

# Privacy policies designed to protect children from predators\_40504

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## Privacy policies designed to protect children from predators

**By Ken Camp**

*Managing Editor*

DALLAS—When churches decide whether to publish the names and photos of children, a growing number cite protection as their guiding principle—protecting the church from legal action and children from predators.

And while some attorneys say churches probably have little cause for being overly concerned about breaking any laws or inviting lawsuits, ministers increasingly are exercising caution to guard children from potential abuse.

No legal statute prohibits churches from publishing photos of children and youth participating in church-related functions, said Lance Travis, attorney with the Buford and Ryburn firm in Dallas. Fear of legal action may cause some congregations to adopt unnecessarily restrictive policies.

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“There are few successful invasion of privacy suits in Texas,” he noted.

But “good risk management” may demand a higher standard than what the law requires, he added.

As long as a church does not portray anyone in a false light, make money by using their likeness without their approval or violate their “reasonable expectation of privacy,” the church is free to use names and photos of people attending church-sponsored activities, regardless of their age, Travis said.

“The church is considered an open, public place,” he said, pointing out that the right to privacy only extends to places such as restrooms and changing rooms, where a person reasonably could expect freedom from intrusion.

While those principles apply to publications mailed to church members or videos shown at church-related functions, publishing children's photos on a church website falls into a gray area with few guiding legal precedents, he said. “The Internet would be closer to the line.”

At First Baptist Church in Keller, children's photos are used only after securing written permission from parents, said B.J. Cranford, minister to children.

For instance, when parents register a child for church camp, a photo release form is required along with a medical release.

“Under no circumstances do we publish a child's name,” Cranford added.

The Heights Baptist Church in Richardson developed a similar policy nearly four years ago, said Karen Fowler, who directed the church's child development center 19 years.

She and other church staff members who relate to children's ministries developed the policy, and then they submitted it to an attorney for review.

“We were trying to be proactive rather than reacting after something

happened," she said.

At the beginning of each school year, parents are required to complete a form either granting or denying the church permission to use photos of their children in newsletters, slideshows or on the church's website.

The same form is used by all church programs involving children under age 12, from weekday education to children's choirs and Sunday school.

"We don't use any names of children at all," Fowler said. "We don't want to let anybody identify a child by name."

She noted particular concern regarding children of divorced parents who may be involved in a contested custody situation.

Green Acres Baptist Church in Tyler developed a virtually identical policy in its early education child care center two years ago, said Leigh Evans, who has directed the program nine years.

Parents can choose to permit or prohibit the use of their children's photos in publications, on the Internet or in videos.

"But we never publish anything with names. There are so many predators out there, we don't want to give them any inroads," she said.

But Green Acres makes at least some distinctions between media directed internally to its own members and externally to the general public.

Paula Ayers, who edits the church's magazine, does not publish the addresses and photos of new members.

But she may use photos of children occasionally and identify them by first name, if she knows the family would not object.

The church's website, however, has hard-and-fast rules against displaying

anything that a predator could use to prey upon a child, said Kelly Vance, website administrator.

“On the print side, those publications go only to church members. But when it comes to the website, there are so many predators out there, we have to be more stringent,” she said.

Normally, if she needs a picture to illustrate a children's activity, Vance uses stock images the church purchases.

On rare occasions where the website uses photos of children's choir tours or youth mission trips, the church requires parents to sign a release form. But even then, only the images are displayed.

“I never use names,” Vance said. “If the children are wearing name badges, I blur out the names.”

She makes no apologies for taking a cautious approach.

“I don't have any children of my own,” she said. “But I'm very protective of others.”

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