervised contact with children. The new rules require that these checks be completed PRIOR to a staff member or volunteer having unsupervised contact with children.

Requirement to Search Temporary and Educational Addresses

The new §265.12(f)(1) and §265.12(f)(2) may require additional searches to comply with the criminal conviction and sex offender registration requirements. The new rules distinguish between permanent, temporary and educational addresses, requiring a search of each if an applicant has any address other than a permanent address. An example of a scenario requiring an additional search follows: John Doe applies as an adult staff member. John is from Houston, Texas and is a college student at Tulsa University. The new rules would require searches related to John Doe's permanent address (Houston/Texas) and searches related to John Doe's educational address (Tulsa/Oklahoma).

Convictions and Deferred Adjudications

The 2006 provisions referenced only "convictions"; the new rules call for preclusion if the person has a "conviction or *deferred adjudication*".

Impact of Particular Criminal Convictions or Deferred Adjudications

If an applicant's criminal background involves a conviction or deferred adjudication for an offense listed in §265.12(g), that applicant SHALL BE PRECLUDED from serving as a staff member or volunteer, or allowed unsupervised contact with children (other than their own).

Title 5 “Offenses Against the Person” include (but are not limited to) homicide, false imprisonment, kidnapping, assault, sexual assault, injury to a child/elderly individual/disabled individual, abandoning or endangering a child, leaving a child in a vehicle.

Title 6 “Offenses Against the Family” include (but not limited to) matters related to the interference with child custody.

The offenses listed in §265.12(g)(1)(A) and (B) MAY PRECLUDE a person from serving as a staff member or volunteer, or allowed unsupervised contact with children.

Refinement of Abuse and Neglect Reporting Requirements

The specific requirements for reporting abuse (sexual or physical) and neglect appear in §265.15(d). The new rules provide a great deal of detail and refinement for reporting incidents of abuse and neglect.

The definitions and requirements contained in 265.15(d) refer to the Texas Family Code, which requires reporting of alleged or suspected abuse or neglect. (Chapter 261, Family Code.)

The requirements for reporting incidents of abuse or neglect occurring at a youth camp are found in §265.15(d)(1), while requirements for reporting incidents of abuse or neglect that occur elsewhere are found in §265.15(d)(2).

It is critical that all staff members and volunteers understand these requirements for reporting abuse and neglect.

About Gregory Love and Kimberlee Norris:

Love & Norris, Attorneys at Law

Gregory Love and Kimberlee Norris have a nationwide sexual abuse litigation practice representing victims of sexual abuse throughout the country. In addition, they represent ministry and secular organizations such as churches, non-profits (adoption and foster care), private schools, camps, churches and para-church ministries.

MinistrySafe/Abuse Prevention Systems

In addition to an active law practice, Love and Norris are co-founders and Directors of MinistrySafe and Abuse Prevention Systems, entities dedicated to sexual abuse awareness and prevention. MinistrySafe and Abuse Prevention Systems provide Sexual Abuse Awareness Training (live and online) and assist child care entities and organizations in the design and implementation of safety systems which reduce the risk of child sexual abuse. Love and Norris are frequent speakers before educational entities, youth and children's ministries, youth camps, day care, and adoption and foster care organizations. They have addressed national and regional audiences for organizations such as the National Association of Church Business Administration (NACBA), National Council for Adoption (NCFA), Presbyterian General Assembly, Youth Ministry Institute (YMI), Kanakuk Kamps, Young Life, Hawaiian Islands Ministries, and Texas Alliance for Children and Families, and are featured writers for the upcoming NACBA resource entitled *Professional Practices in Church Administration*. Both serve as guest lecturers at Southwestern Baptist Theological Seminary, and are actively involved in High School and Children's Ministries at Christ Chapel Bible Church in Fort Worth, Texas.

MinistrySafe is endorsed by Philadelphia Insurance Companies and LifeWay Christian Resources. MinistrySafe's Sexual Abuse Awareness Training is an approved training by the Texas Department of State Health Services and the Departments of Insurance for Texas, Washington, Oregon, California, Nebraska, Missouri, Iowa, Kansas and Oklahoma. MinistrySafe's Sexual Abuse Awareness Training is also an approved CEU for the Association of Christian Schools International (ACSI).