



RISK MANAGEMENT GUIDEBOOK

For the Enhanced Protection of Children &
Youth in the Department of California
Youth Programs

DEC approved 01/20/2022

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INTRODUCTION:

Thousands of Legionnaires and members of the American Legion Family throughout the nation donate countless volunteer hours each year for American Legion Baseball, Oratorical, Boys State/Nation, Junior Shooting Sports, Youth Cadet Law Enforcement, and Scouting programs. Our youth programs teach young people various practical skills and develop leadership, teamwork, discipline, and self-confidence. In addition, our programs encourage a strong sense of citizenship, patriotism, and good living. Every youth program of The American Legion relies heavily upon dedicated volunteers willing to contribute time and skills for conducting essential functions of the programs. What motivates these selfless volunteers is an innate desire to give back to their communities and to help nurture those young Americans whose impressions of this country are still developing.

Although events such as those referenced below are relatively infrequent, youth programs have proven they can be a high-risk environment for misconduct by adults in positions of authority and leadership who have sometimes misused their positions by exerting various forms of abuse. This may include physical abuse, verbal abuse, emotional abuse, or sexual abuse. The aftermath of numerous events throughout the nation involving the sexual molestation of youth by a trusted authority figure has served to prominently illustrate the need and importance of protecting the welfare of vulnerable children and youth.

In February 2018, the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" (Public Law 115-126) was signed into law. The bill amends the Victims of Child Abuse Act of 1990. It extends the duty to report suspected child abuse, including sexual abuse, immediately to law enforcement and adults authorized to interact with minor or amateur athletes by an amateur sports organization participating in interstate or international amateur athletic competition.

While The American Legion has the utmost trust and confidence in its staff and volunteers, the need for implementing such measures is a stark manifestation unfortunately reflective of today's social reality. Any organization entrusted with the safety and welfare of youth must mitigate its overall risk and liability, and that of its participants and volunteers, by taking measures to sustain program integrity and security.

Prevention is key to being proactive in mitigating abuse in youth programs. Therefore, a comprehensive child protection program will incorporate (1) screening, (2) abuse awareness training, (3) established policies and safeguards, and (4) awareness and oversight.

SCREENING:

The use of current, dependable, and complete criminal history information is considered a critical screening protocol for any youth-serving organization. Program staff personnel undergo criminal history screening for many of the same reasons employers conduct background checks. The purpose is to verify identity and determine whether a potential staff member may have anything in their past that might disqualify them from working with youth participants.

Handling sensitive information during the screening process must receive the utmost attention to discretion and confidentiality to not damage one's reputation or career. Therefore, all national youth program staff members having contact or access to youth will be screened each year before conducting the youth program they have volunteered to support.

ABUSE AWARENESS TRAINING:

Federal law (Public Law 115-126) titled "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" has been enacted. The law requires amateur youth sports organizations affiliated with a national governing body or non-affiliated organizations to develop policies and procedures to prevent amateur athletes' emotional, physical and sexual abuse, including mandated abuse awareness training. While PL 115-126 applies primarily to our youth baseball and junior shooting sports programs, The American Legion recognizes the relevance of risk management as it applies to all of our youth programs. Therefore, the American Legion Resolution No. 32 passed by the National Executive Committee at its October 2020 meeting titled "Risk Management Mandates for National Youth Programs" states that under the advice and guidance of the compliance and risk manager of the national organization and the national judge advocate, policies and procedures are required beginning in 2021 mandating sexual abuse awareness training and criminal history background check screening for those selected to staff national tournaments of American Legion Baseball, the American Legion Boys National program, the American Legion National Oratorical Contest, the American Legion Junior Shooting Sports Shoulder-to-Shoulder National Championship, and National Boy Scouts of America Jamborees.

POLICIES AND SAFEGUARDS:

Our organizations must establish policies and safeguards that reinforce a positive environment, safe interactions, and appropriate conduct among program administrators, employees, volunteers, and youth participants. Providing program administrators, employees, and volunteers an awareness of the policies established for acceptable/unacceptable behavior minimizes opportunities for misconduct and helps prevent unfounded allegations. It is just as vitally important that policies and procedures for reporting and responding to suspected abuse, misconduct, or policy violations are established as well.

American Legion Posts within The American Legion Department of California are strongly encouraged to establish procedures and policies for sexual abuse awareness training and criminal history background check screening similar to those of the national and department organization for those adults who are selected to support youth programs conducted by your Post.

AWARENESS AND OVERSIGHT:

Awareness is a crucial element to any prevention strategy. Awareness and orientation on safeguards, policies, and procedures contribute to knowledge and prevention of various forms of abuse. Awareness and orientation can be disseminated in multiple ways. They must be made available to all staff members before conducting any meetings or events that involve youth participants, regardless of how experienced they may be.

This awareness training is required for those adults who participate in the department youth programs. In addition, youth program staff members must know who they should go to with questions or problems should they arise.

DEFINITIONS:

Abuse:

Physical Abuse – injury intentionally inflicted.

Economic Abuse/Exploitation – Deliberate temporary or permanent misuse of another's money or belongings.

Emotional Abuse - is a mental or emotional injury resulting in an observable and material impairment in growth, development, or psychological functioning.

Neglect – failure to provide basic needs of vulnerable individuals or protect them from harm.

Sexual Abuse – contact or activity of a sexual nature without consent or when consent is not possible.

Verbal Abuse – use of words intended to cause harm or demean others.

Adult: Anyone 18 years of age or over.

Child/Minor/Youth: Anyone 17 years of age or younger.

Designated Individual: Individuals who are subject to risk management mandates of The American Legion Department of California

1. Department program administrators, employees, and volunteers of the below-listed programs
 - a. American Legion Baseball regional and Department Tournaments
 - b. Oratorical Contests at the District, Area, and Department
 - c. Junior Shooting Sports
 - d. Boys State
 - e. Scouting
2. Members of the Department Executive Committee
 - a. Department Commander and Department Vice Commanders
 - b. Department Sergeant-at-Arms
 - c. National Executive Committee Member
 - d. District Commanders
 - e. Department Junior Past Commander
 - f. Department Adjutant
 - g. Department Judge Advocate

Department: The American Legion Department of California, including subsidiary organizations

Post: Separate organizations chartered by The American Legion

Program Manager: Staff members of The American Legion Department of California or volunteers that serve on various commissions and committees assigned the responsibility for the planning, managing, and executing youth programs of The American Legion Department of California.

Provider: The exclusive commercial vendor engaged by The American Legion Department of California and the National Headquarters to conduct background check screening for staff and volunteers of national youth programs of The American Legion.

Priority Research Services, Inc., DBA "Protect Youth Sports"
14499 N. Dale Mabry Hwy, Suite 201S
Tampa, FL 33618
(877) 319-5587 (8:30am to 4:30pm Eastern Time)
www.protectyouthsports.com

Regional: Districts and Areas of the Department of California

Reporter: **An individual reporting suspicions or allegations of child abuse**

Verifier: Those assigned responsibility for making verifications, as noted below. It is strongly urged and recommended that the respective Department Commissions, Areas, Districts, Posts or other organizations sponsoring an American Legion Youth Program assume the responsibility for verifying that:

1. Each designated individual has successfully passed the mandated background check screening requirements and completed the required Abuse Awareness Training before engaging with the Youth Program
2. An individual charged with or having a case pending involving disqualifying criteria is prohibited from having contact with the team until legal adjudication has been made and the screening has been confirmed as completed
3. A substitute or replacement volunteer does not assume any duties with the program until the background check screening is completed

SCREENING:

Resolution No. 32 was passed by the National Executive Committee of The American Legion at its October 2020 meeting titled, "Risk Management Mandates for National Youth Programs." The resolution states that under the advice and guidance of the compliance and risk manager of the national organization and the national judge advocate, policies and procedures are required beginning in 2021, mandating sexual abuse awareness training and criminal history background check screening for those selected to staff national tournaments of American Legion Baseball, the American Legion Boys Nation program, the American Legion National Oratorical Contest, the American Legion Junior Shooting Sports Shoulder-to-Shoulder National Championship, and National Boy Scouts of America Jamborees, or who are adults and have regular contact with program participants who are minors.

BACKGROUND CHECKS:

Authorized Background Check Provider. The exclusive commercial vendor engaged by The American Legion Department of California will conduct all background checks on Designated Individuals. Protect Youth Sports located in Tampa, Fla., hereafter referred to as the Provider.

In addition to conducting background checks, the Provider provides screening and reporting of background check results per criteria established by the Department. Furthermore, the Provider is responsible for complying with the Fair Credit Reporting Act, storing background check records consistent with applicable laws, and maintaining the confidentiality of information obtained through the background check process.

Designated Individuals. Background checks will be conducted on the staff and youth program volunteers who directly supervise, have close contact with or are in a position of trust with youth program participants.

1. American Legion Baseball regional and Department tournaments
 - a. All volunteer staff as deemed necessary by the Department
 - b. Locally selected volunteer staff as deemed necessary by the Department
 - c. Chaperones
2. Oratorical Contest
 - a. Moderators
 - b. Monitors
 - c. Escorts
 - d. Judges (excludes final round judges due to total segregation from youth participants)
 - e. All other volunteer staff as may be deemed necessary by the organization.
3. Junior Shooting Sports
 - a. All volunteer staff allowed access ahead of the "red line."
 - b. Chaperones
 - c. All other volunteer staff as deemed necessary by the Department
4. Boys State
 - a. All volunteer staff as deemed necessary by the Department
 - b. Chaperones

5. Scouting

a. Boy Scouts of America currently does the vetting and approves the list of volunteers selected/submitted by the organization to staff an exhibit booth at National Boy Scout Jamborees. The Boys Scouts of America requires that all its adult Scouts undergo annual background screening as a matter of routine and further requires that Jamboree booth staff be Scouts.

Department professional staff and program volunteers are subject to screening each year.

Applicability of Background Checks. Although a Designated Individual may have the ability to provide proof of a background check having been previously conducted through a source other than the Provider, the Department of California requires that the Provider conduct background checks to provide screening consistency and enhanced confidentiality.

Frequency of Background Checks. Background checks will be conducted on all Designated Individuals annually before starting the designated program they have been selected to serve.

Cost of Background Checks. Each Department program must plan to absorb the cost of having background checks conducted for volunteers and staff of Department youth programs in the program's cost.

Initiating Background Checks. When so directed by a Program Manager, each Designated Individual is responsible for accessing the Provider's link that will be provided and electronically entering the required disclosure information for purposes of conducting the actual background check.

Once a Designated Individual has completed the online application for a background check, the Program Manager will receive an email notification that an application is pending. The Program Manager must log on to provide approval of that application before the Provider proceeds in conducting the background check screening.

Level of Information to be Checked. All background checks conducted on Designated Individuals shall at a minimum include:

- Social Security Number verification and address history trace
- Alias names national search
- National criminal database search
- National sex offender registry search

There are select states designated as having insufficient data in the national database. Therefore, they must have the "Plus Package" option selected when applying for a background check with the Provider to have a county or statewide court search additionally conducted, thereby ensuring an adequate level of background screening is commensurate with other states. Please review the map provided to determine the appropriate inquiry to request.

The map can be viewed online at **criminal-background-checks.info**.

Background Check Disqualifying Criteria. A record or disclosure from a Designated Individual's application or background check containing one or more of any of the following disqualifying offenses will lead to a determination of "reject," indicating that the individual is prohibited from serving as a volunteer for Department youth programs:

1. Conviction of a felony
2. Conviction of a crime involving a minor, regardless of the offense
3. Conviction of a crime involving force or threat of force against a person
4. Conviction of a crime in which sexual behavior is an element, including "victimless" crimes of a sexual nature (including pornography)
5. Conviction of a crime involving controlled substances (not paraphernalia or alcohol)
6. Conviction of a crime involving cruelty to animals
7. Any sex offender registrant
8. Refusal to undergo background screening

Applicants will not be disqualified for a harassment or conspiracy conviction unless it is presented in the context of one of the already existing disqualifying criteria listed above. In addition, local ordinance violations are not considered disqualifying criteria given their low severity level.

Findings. The Provider grades (adjudicates) and assigns either an "accept" or "reject" designator to a background check application from a Designated Individual. The Program Manager/Director will receive an email notification from the Provider when a background check screening has been completed. The Program Manager/Commissioner will then log on to obtain background check findings. The background check findings generated by the Provider will reflect an "accept" or "reject" designator. An "accept" designator means the background check of a Designated Individual does not contain disqualifying criteria previously set forth and may serve as staff of a national youth program. A "reject" designator means the background check of a Designated Individual contains disqualifying criteria, and that individual is prohibited from serving as staff of a national youth program. This reporting system eliminates the need to disclose specific criminal history details to The American Legion. The Program Manager/Director will follow up with each Designated Individual to advise the outcome of either an "accept" or "reject" designator.

When a background check reveals a pending case or an active warrant for crimes involving the disqualifying criteria listed, the Provider will assign a "reject" designator. Doing so supports the Department's mandate of prohibiting an applicant from contacting any youth program participants until legal adjudication is made and there is verification that an "accept" designator is then achieved.

Suppose the organization becomes aware that a youth program volunteer may have sustained one of the disqualifying criteria in the interim after a mandatory background screening has been conducted. In that case, that individual will be prohibited from contacting youth program participants until the accuracy of the information has been validated by the Program Manager via the Provider. If the disqualifying criteria are validated, that Designated Individual will immediately be removed and prohibited from serving as staff of national youth programs.

The Department may reserve the right to prohibit any individual from volunteering on our youth programs if at any time the organization, in its opinion, deems the individual unfit to work with minors.

Pre-Adverse Action Notice. The Provider has a system in which they are automatically aware that a "reject" designator has been reported for an individual. The Provider will email to that individual a copy of their full report, along with a "Pre-Adverse Action Notice" and a copy of the Summary of Rights as mandated by the Fair Credit Reporting Act.

At this point, the Provider allows five (5) business days for the individual to contact them to file a dispute or request a recheck, should the individual disagree with the report's outcome. If contacted, the Provider will follow its standard recheck procedure and send out an updated report, should one be needed after the recheck/dispute.

If an individual should ultimately deem that after recheck/dispute that the situation has been resolved, the individual at that time may submit a new application to the Provider to confirm an "accept" designator to their account manager.

Suppose five (5) business days pass with no communication from the individual. In that case, the Provider will then issue, via email, a final Adverse Action letter and a copy of the Summary of Rights to the individual. Again, there is no report sent with this phase.

Appeals. If a Designated Individual is concerned with the outcome of their background check report, they may contact the Provider directly to dispute. The Department will not disclose or discuss specific report results other than "accept" or "reject" and will only reveal those results to parties deemed by the Program Manager/Director as having a "need to know."

Copies of Reports. If an individual who receives an "accept" designator desire a full copy of their background check report, that individual should directly contact the Provider to make that request and pay the fee associated with doing.

There are three ways an individual may request a copy of their background check report from the Provider:

- Fax a request letter to 800-319-5582
- Email a request to support@protectyouthsports.com
- Mail a request letter to:
- Protect Youth Sports Compliance Department
 - 14499 N. Dale Mabry Hwy, Suite 201S
 - Tampa, FL 33618
- Website: compliance.protectyouthsports.com

The following information should be included with each request:

- Full name
- Social Security Number (do not provide if sending via email)
- Daytime phone number
- Legible copy of driver's license or photo I.D.
- A secondary form of I.D.

- Report ID (if available)
- Mailing Address (Please note: The report will be sent certified mail)
- Signature

Removal from Record. Individuals may independently seek to have disqualifying criteria removed from their record through legal or governmental avenues as a possible recourse. For example, if an individual can have disqualifying criteria removed from their record and then achieve an "accept" designator through background screening with the Provider, they may be considered qualified to serve as a Designated Individual for a department youth program.

ABUSE AWARENESS TRAINING:

Upon completing the background check process, the Designated Individual will proceed to the designated website to complete the mandated abuse awareness training.

The authorized training site is: [PROTECT YOUTH SPORTS](#)

Upon submitting background check information, the applicant will receive an email from Message@VeritySecure.com with the subject being "Child Safety Training." Additionally, the applicant will complete the "Volunteer" version of the training.

Once a Designated Individual completes their abuse awareness training and prints their Certificate of Completion, they will have proof of completion. Please retain a copy of your Certificate of Completion for your records. **The American Legion Department of California mandates that each Designated Individual renew their abuse awareness training certificate annually.**

Abuse awareness training completed through the U.S. Center for SafeSport or USA Baseball within the previous 12 months is also acceptable. Proof of training must be provided to the respective youth program manager or their designated representative.

If there should be a question regarding this training requirement, **don't hesitate to contact a chairperson from the respective commission.**

PROTECTION POLICIES AND SAFEGUARDS:

American Legion youth programs encourage safe interaction between staff, volunteers, and children or youth. Parents and families trust our programs to provide a safe and healthy environment for all participants.

Youth Protection Policy. The American Legion Department of California does not tolerate abuse in any form, whether physical, emotional, sexual, verbal, or economic exploitation.

Youth Protection Safeguards. The following safeguards are intended to first and foremost place the welfare and well-being of our children and youth participants as the highest priority. Additionally, the precautions assist in employing and monitoring behaviors and interactions with children and youth to avoid, recognize, or stop harmful ones. These safeguards do not and cannot address every situation encountered. Just because a particular action is not prohibited in this section does not mean it is acceptable behavior. Staff and volunteers will be required to act with a certain degree of personal discretion. However, the Department reserves the right to take disciplinary action against any program staff member whose actions are deemed inappropriate, regardless of whether they appear in this policy or not.

Conduct. The following guidelines and expectations have been established for persons serving in roles for the Department's youth programs.

General conduct:

- At least two adults, one of which must be a "designated individual," are required at all youth program activities, including interviews and meetings
- One-on-one contact between adults and youth program participants is prohibited
- Demonstrate behavior appropriate for a role model for youth; be courteous, fair, and unbiased in your treatment of all children and youth.
- Put the welfare and well-being of children and youth first.
- Treat all children and youth with dignity and respect.

Drugs, tobacco, alcohol, and sexually explicit materials:

- Do not possess, distribute, use, or allow others to use alcohol or drugs during the operation of national youth programs.
- The use of tobacco at national youth programs is prohibited in the presence of children or youth.
- Do not have any sexually-orientated materials when conducting business as a youth program volunteer.

Use of Language:

- Do not use harsh, inappropriate, offensive, profane, or degrading language in the presence of children or youth.
- Do not discuss sexual history, preferences, or fantasies with or in the presence of children or youth.

Physical contact:

- Do not use restraint or any restraining device as punishment or behavior management.
- Do not use physical punishment in any form (e .g ., slap, push, hit, kick, etc.). Use of the most minimal physical force necessary is only acceptable to save one from severe harm or death when the actions of a child or youth are placing themselves or others at immediate risk.

- Do not participate in or allow others to engage in hazing or any activities involving harassment, humiliation, teasing, ridicule, or abuse
- Do not have sexual contact with children or youth
- Do not engage in sexual activity in the presence of children or youth
- Remain alert to the appropriateness (see below), context, and location of any physical contact with children and youth; any physical contact only takes place in public
- Do not dress, undress, shower, or bathe with or in the presence of children or youth
- Do not have sleeping locations with children or youth
 - » Sleeping room assignments involving youth program participants will be so that no participant of adult age (18 years of age or older) is rooming with a participant who is a child/minor/youth (17 years of age and below)
- Have contingency plans in place for separating and reassigning those program participants who may become involved in youth-on-youth/child-on-child harassment
- Do not be alone with a child or youth when transporting them in a vehicle

Appropriate forms of contact:

- Brief hug (e.g., a "shoulder-to-shoulder" hug of celebration or appreciation may be acceptable, where a prolonged, lingering, embracing bear hug is inappropriate)
- Pats on shoulder or back
- Handshakes
- "High-fives"
- Holding hands during prayer

Inappropriate forms of contact:

- Lengthy, fully engaged embraces
- Kisses on the mouth
- Touching of buttocks, breasts, or genital area
- Occupying the same bed as a child or youth
- Any type of massage
- Snapping of bras or giving wedgies or similar touching of underwear
- Private meals with a child or youth
- Giving to or receiving gifts or money from children or youth
- Any form of unwanted affection

Electronic Media:

- As part of The American Legion youth programs emphasize youth safety, all electronic communications between minor youth and staff members, or other adults who have regular contact with a minor child, must be professional and communicate information about program activities. This policy applies to all staff and other adults who have regular contact with minor youth.

American Legion national youth program electronic communication policy:

- Content of any electronic communication should be readily available to share with the minor youth's family or American Legion national youth program representatives upon request. Any request under the electronic communication policy must include copies of any email, electronic text, social media post, or similar communication and be sent to the minor youth's parent/legal guardian or American Legion representative.
- Social Media. Staff members, or other adults who have regular contact with minor youth, are not permitted to maintain social media connections with minor youth. Staff members, or other adults who have regular contact with minor youth, are not allowed to accept any new personal requests on social media platforms from minors. Existing social media connections with youth who are minors shall be discontinued. The American Legion will monitor its organizational social media pages and remove any posts that violate policies and practices for appropriate behavior. A parent/legal guardian of a minor youth will be informed of any inappropriate posts.
- Email. Minor youth and staff members, and other adults who have regular contact with minors, may use email to communicate. All email content between staff members or other adults who have regular contact with children and minor youth must be professional and share information about program events. Emails must come from an account that The American Legion Department of California youth programs can monitor. American Legion youth program personnel and a parent/legal guardian must be copied when communicating with a minor youth through email.
- Texting. All text messages between staff members or other adults who have regular contact with minors and minor youth must be professional and communicate information about the youth program. Text messages cannot be sent to one (1) individual minor youth; a text message must go to the entire group or have additional staff members included.
- Request to Discontinue All Electronic Communications. The parent/legal guardian of a minor youth may request in writing that their child not be contacted through any form of electronic communication by The American Legion Department of California
- Electronic communications must only be sent between the hours of 8:00 a.m. and 8:00 p.m.

Safety:

- Plan for adequate staff-to-participant ratios appropriate to the nature of the youth program, the activities involved, and the age of program participants.
- Always keep medical and emergency contact details for youth program participants readily available in the event of an emergency.
- Immediately obtain or provide appropriate medical assistance in the event of an injury.

POSSIBLE SIGNS OF ABUSE:

These signs do not necessarily indicate that a child has been abused, but they may help adults recognize the possibility that something is wrong.

POSSIBLE SIGNS OF PHYSICAL ABUSE:

- Frequent suspicious or unexplained injuries are out of the norm for those generally associated with childhood activities, e.g., burns, deep bruising, etc.
- Improbable excuses or refusal to explain injuries
- Wears inappropriate clothing to cover injuries, e.g., long sleeves or pants on a hot day
- Injuries appearing to have a pattern, such as a handprint or a belt
- Fear of medical treatment or examination
- Aggression toward others
- Shrinks back from touch
- Refusal to change for gym or athletic activities
- Rebels against authority

POSSIBLE SIGNS OF EMOTIONAL ABUSE:

- Excessively withdrawn or fearful
- Continual self-deprecation, e.g., "I'm ugly," "I'm stupid," etc.
- Overreaction to mistakes
- Emotionally abuses others
- Extreme sensitivity to criticism
- Intense fear of new situations
- Extremes of passivity or aggressiveness
- Continuous unwillingness to develop relationships

POSSIBLE SIGNS OF SEXUAL ABUSE:

- Difficulty walking or sitting
- Makes strong efforts to avoid a person without explanation or strong reluctance to interact with a person
- Fear of touch
- Wearing excessive amounts of clothing
- Isolation or withdrawal
- Insecure or clinging
- Extreme personality changes
- Sudden loss of appetite or compulsive eating
- Inability to concentrate
- Being overly affectionate or acting out sexually

RESPONDING TO CHILD ABUSE / SUSPECTED CHILD ABUSE:

Anyone knowing of a reasonable cause to suspect that abuse has occurred has a personal, ethical, and often legal obligation to make a report. It is the responsibility of all individuals and community members – not just mandated reporters – to respond to the suspected maltreatment of any child or youth. Learning the appropriate ways to respond to alleged abuse and becoming an informed and involved individual are essential steps toward protecting children. **All volunteer staff of Department youth programs must report cases of suspected abuse involving a child or youth.** An individual reporting suspected child abuse is hereafter referred to as the Reporter.

If a child or youth tells you about abuse:

- Remain calm and reassuring
- Find a quiet place to talk
- Believe what is communicated to you
- Do not jump to conclusions
- Reassure the child or youth they did the right thing by telling you
- Reassure the child or youth that they will be protected and supported
- Be discreet
- Call 911 if medical treatment is necessary
- Report the concern immediately to the proper law enforcement authorities. The law requires only that you have a reasonable suspicion that a child or youth is being abused.
- Do not discuss the concern or share information with anyone other than those having a "need to know."

REPORTING:

Anyone who observes or is made aware of any inappropriate behavior is required to report their suspicion(s) or allegation(s) to their Program Manager/Commissioner.

In all cases involving any reasonable suspicion that child abuse has occurred, a report must immediately be made to law enforcement authorities and the youth participant's parent(s) or guardian(s). This reporting responsibility may NOT be delegated to another individual. The assumption should NOT be made that law enforcement authorities, parent(s), guardian(s), etc., or the Program Manager/Commissioner have already learned of a situation through other venues – report immediately upon becoming aware.

Contact the child protective services agency in your county if you suspect that a child's health or safety is jeopardized due to abuse or neglect by parents or other caretakers who have custody of the child. Trained social workers staff these 24-hour Hotlines.

[California County Emergency Response Child Abuse Reporting Telephone Numbers](#)

Program Managers/Commissioners will mandate the written report found in Appendix B titled "REPORTING FORM" for documentation purposes. After contacting appropriate law enforcement authorities and parent(s)/guardian(s) in cases involving child abuse or suspected child abuse, the reporter will then provide a copy to the respective Program Manager/Commissioner and offer it to the law enforcement authorities. All information regarding alleged child abuse must be maintained under strict confidentiality and communicated only to those having a "need-to-know."

During the investigation period by law enforcement authorities, the accused individual will be immediately suspended from all activities and contact involving children. The suspension will continue until the person is cleared or allegations are proven; the individual will be returned home during the investigation period as necessary. If the allegations are proven correct, the individual will be permanently removed from all participation in any capacity of the Department's youth programs.

AWARENESS AND ORIENTATION:

All Designated Individuals must comply with the Risk Management Guidebook of The American Legion Department of California for the Enhanced Protection of Children and Youth outlined in this guidebook. Program Managers/Commissioners of every department youth program will provide awareness, orientation, and information to all program staff and volunteers at the program's onset every year. This will include direction and dissemination of:

- Program overview
- Job description information
- Organizational chart of the program
- Program schedule
- The American Legion Risk Management Guidebook for the Enhanced Protection of Children and Youth.

Each Designated Individual will sign and return to their respective Program Manager/Director the statement found in Appendix C after completing the orientation each year. This will acknowledge receipt and understanding of the content and requirements provided in this policy

APPENDIX A

NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION

October 14-15, 2020

Virtual

Resolution No. 32: Risk Management Mandates for National Youth Programs

Origin: Americanism Commission

Submitted by: Americanism Commission

(As amended)

WHEREAS, Resolution No. 4 of the National Executive Committee, May 2012, titled "Background Screening Of Staff For National Youth Programs," initially mandated background check screening of staff of American Legion national youth programs to uphold the integrity and safety of youth and to mitigate the risk and liability to an organization; and

WHEREAS, Resolution No. 16 of the National Executive Committee, October 2012, titled "Mandatory Background Check Screening for Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams," initially established policy and procedures for mandatory background screening for coaches, managers, and volunteers of junior and senior American Legion Baseball teams; and

WHEREAS, Federal law (Public Law 115-126) titled "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" has been enacted requiring amateur youth sports organizations affiliated with a national governing body or non-affiliated organizations to develop policies and procedures to prevent the emotional, physical, and sexual abuse of amateur athletes; and

WHEREAS, American Legion Baseball is affiliated with the national governing body of USA Baseball; and

WHEREAS, USA Shooting is a National Governing Body member of the U.S. Center for SafeSport; and

WHEREAS, USA Shooting is the organization upon which The American Legion patterns its American Legion Junior Shooting program; and

WHEREAS, Because the American Legion Junior Shooting Sports National Tournament is administered by the national organization, the national organization, therefore, possesses the authority to impose mandates for the protection of minor children participating in that national tournament; and

WHEREAS, The aftermath of numerous cases of child sexual molestation across the nation has demonstrated the importance for diligent protection of vulnerable populations, such as children and youth; and

WHEREAS, It is paramount The American Legion meet its legal, moral and ethical responsibility to parents and guardians by protecting their children from abuse and harm when participating in any and all youth programs under the Legion brand; now, therefore, be it

RESOLVED, By The National Executive Committee of The American Legion in regular meeting assembled virtually on October 14-15, 2020, That The American Legion, under the advice and guidance of the compliance and risk manager of the national organization and the national judge advocate, shall have policies and procedures established beginning in 2021 which mandates sexual abuse awareness training and criminal history background check screening for:

- **American Legion Baseball program staff (coaches, managers and volunteers 18 years of age or older) who have regular contact with players who are minors**
- **Coaches, managers, and volunteers 18 years of age or older who have regular contact with minors who are in clubs affiliated with an American Legion post and who are participating in the American Legion Junior Shooting Sports National Tournament**
- **Those selected to staff national tournaments of American Legion Baseball, the American Legion Boys Nation program, the American Legion National Oratorical Contest, the American Legion Junior Shooting Sports Shoulder-to-Shoulder National Championship, and National Boy Scouts of America Jamborees, or who are adults and have regular contact with program participants who are minors; and, be it further**

RESOLVED, That the national adjutant, after legal review and approval of the national judge advocate, be and is hereby authorized and directed to execute such contract(s) as may be necessary to support the execution of criminal history background check screening and/or sexual abuse awareness training; and, be it further

RESOLVED, That departments of The American Legion are strongly urged and encouraged to establish procedures and policies for sexual abuse awareness training and criminal history background check screening similar to those of the national organization for those adults who are selected to support youth programs conducted within their departments; and, be it finally

RESOLVED, That Resolution No. 4 of the National Executive Committee, May 2012, titled "Background Screening Of Staff For National Youth Programs" and Resolution No. 16 of the National Executive Committee, October 2012, titled "Mandatory Background Check Screening for Coaches, Managers and Volunteer Staff of Junior and Senior American Legion Baseball Teams" are hereby superseded and rescinded.

APPENDIX B



The American Legion
National Headquarters

REPORTING FORM CHILD ABUSE / SUSPECTED CHILD ABUSE

This section is about the individual you are reporting. Please provide as much information as possible.

INDIVIDUAL		
Name of the individual you are reporting (first and last)		
Age or approximate age	Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Street Address		
City	State	ZIP
Program position(s) this individual held at time of the incident		

This section asks questions about the incident(s) you are reporting. Please provide as much information as possible.

INCIDENT(S)		
Type of offense (e.g., what is being suspected or alleged)		
During which national youth program did the incident(s) take place?		
What is the location of where the incident(s) took place? (include city, state, and any other available location information)		
Street Address		
City	State	ZIP
Other location information		
Describe what happened (include who, what, when, where) (continue on reverse side if necessary)		

This section is for information about the victim(s).

VICTIM(S)		
Name (first and last)		
Age or approximate age	Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Parent/Guardian name		
Parent/Guardian Address		
City	State	ZIP
Parent/Guardian phone numbers		
Cell	Home	

This section is your information. A person reporting alleged misconduct should not fear any retribution and consequence when filing a report they believe to be true.

YOUR INFORMATION		
Name (first and last)		
Email address		
Cell	Home Phone	
Address		
City	State	ZIP
Program position you were holding at time of the incident		
Relationship to the victim (if any)		

It is strongly urged and recommended that respective American Legion departments and Team Sponsors implement the use of this written report form entitled "REPORTING FORM." After having immediately contacted law enforcement authorities and parent(s)/guardian(s) in cases involving child abuse or suspected child abuse, the Reporter then offers a copy of this completed form to law enforcement authorities and provide a copy to the respective American Legion department Junior Shooting Sports chairman and Team Sponsor, if considered necessary. All information regarding alleged child abuse must be maintained under strict confidentiality and communicated only to those having a "need-to-know."

ACKNOWLEDGMENT AND UNDERSTANDING OF THE AMERICAN LEGION RISK MANAGEMENT GUIDEBOOK FOR THE ENHANCED PROTECTION OF CHILDREN AND YOUTH

If you have any uncertainty or questions regarding the content of the Risk Management Guidebook of The American Legion Department of California for the Enhanced Protection of Children and Youth, you are required to consult the respective Program Manager, Commission Chair, or Department Headquarters before signing and acknowledging this agreement.

"I have read and understand The American Legion Department of California Risk Management Guidebook for the Enhanced Protection of Children and Youth and agree to abide by its terms and conditions. I understand that my failure to follow the terms of this policy could result in disciplinary action up to and including termination of serving as a volunteer for youth programs of The American Legion."

Signature of Volunteer	
Printed Name	Date

<p>Youth program affiliation (check one)</p> <ul style="list-style-type: none"><input type="checkbox"/> American Legion Boys State<input type="checkbox"/> Oratorical Contest<input type="checkbox"/> Scouting<input type="checkbox"/> Junior Shooting Sports<input type="checkbox"/> American Legion Baseball
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Additional Resources:

[The American Legion Risk Management Guidebook](#)

[The American Legion Risk Management Guidebook for Junior and Senior American Legion Baseball Teams](#)

[The American Legion Risk Management Guidebook for Junior Shooting Sports National Tournament](#)

[Suggested Guidelines of an American Legion Boys State Program](#)

[California Assembly Bill No. 506](#)