

CLASS 22

Understanding Legal Issues in the Church

CLASS OVERVIEW

In this class we will review:

- The Biblical precedent for risk management and attending to legal issues in God's Church.
- The definition and meaning of risk management.
- How risk management relates to the legal obligations of the Church.

Opening Group Questions:

- What legal matters should leaders in God's Church be aware of? Why?

I. Introduction

In Romans 13:1-7, God outlines principles for living under the jurisdiction of governing authorities. In fact, we are told that we should submit to governing authorities, as long as they are not making us break God's laws (Acts 4:19). God also tells us through the pen of Peter that we are to "submit yourselves to every ordinance/institution of man for the Lord's sake" (1 Peter 2:13). Peter concluded this section with the admonition to "Honor all people. Love the brotherhood. Fear God. Honor the king" (v. 17).

Christ Himself recognized that although His disciples were to be separate from the world, they still had to physically reside IN the world (John 17:14-17). Additionally in 1 Timothy 2:1-2 we are told to pray for worldly leaders and their actions so that God's people may live a quiet and peaceable life—ultimately, the decisions of worldly leaders can and do affect Christians' lives.

God does not want us to sin, yet He does want us to be lights to the world (Matt 5:16), obedient to Him and to the "laws of the land" as long as they do not contradict His higher laws (1 Peter 2:13). Because many of the "laws of the land" require certain, appropriate types of behavior, as well as actions to be taken when transgression of those laws occurs, and because God expects us to operate His Church IN the world, the Church is subject to many laws that are put in place by the nations and states/provinces in which His Church congregations reside.

This lecture will focus on the primary legal issues that God's leaders should be familiar with. It will outline basic knowledge that leaders should have, as well as give basic direction for actions that will help ensure that we perform God's work within the framework set out by our respective governments. God's leaders should also be aware that at all times, Church policy is designed first and foremost to come in line with God's teachings through Scripture. Secondly, but also very important, we aim to follow and adhere to the "laws of the land," just as God has commanded.

II. Risk Management and the Bible

An important way that the Church aims to obey the laws of the land is to properly manage its risks. Put another way, we aim to act in such a way that we do not expose God's people or others to harm, or at least minimize their exposure to harm or loss. Managing and minimizing risk is an ancient concept that basically involves planning and foresight. This section will highlight, through Bible principles, what it means to manage risk and what God thinks about risk management.

Matt 7:24—The wise person plans ahead and builds his house on a rock, considering what could happen if the house is built on sand.

Deut 22:8—Godly people put a rail around their rooftop to keep others from falling to their death (managing risk for their family, house guests, repair technicians, and others).

Prov 22:3—A prudent man foresees evil and hides himself—he looks ahead and avoids problematic situations.

Ex 21:28-36—God gives principles for imposing monetary penalty on those whose animals kill people or other animals (this example shows the need for a type of insurance against potential future problems).

Ex 21:33—God shows the need for covering a hole after it is dug—preventing injury and death.

Prov 20:16—When we lend money to someone, it may be wise to take something as surety or guarantee that we will be paid back—collateral.

Prov 20:1—God cautions against the improper use of alcohol because of how it can negatively affect behavior.

Deut 23:12-13—God instructed Israel to dispose of human waste (refuse) so that the camp of Israel would be clean and reduce the risk of spreading disease.

III. Legal Matters for Church Leaders To Be Familiar With (Handout 1)

From the scriptures just reviewed, we see that God wants His people to plan and think ahead, in order to avoid problems caused by certain behaviors. Many of the risk management principles that God gives us directly correspond to *Loving our Neighbor* (Mark 12:31) and acting in such a way that our neighbor will not be at risk of injury or sickness because of something we do or fail to do.

The following areas are not things to agonize over (Matt 6:25). They are, however, areas of which leaders in God's Church **must** be aware, and that they must address when planning events and carrying out their responsibilities within the Church. Risk management should not be the primary focus of activity planning, but it must **always** be an integral component. If activities are not safe, they are not worth doing.

A. **Minimizing Abuse and Assault Risk**

Typically in God's Church, the abuse of children or others, especially at Church functions is not something we naturally think about. This is because we are talking mostly about converted adults who love children and see them as future members of the family of God.

1. Adults and Children: We must remember, however, that not everyone attending Church functions is a converted Christian (Matt 13:24-30)—there will always be tares among us. In God's Church, this type of situation would be unexpected, but it is a possibility and happened in another Church of God organization in the past. For this reason, at Church-sponsored activities we require that the *Two Adult Rule* be observed when working with minors who are not one's own children (age 17 and under in the USA). This rule states that at least two adults must be present when supervising children in a non-public setting. This wise principle is not "looking for trouble" but rather puts in place a level of supervision that should prevent any potential problems, including protecting adults from false allegations of abuse. In the case of registered sex offenders, the Church has a policy in place preventing these individuals from participating in group worship services and in church activities where minors will be present, both for the protection of the children and the previously offending adult.
2. Children and Children: A largely unrecognized, but far greater risk of child abuse and assault comes from other children or youth. Again, in God's Church this type of situation would be unexpected—but it is a possibility and has happened in the past. For this reason, at Church-sponsored activities, children and youth should **NOT** be left without adult supervision. Whenever activities are planned, always consider and plan for adult supervision of minors. This is also important for their general safety, as energetic young people are not always alert to the dangers in the world around them.
3. Adults and Adults (male/female): As a matter of policy, the Church discourages any interaction, in a non-public location, between a male and female adult who are not married to each other. Whenever a member, and especially leader of God's Church, meets with someone of the opposite sex, the meeting should always take place in a public location, or in the presence of

another adult. For this reason, for example, God's ministers are not allowed to visit a woman alone in her home—they are required to have their wife or another male Church member present at the visit, if the location is not public (e.g. a restaurant, coffee shop, park, etc.).

B. Alcoholic Beverages at Church-Sponsored Events

Alcoholic beverages are occasionally permitted at Church-sponsored adult functions; however, people should be reminded about balance and moderation and **ABSOLUTELY NO DRUNKENNESS** should be tolerated (Gal 5:19-21; Eph 5:18). Obviously, alcoholic beverages are not necessary for a successful Church activity (outside of the Passover service). However, God condones appropriate use of alcohol, and alcoholic beverages may be appropriate at some Church activities for those who are of legal drinking age. Make sure to work closely with the Church pastor if alcohol is being planned as part of a Church-sponsored activity.

In general, when alcoholic beverages are present at Church activities, it is safest to have them as part of a cash-bar sponsored, not by the Church, but by the facility renting the space to the Church—or available in very limited quantities (e.g. one glass of wine with a meal). Additionally, we should always do everything possible to have any alcohol available "outside" of a meeting or activity space so that it is clearly the responsibility of the facility and not of the Church (e.g., in a hallway or lobby—the space that we are not renting). All of these issues should be carefully considered and evaluated when making decisions regarding alcoholic beverages at Church functions.

C. Safety

Group Question: What safety issues should be considered when planning activities?

When planning Church activities, safety should always be a major priority. Careful considerations should be given to the following questions:

1. Are there any items, equipment, or locations that present potential danger to small children (e.g., hot water taps, high stairways, electrical cords, open water, etc.)?
2. Are there any locations that are secluded, where children or youth could get into trouble or be harmed unnoticed?
3. Are there any locations that present obvious risk? (e.g., water, cliffs, animals, machinery, traffic, etc.).
4. Is the weather or are road and travel conditions conducive to safe travel to and from the activity?
5. Is there a first aid kit present at every Church activity? (as required by Church policy)
6. Does the planned activity fall within acceptable Church guidelines, or does it fall on the list of activities deemed unsafe? (See Handout 2) The purpose of designating acceptable and unacceptable activities is to make sure that we are serving our brethren appropriately and to make sure that the Church has adequate insurance coverage should an injury or worse occur. If an activity falls outside the list of acceptable church activities in Handout 2, please contact Risk Management, as additional coverage may be available for certain of those activities. This must be done at least one month prior to the activity.

D. Contractual Authority (Primarily for U.S. congregations)

Most Church leaders are exposed to Church contract relationships at some point. For this reason a quick review of Church contract policy may be helpful. Basically, no individual/person has the legal authority to sign a contract on behalf of the Church, without proper approval from Church Headquarters. This policy is not designed to restrict or usurp local spiritual authority, but is in the best interests of the Church as a legally registered organization, and the terms of our insurance policies. Basic procedure, primarily for obtaining meeting space, involves working directly with Headquarters so that contracts are thoroughly reviewed and any problematic wording addressed,

prior to signing. From time to time, some organizations word their contracts in such a way that the Church would be held liable for any problem that occurs while we occupy the facility—even if it is really the other party's fault. Literally, if the owner's maintenance man were to swing his ladder around and kill someone, or a portion of the ceiling collapsed and injured someone, we could be held liable for damages, according to the wording of some contracts that we have received. For this reason, we require approval from Headquarters prior to any contract being signed. Obviously last minute emergencies do occur, and to address that situation pre-approval has been provided for one-time emergency use of a local hotel meeting facility (with any contract sent to Headquarters in a few days). Hotel contracts are generally less problematic. As a general rule, contractual authority lies with individuals at Church Headquarters and is handled by the office of Legal Affairs and Risk Management.

IV. Conclusion

God expects His leaders to be wise. He expects us to think and plan ahead as He does. He wants us to anticipate potential problems and avoid them if at all possible, or at least minimize the risk of their occurrence.

Serving God's people is a tremendous opportunity and privilege. Consequently, serving them is also a tremendous responsibility. As leaders in God's Church, we are responsible for helping make sure that, physically speaking, we provide safe locations and activities for God's people—and any guests—to meet and engage in. This is one way we can "show love toward our neighbor." We need to do our part to make sure that this happens. Additionally, we need to help ensure that our personal actions are safe, appropriate, and set the right example for others.

This is God's Church. He is in charge and He will protect it and us. We must always include God in our planning and make sure to continually pray for protection. Doing our part physically in the planning and then involving God is a powerful combination. When routinely practiced, these two actions make for a productive, exciting Church where God can work and all of our brethren can grow and thrive both physically and spiritually.

Optional Homework for Next Class: (choose one assignment to complete)

- For the next class, spend some time talking about God's form of government and why it is so important for effectively leading His work and Church.
- Read through Romans 12 and 1 Corinthians 12. Also look for scriptural examples where God gives us a clearer understanding of His form of government. Remember that one scripture alone will not clearly articulate the doctrine of Church government. It is only after putting many different and complementary scriptures together – "precept upon precept, line upon line, here a little there a little" (Isa 28:10) – that we begin to come to a clear understanding of the doctrine.

Handout 1—Class 22

Important Legal Matters for Church Leaders

The following areas are NOT things to become worried about (Matt 6:25). They are, however, areas of which we as leaders should be aware when we plan events and activities and carry out our responsibilities within God's Church.

2. Minimizing Abuse and Assault Risk

- A. **Adults and Children:** Not everyone at church activities is a Christian (Matt 13:24-30)—there will always be tares among us. For this reason we recommend the *Two-Adult Rule* when working with minors (age 17 and under in the US).
- B. **Children and Children:** At church-sponsored activities, adults should NOT leave children and youths unsupervised.
- C. **Adults and Adults (Male/Female):** As a matter of policy, the Church discourages any interaction in a non-public location between an unmarried male and female adult.

3. Alcoholic Beverages at Church-Sponsored Events

Alcoholic beverages are occasionally permitted at Church-sponsored adult functions; however, people should be reminded about balance and moderation and ABSOLUTELY NO DRUNKENNESS should be tolerated (Gal 5:19-21; Eph 5:18). However, God condones the appropriate use of alcohol, and it may be appropriate at some Church activities for those who are of legal drinking age.

4. Safety

When planning Church activities, safety should always be a major priority. Careful considerations should be given to the following questions:

- A. Are there any items or locations that present potential danger to small children?
- B. Are there any locations that are secluded, where youth could get into trouble?
- C. Are there any locations that present obvious risk? (e.g., water, cliffs, animals, machinery, traffic, etc.)
- D. Is the travel to and from the activity safe?
- E. Is there a first aid kit present at every Church activity?
- F. Does the planned activity fall within acceptable Church activities, or does it fall on the list of activities deemed unsafe? (See Handout 2)

5. Contractual Authority

Basically, no individual/person has the authority to sign a contract on behalf of the Church without proper approval. This policy is not designed to restrict or usurp local authority, but is in keeping with the terms of our insurance policies. Basic procedure (primarily) for obtaining meeting space involves working directly with Headquarters or the regional Church Office so that contracts are thoroughly reviewed prior to signing. Obviously, last-minute emergencies do occur where pre-approval is not possible. But, as a general rule, contractual authority lies with the office of Risk Management at Church Headquarters.

Handout 2—Class 22

Church Activities and Fund-Raisers

The following lists exist to provide guidance and increase our understanding. Any proposed activity that falls outside the realm of those listed below should be submitted to Church Headquarters on a Special Event Insurance Request form *well in advance* (at least 45 days before the activity).

LIST OF ACTIVITIES (other than at the Passover service, no alcoholic beverages are to be provided by the Church or its agents):

- Church worship service
- Bible study service
- Potluck
- Picnic
- Dinner
- Dance
- Dinner/dance
- Talent/fun night/show
- Movie night (must obtain appropriate copyright permissions)
- Beach get-together (picnic/barbeque)
- Family, teen, and/or singles hike (difficulty level: low to moderate)
- Family, teen, and/or singles campout (difficulty level: low to moderate)

**** IMPORTANT NOTICE ****

Whitewater rafting, riflery, archery, skydiving, spelunking, rock climbing, scuba diving, bungee jumping, waterskiing and other such hazardous activities are not on this list and must not be engaged in—the church is not insured for such activities.

Activities Reminder: Please ensure that you have a sufficient number of individuals trained, and preferably certified, in water safety and related life-saving techniques at any water activity. By way of example, this *would* include hotel swimming pools with no hotel lifeguard present, but *would not* include a group visit to a “water park,” where the establishment is providing such safety supervision and support.

LIST OF FUNDRAISERS (no “Multi Level Marketing” organizations, please):

- Car wash (minors not allowed behind the wheel)
- Garage sale
- Arts and crafts sale
- Coupon book sales (grocers, restaurants, car repair, etc.)
- Fruit sales (from recognized provider)
- Event concessions (contracted with local sports arena food services agents)
- Selling safety products for home or auto
- Discount cards (pizza, etc.)
- Sell personalized children’s books
- Sell pre-paid phone cards
- Sell grocery coupon certificate books

Local Funds Reminder: Headquarters does not account for, audit or track local congregation funds. Local funds should be placed in an account entitled “[INSERT NAME OF COMMUNITY HERE] Local Activity Fund”—or some similar concept—*NOT* “Living Church of God” or any other legal name of the Church. Please refer to the document on Local Activity Funds, available on the Church website, or from the Risk Management and Legal Affairs Office.
