



GIBBS & ASSOCIATES LAW FIRM LLC

**COUNSEL FOR
THE
CHRISTIAN LAW ASSOCIATION**



**COVID-19 Suggested
Church Reopening Guidelines**

6398 Thornberry Court
Mason, Ohio 45040

Phone: (513) 234-5545
Fax: (888) 500-4638

Email: Info@gibbs-lawfirm.com
www.gibbs-lawfirm.com

Foreword

In the more than fifty years that the Christian Law Association has been defending churches, our attorneys have never seen a crisis of religious freedom like the one that the Coronavirus has created in 2020. For the first time in modern American history, the government has outright told churches that they are “not essential”, and ordered them to cease assembling.

Let us be clear – **churches are essential**. The importance of faith and spiritual wellbeing are more important now than ever before, and every church has a vital part to play in aiding their local communities in any way that they can.

Could the government ever have the legal power to order a church to temporarily close? The answer to that is likely yes, but it would require an extreme wartime scenario where everything is closed with no exceptions. The current situation is not that. If alcohol stores and cannabis stores can remain open, then under the Constitution of the United States, the church can certainly remain open as well.

Make no mistake – the Christian Law Association is not advocating that every church immediately reopen. But we believe that under the law of this land that decision should be yours to make, not the governments’.

As you wrestle with the admittedly difficult decision of when the time is right for your congregation to re-gather, the Christian Law Association has put together the following suggestions to aid you in your decision making.

These guidelines are not meant to address the reopening of Christian schools, daycares, or the holding of Vacation Bible Schools. We are not recommending reopening these ministries at this time.

COVID-19 is a deadly disease that has to be handled with extreme care, diligence, and planning.

COVID-19 Suggested Church Reopening Guidelines

I. SHOULD YOU REOPEN?

Only the Pastor of each church (or the presiding spiritual authority as set forth in your bylaws) can make this decision for his own congregation. You know your location; you know your congregation. Are you in a geographic area that has been highly impacted by COVID-19? Is your congregation primarily made up of elderly and infirm? Then perhaps your church should continue meeting in an online capacity for a while longer. **It is very important to understand that many early carriers of COVID-19 are entirely asymptomatic and will show absolutely no signs of the virus.** We highly recommend consistently reaching out to your local Health Department on a regular basis for detailed information on how your local area has been affected to aid you in your decision making.

It is important to note that there are multiple states which are already allowing churches to continue meeting in some capacity. If you can meet in a way that adheres to your spiritual beliefs while meeting your state and local restrictions, then by all means do so. However, there are multiple jurisdictions not allowing churches to assemble in any manner.

Reopening is a difficult decision that will come with substantial legal consequences. It is not a decision to be made lightly.

The Christian Law Association is here to stand by your side, but there are risks and this is something you must be aware of. **There is absolutely the possibility of fines being levied and/or criminal charges being filed until this constitutional issue is resolved in the court system.** Governmental edicts aside, there is a grave risk of civil lawsuits should any member or visitor to your church fall ill with COVID-19. Even if your member wouldn't sue, their family might if the member passes away. **We have already seen law firms lining up to sue churches in particular for continuing to meet during this pandemic.**

COVID-19 Suggested Church Reopening Guidelines

II. WHAT ABOUT INSURANCE?

It is absolutely vital for every church to speak with their general liability insurance provider before making the decision to reopen. As stated above, the chance of your ministry being sued over reopening is incredibly high, and your ministry must be prepared. Without sufficient insurance, the church could possibly be held directly financially responsible for any damages. The amount of damages in a wrongful death case can be extremely high and could potentially bankrupt smaller churches. Unfortunately, there is even the chance that your church officers could be held personally liable for the damages, particularly if you chose to ignore a governmental order.

Unfortunately, we have already seen insurance providers begin to refuse coverage to claims relating to COVID-19. You must call your insurance agent and see if there is any way your ministry can purchase a rider that provides explicit coverage for COVID-19 injuries or death. If you cannot find a way to acquire appropriate insurance, then you must understand that your decision to reopen will carry much graver risk for your ministry and your officers.

III. WHAT ABOUT LAW ENFORCEMENT?

Again, it is our belief that it is unconstitutional for governments, whether local, state, or federal, to require churches to close under the current “essential/nonessential” set of regulations. That said, **always listen to and respect law enforcement.** If and when you choose to reopen, contact your local authorities ahead of time and let them know you will be doing so and the strict safety requirements you will be adhering to.

If law enforcement comes to stop your service while it is happening, respectfully abide by their request and disband. That is not the time to argue your legal position. Immediately call the Christian Law Association after disbanding and let our attorneys step in on your behalf.

COVID-19 Suggested Church Reopening Guidelines

IV. SAFETY REQUIREMENTS FOR REOPENING.

If and when you decide the time is right for your church to begin meeting again, we strongly advise you to only do so with extreme cautionary measures. The Bible is clear that we have a duty to our fellow man, and we should take every precaution to ensure we keep our congregations safe. Additionally, it is vital that we show the government that our churches can be even safer than the entities they deemed “essential.” **We should never give the government a reason to argue that we should be forced to close.**

As such, our attorneys have prepared a list of recommended guidelines for your church to adhere to when you decide to reopen. **It is important to ensure that these guidelines are communicated and announced to your members beforehand and made painstakingly clear to visitors before they enter.** Utilize large legible clear signage posted in the parking lot and posted by every entrance explaining the requirements below for attendees.

We understand that these requirements are substantial. We would recommend every ministry initially hold a smaller service to ensure all procedures can be adhered to, and slowly “scale up” your allowed attendance once all guidelines are being provably followed.

1. Encourage and consider requiring high-risk individuals (and/or care-givers of high-risk individuals) to stay home and utilize distance options to attend.

- a. Medical experts find those at highest risk for life-threatening illness from COVID-19 are:
 - People 65 years and older;
 - People who live in a nursing home or long-term care facility; and
 - People of all ages with underlying medical conditions.
- b. Underlying medical conditions include, but are not limited to:
 - People with chronic lung disease or moderate to severe asthma;
 - People who have serious heart conditions;

COVID-19 Suggested Church Reopening Guidelines

- People who are immunocompromised (Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications);
- People with severe obesity (body mass index [BMI] of 40 or higher);
or
- People with diabetes, chronic kidney disease undergoing dialysis, and/or liver disease.

2. Station a staff member at all entrances to check the temperature of every incoming member or visitor. (Utilize a “no-contact” method of taking temperatures).

- a. These staff members must wear protective face coverings at all times, as well as gloves.
- b. Every attendee should be asked: “Have you read and do you agree with our attendance requirements?”
- c. Any attendee that is not wearing a mask and gloves should be offered a set and required to put them on before entering.
- d. Any attendee that will not agree to abide by the attendance requirements should be respectfully asked to leave.

3. Refuse entrance to any individual who has been in contact with an infected person or who is exhibiting the following symptoms that have been associated with COVID-19:

- Fever;
- Cough;
- Shortness of breath;
- Chills;
- Repeated shaking;
- Muscle pain;
- Headache;
- Sore throat; or
- New loss of taste or smell or other neurological issue.

COVID-19 Suggested Church Reopening Guidelines

4. **Require extreme sanitization of all public church facilities after every gathering. This will be time-consuming but is essential.**

- a. Discourage use of restroom facilities and have staff constantly prepared to clean and sanitize following each individual usage (this may necessitate a shortening of the service length).
- b. Keep plenty of hand soap and sanitizer available for use.
- c. Have facial tissues and places to dispose of used tissues spread throughout the building.

5. **Social distancing must be in effect.**

- a. The best methods will vary based on your church size and facilities.
- b. Attendees should be instructed on where to sit by church staff to ensure social distancing.
- c. While at a church gathering, families should enter, sit, stand, and exit as a group. No one should wander away from their family group.
 - i. Distancing should be kept in all direction – front, back, left and right.
 - ii. Each family group should remain at least six feet away in all directions from other attending family groups.
- d. Consider removing chairs or pews to create distance between seats.
- e. Consider multiple services to limit attendance if needed.
- f. All physical contact should be prohibited (handshakes, hugs, etc.).
- g. Dismissal should be controlled and attendees should be instructed to exit row by row to ensure no unnecessary crowding or congregating at the exits.
- h. Encourage attendees to promptly return home and refrain from fellowshiping at the end of the service.
- i. Provide and require the use of masks and gloves at the entrance point by all attendees.
- j. Mark and separate multiple entrance points and required exit points, establishing a one-way traffic pattern through the building.
- k. Increase ventilation as much as possible if weather permits; prop doors open to minimize contact with door handles.
- l. Consider outdoor services if possible – early studies show that COVID-19 does not seem to transmit as well outside.

COVID-19 Suggested Church Reopening Guidelines

- 6. Consider and utilize alternative methods of administering church offerings, baptisms, and the Lord's Supper that do not require physical contact.**
- 7. Forgo using physical church bulletins to limit hand-to-hand exposure.**
- 8. Do not utilize nurseries, Sunday school, children's church, or bus ministries at this time.**