

March 2019

Journal of the American Society of Tax Planners

THE

Preparing Your Documents

IS YOUR MINISTRY PREPARED FOR 2019?



The times have changed. When Dr. David Gibbs, Jr. started the Christian Law Association back in 1969, he was shocked to hear about someone having the audacity to sue a church. Unfortunately, that rarity is simply no longer the case. Our attorneys receive calls from churches daily about claims or lawsuits being brought against ministries all across this country.

Your ministry cannot afford to remain unprepared any longer. There are certain steps and protections that every church must have in place, period. If your church is taken to court, judges and juries will without fail immediately look for a few key policies and documents. If your church does not have these documents in place, the question becomes not whether or not your ministry is in trouble – but how much trouble your ministry may be in.

In our 50 years of practice, here are some of the most important documents your church must have:

1. Bylaws

There is arguably not a single document more vital to your church with the exception of the Bible itself. If your ministry is taken to court, the very first thing the court will ask to see is your bylaws. If your bylaws don't clearly set forth how your church runs, then even the simplest legal challenge becomes dangerous. Here a few of the items your bylaws must absolutely address:

a. Your Beliefs

In today's anti-Christian culture, it is vital that your bylaws clearly set forth your beliefs on both doctrine and sin, particularly on homosexuality and transgenderism.

b. Membership Requirements

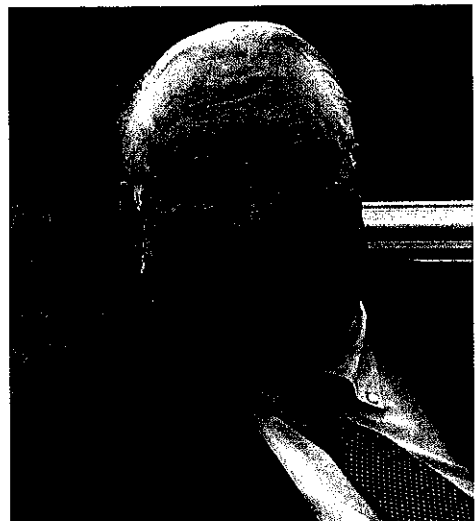
What disqualifies someone from membership? Are those qualifications clearly laid out? What is the church's procedure on Christian discipline? What happens when a member leaves the church without resigning? These are all questions your bylaws should have answers for.

c. Officer Qualifications and Election Procedures

How does your ministry elect deacons or elders? What happens when you need to remove an officer for amoral behavior? How is authority given between the pastor and deacons? In today's litigious culture, specificity on these matters is a must.

d. Church Meeting Procedure

Don't forget that churches are essentially corporate entities – your ministry must set forth general rules for member meetings: how are they announced, how are they run, who is in control, who is allowed to vote, and more.



2. Child Protection Policy

God made it clear how much he values children, grimly illustrating that it would be better for someone to hang a millstone around his neck than to harm a child. As such, there is arguably no more important ministry your church offers than the children's ministry, yet sadly, it is often the most overlooked. In the past several years, reports of sexual abuse cases have abounded in many churches. It is crucial that every church have written rules in place for children's ministry volunteers.

a. Background Checks on every volunteer

While the majority of states do not require background checks of church's employees and volunteers, our recommendation is that churches should act like they are legally required – background checks are that important.

b. Two adult rule

There is no easier target for allegations of improper behavior than having one adult alone with children. Ensure that your ministry is properly staffed with an absolute minimum of two adults per room.

3. Security Manual

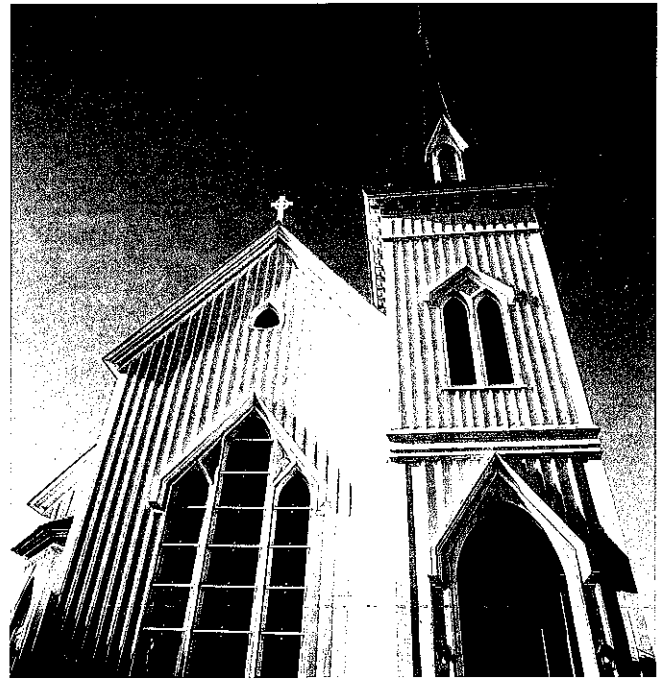
The sad truth Christians must face is that church violence is on the rise. Venues are being sued for failure to protect their guests and invitees. Is your church prepared on how to respond if the secretary receives a bomb threat? What will you do with a suspicious package or an active shooter? Churches today need a security team that is trained and prepared to handle any type of unfortunate situation, and a written policy defining how and when said team takes action.

a. The Question of Firearms

While we strongly urge every church to set up a security team, whether or not to arm that security team is a very big question with lots of risk and multiple state laws potentially coming into play. Contact our attorneys immediately if you are considering it.

b. Security Cameras

Security cameras can be a powerful and effective addition to your established security team. As a private entity, you generally have the right to place a video camera anywhere that does not have a reasonable expectation of privacy. Please know that recording



audio is not generally recommended without speaking with our attorneys first.

4. Financial Controls

It is a tragedy how many phone calls we get from churches who are blindsided by a treasurer or volunteer who has been embezzling money from the offering plate for years. Unfortunately, the majority of these scenarios could have been avoided if the church had proper internal controls in place to protect the handling of church money.

a. Avoid the "one man" scenario.

There is likely no problem more common for the small church than not having enough willing volunteers. In these cases, it's all too easy to just hand off substantial responsibility to that one long-time member who is always willing to serve. Do not make that mistake when it comes to church funds. Different people should be used at every step of the financial process to ensure accountability for the ministry.

b. Don't be afraid of third-party audits.

Your financial practices should be sound and consistent enough that you hold no fear of letting an outside organization come in and audit your finances. In fact, we would encourage every church to utilize an audit every few years.

5. Permission Slips / Liability Release Forms

Forty years ago, church bus drivers would happily pick up any child and their friend who wanted to come to church. In today's day and age, it is vital that your bus ministry have permission slips completed by every child's parent who wishes to ride your buses and attend church. While they are convenient to use, permission slips and liability release forms go a long way in protecting your church from accidents and even the deliberately malicious.

a. Release forms should be specific to the event.

We get dozens of calls from busy youth pastors hoping to alleviate paperwork by having one annual release to cover all youth outings for the year. This is absolutely not recommended. The more specific a release is as to the details and risks of the event, the stronger it is.



LIABILITY
RELEASE FORMS
for
CHRISTIAN
MINISTRIES

b. Don't forget about permission before posting pictures.

Probably one of the most common mistakes we see are churches posting pictures online of children at youth events or VBS to their social media pages without receiving parental permission first. This can lead to dangerous outcomes for some families. Make a habit of receiving written permission before posting photos of anyone online.

If your church does not have any of these documents in writing, rectifying that should be an immediate priority. Our attorneys have crafted detailed template policies on all of these matters as a starting point for every church. Have church leadership call today at 888-252-1969.



Court Case Update: Church NOT Responsible For Public Road Safety

The California Supreme Court ruled that a church was not responsible to ensure the safety of pedestrians crossing the public street to and from an overflow parking lot.

In this particular case, a man was struck by a car while crossing the street from the church's overflow lot to the church's property. He then sued the church for his injuries, contending that, by using an overflow lot that was not attached to the church, the church had a duty to assist invitees across the street.

Thankfully, the California Supreme Court rejected the idea outright, finding that "... the danger posed by crossing a public street midblock is obvious, and there is ordinarily no duty to warn of obvious dangers." However, it is important for churches with overflow lots to understand that they very likely could be held liable to ensure the overflow lot itself is properly maintained.

Liability can come from unexpected directions – we receive calls daily from churches facing insurance claims and lawsuits regarding injuries or damage received from the most unlikely sources. It is vital to ensure your ministry is protected by a solid general liability insurance policy. If your ministry is facing an injury claim, call our attorneys today to discuss.



Spring is coming, and for many young couples that means wedding bells. Marriage between a man and a woman is a glorious and Biblical act, and churches everywhere love to take part. Unfortunately, the ever-growing secular culture has now twisted God's perfect plan for marriage, and churches cannot be caught unprepared.

Does your ministry have a written policy on your standards and requirements for weddings? Do you allow weddings for those who

are not members of your church? Does your written standard need to be updated because of modern snags and issues? You need to ensure all of your beliefs and standards are clearly set forth in writing before you start to receive wedding requests. We are seeing a dramatic uptick of lawsuits against churches and ministries that are being approached and hoping to be turned down so that suit can be brought. This issue is very similar to the Masterpiece Bakery issue.

Our attorneys have prepared a sample wedding and facility usage policy to give your ministry a protective starting point as you set forth your particular standards and beliefs. Call our office today and request your copy as our gift to you. Our attorneys are standing with churches and ministries to uphold Biblical morality in America.

ABOUT THE CHRISTIAN LAW ASSOCIATION

The Christian Law Association is a ministry of legal helps.

CLA serves you the following ways:

- Free legal defense of those facing difficulties for the Biblical faith
- Free legal counsel to churches and Christians for their ministries
- Legal seminars for ministries to help prevent lawsuits
- Preaching in churches across the country
- Legal books and other resources to inform Christians of their rights
- Weekday radio program broadcast, *The Legal Alert*, on over 1,400 outlets around the world
- Publication of *The Legal Alert*, a monthly newsletter
- Free legal consulting to local, state, and federal officials and legislators to provide maximum religious liberty
- Intercessory prayer ministry for requests sent to the ministry offices
- Free legal help to homeschooling families
- Prayer initiative for our national leadership and government

PRAYER CHECKLIST

- ✓ Please pray for our attorneys fighting for churches and Christian schools in **MARYLAND** facing proposed legislation that would allow biased and unlawful government overreach into Christian schools.
- ✓ Pray for CLA attorneys assisting church ministries in **VIRGINIA** and **MASSACHUSETTS** as they work through their respective processes to officially incorporate the church ministries.
- ✓ Please pray for our attorneys helping a church in **OHIO** as it works to obtain official 501(c)(3) tax exemption with the IRS.
- ✓ Pray for CLA's legal staff assisting a church in **MASSACHUSETTS** with policies and staff requirements while hiring new employees as it continues to grow.
- ✓ Please pray for our attorneys helping an **OKLAHOMA** church navigate new payroll difficulties for an employee of the church.
- ✓ Pray for a church in **WEST VIRGINIA** discussing hiring and labor standards with CLA attorneys and how they can impact that ministry.
- ✓ Please pray for Christians from both **SOUTH CAROLINA** and **OHIO** who called our attorneys to help with setting up their estate plans to honor and glorify the Lord.
- ✓ Pray for CLA's legal team advising a ministry in **NORTH CAROLINA** as it makes changes to the ministry's articles of incorporation.
- ✓ Pray for CLA attorneys standing with a church in **FLORIDA** against discrimination from a local property management company.
- ✓ Pray for CLA's lawyers helping a Christian in **KANSAS** who was unfairly terminated from his job due to discussing his Biblical faith in the workplace.
- ✓ Pray for our attorneys assisting a Christian in **OHIO** who is being unjustly told he must work on Sundays even though the employee has not been required to in over 20 years on the job because of his conviction.
- ✓ Pray for our attorneys advising a Christian in **NEW HAMPSHIRE** who is being targeted at work for his faith.
- ✓ Praise the Lord that CLA's Sample Constitution and Bylaws document was helpful for pastors in **NORTH CAROLINA** and many other states and gave them a template for our attorneys to walk them through setting up new ministries.
- ✓ Please pray as our legal experts assist a Christian public school teacher in **KANSAS** who is dealing with new curricula covering new issues including unbiblical sexual orientation discussions and labels.
- ✓ Please pray for our legal team as they help churches in **ALABAMA**, **FLORIDA**, and **MICHIGAN** with updating church security policies and walking them through our free Sample Church Security Manual.
- ✓ Please pray for a school bus driver in **OHIO** who called our office expressing his desire to play Christ-honoring music during the various bus routes.
- ✓ Please pray for a Christian public school student from **NORTH CAROLINA** who called our office for legal counsel to find out his rights after he was asked to read an immoral book as a school assignment.