

The problem of sexual abuse of children and the wave of lawsuits alleging sexual abuse are real. The issue is being felt by religious organizations of all denominations, in worship centers large and small, urban and rural. Read on for ways to help prevent child abuse in your faith-based community.

WHAT IS SEXUAL ABUSE?

In the eyes of the law, the definition of sexual abuse varies by state. But generally, it includes any contact or interaction between a child and an adult in which the child is being used for the sexual stimulation of the adult or another person.

SEXUAL ABUSE OF CHILDREN IS WIDESPREAD

The incidence of sexual abuse in America is startling. Studies by David Finkelhor, director of the Crimes Against Children Research Center, show that one in five girls and one in 20 boys is a victim of child sexual abuse. Further, during the course of their lifetime, 28 percent of U.S. youths ages 14 to 17 had been sexually victimized. Children of all social, economic and racial strata are susceptible, and, according to Finkelhor's study, they are most vulnerable to sexual abuse between the ages of 7 and 13.

NOT ONLY STRANGERS MOLEST CHILDREN

Children have, generally, been taught to be wary of strangers. But studies show that in 90 percent of abuse cases, the offender is known to the child. In many cases, the offender is a family member. And all too often, it is a person in a position of trust and frequent contact with children — such as a teacher, child care worker, camp counselor, youth minister or even a clergy person.

Like their victims, abusers come from all social, economic and racial strata. Most abusers are men. In a majority of cases, they were themselves sexually abused as children. Many are married, with children of their own.

Violent acts occur in only a minority of sexual abuse cases. Abusers are generally not trying to injure children. They are frequently attracted to and relate well to children, but also are sexually stimulated by them. Some psychological profiles suggest that sexual abusers (sometimes referred to as pedophiles) relate better to children than to other adults. Typically, they use gentle coercion to take advantage of children, and bribery or threats to keep them silent.

It is not uncommon for non family member offenders to sexually abuse several children over long periods of time. Dr. Gene G. Abel, former director of the Sexual Behavior Clinic at the New York State Psychiatric Institute, has reported that, on average, offenders have more than 60 victims.

DRAMATIC RISE IN PUBLICITY AND LAWSUITS

Recent publicity from several sexual abuse cases suggests that the incidence of abuse is on the rise. This may or may not be true.

What is true is that more cases are being reported, and more are being brought to criminal and civil courts.

There are many possible explanations for this increase, including:

- Mandatory reporting laws in all 50 states. Failure to report suspected cases can subject certain individuals to legal punishment.
- Society has become more likely to pursue justice in criminal court and to seek damages in civil court. Indeed, large judgments encourage others to file suits.
- Increased use of educational programs aimed at teaching children to report abuse.
- Adults are listening to their children. Through frequent and prominent news coverage, adults have learned the problem is real. And they are less likely to ignore their children's stories.
- Easing of testimony procedures for children. In some states, children are spared the pain of recounting details before a courtroom audience.

WORSHIP CENTERS TARGETED IN LAWSUITS

The sexual abuse of children is not someone else's problem. It doesn't just happen in the home, or in some other town, or in public day care centers. It happens at worship centers of all denominations and at camps, schools and day care centers. It happens to Church Mutual policyholders.

And it can happen to you.

It is not only the offender who is faced with legal proceedings. More and more religious organizations are being sued. Lawsuits, usually filed by the child's parents, have alleged, among other things, negligence for hiring the offender, in supervising the children and in failing to take proper steps when cases were reported or suspected.

Here are just a few examples we've seen:

- Over a long period of time, a married male teacher abused several young boys in class. He ultimately was charged and convicted. This teacher had been fired from three other schools for similar offenses. Reference checks would have revealed this. A large judgment was rendered against the organization for negligently hiring the teacher.

WORSHIP CENTERS TARGETED IN LAWSUITS (CONT.)

- While employed by the congregation, a male camp counselor molested an eight-year-old girl. The lawsuit alleged that the organization was negligent in hiring the counselor, also that it disregarded knowledge of a previous offense, failed to investigate his qualifications and took no action after learning of the offense against the eight-year-old.
- A pastor was convicted of molesting nine young boys over the course of several years. Legal action was filed against the ministry.
- A pastor left one ministry after it was discovered he had molested a student. After extensive counseling, he went to a congregation in another state, where he was eventually convicted of abusing several teenagers. No reference checks were made by the second worship center.

THE CONSEQUENCES OF SEXUAL ABUSE

TO YOUR MINISTRY

Legal defense in a sexual abuse lawsuit can be extremely costly and prolonged — whether the suit is successfully defended or not. Where negligence is proved, judgments have sometimes been large.

Beyond the financial consequences, a sexual abuse lawsuit can have a major effect on a religious organization's reputation. And, it can lead to considerable distraction from your ministry. Relationships can be strained if members "take sides" in support of or against the originators of a lawsuit.

Of course, the effects will depend on the individual case, the nature of the alleged negligence and the closeness of the congregation to the victim and offender.

TO THE CHILD

There are no "norms" regarding effects on an abused child. The consequences depend on the severity and frequency of abuse, the age of the child and the manner in which the case is handled. The degree of physical or emotional damage also can vary widely.

Each abused child must be counseled professionally and individually. This is to determine what damage has occurred, and what treatment is appropriate. The child also should be examined by a physician.

The investigation stage is crucial for the child. He or she must be allowed to speak freely, without coaching the responses. It is not a time for parents (or anyone else) to panic.

TO THE OFFENDER

The nature and frequency of the offense(s) will usually dictate what happens to the offender. It could mean loss of job, psychiatric treatment, criminal charges, civil lawsuits and severe strain to the family.

As tough as these consequences might be, the welfare of the victim and prevention of further abuse is paramount.

Sexual abusers usually do not confine their activity to one child. Overlooking abuse to protect an offender will prevent the offender from receiving help, might facilitate continued abuse and might subject the worship center to civil lawsuits alleging negligence.

Overlooking abuse, or trying to handle the matter yourself, might seem to be attractive options, but they aren't. It is in everyone's best interest that a professional investigation be conducted (discreetly) and appropriate action taken.

PREVENTING SEXUAL ABUSE

There are steps you can take to help prevent sexual abuse. These include:

- Selective hiring
- Supervisory guidelines
- Educational programs

THE EMPLOYMENT PROCESS — YOUR FIRST DEFENSE

The importance of screening at the hiring stage cannot be overstated — especially when hiring for positions that require or facilitate regular contact with children.

In their book, *It's O.K. To Say No!*, Robin Lenett and Bob Crane state, "Because the abuse of children is a sexual preference formed relatively early in life, some offenders consciously or unconsciously choose career paths that will bring them regularly in contact with children. Others might volunteer to supervise children's sports or club activities."

A significant number of cases involving employees or volunteers would not have occurred if known offenders had been screened out during the employment search.

It is not unusual for an individual who has been terminated at one worship center or school to seek employment at another — in the same area or even in another state.

You cannot be absolutely certain that you are screening out sexual abusers of children, but there are methods that can help. These important guidelines should be considered seriously by any worship center, school, camp, day care center and youth group when hiring any employee or seeking volunteers to work with children.

SIX GUIDELINES FOR SELECTING EMPLOYEES AND VOLUNTEERS

Implement these guidelines only after consulting with an attorney in your locale. Your attorney can advise you of your state laws regarding criteria that can and cannot be used in the employment process.

You also might want or need to review these guidelines in light of any special rules or beliefs in your denomination.

1. All applicants should complete an employment application, whether the “job” is for pay or on a volunteer basis. Include questions regarding:
 - Current and previous residence addresses
 - Current and previous employment, including addresses, dates, duties, titles and reasons for leaving
 - Names and addresses of schools attended and degree(s) earned
 - References from previous employers and organizations which serve children
 - Pending criminal charges (where not prohibited by state law)

Include a statement, which the applicant should acknowledge in writing, certifying that statements provided in the application are true and complete, and that any misrepresentation or omission may be grounds for rejection of the applicant or for dismissal if he or she is employed. This acknowledgment also should authorize you to contact any individual or organization listed in the application.

2. Review all statements made in the application, paying specific attention to any gaps in time and irregular employment patterns or unexplained absences. Pursue these gaps with employers listed and in a subsequent employment interview.
3. Contact in writing all listed references and employers. Inquire as to the reason your applicant left, and ask for any information that might help you determine the applicant’s suitability for the position you are seeking to fill. Maintain the responses in a permanent file. If you do not receive a response within a reasonable period of time, follow up with a telephone call. Prepare a written memorandum summarizing the contact’s comments, and make note of any information the contact was unwilling to provide.

If you find discrepancies between statements made by your applicant and the former employer or reference, discuss them with the applicant. You might have difficulty getting any information from a previous employer, other than dates and title. If this happens, note in your file that effort was made to obtain information, but it was not made available to you.

A special note regarding contact of present employer: Understandably, an applicant might be concerned about having a current employer learn he or she is seeking employment elsewhere. If the applicant expresses this concern, agree not to contact the employer unless you are about to offer the applicant the job. Do, however, make the contact at that time — before you hire the applicant.

4. Conduct employment interviews with those applicants in whom you are still interested. Do this after you have reviewed the application and contacted previous employers and references.

If you have uncovered some detrimental information, but still find the applicant desirable, discuss this information with the applicant. In the event you ultimately hire the individual, document your reasons for overriding the detrimental information.

Whenever possible, have an associate participate in the interview. A second opinion is helpful.

Depending on the nature of the position you are seeking to fill, and the budget available for your search, two additional guidelines below are recommended:

5. Check for arrest and conviction records of your “key” applicants. This can be done through the Clerk of Courts in counties in which the applicant lived and worked, or through your state’s Department of Justice. There is a trend toward mandated background checks. For example, Illinois now requires that public school employee applicants be investigated. The Chicago Board of Education unanimously adopted a policy in 1986, requiring fingerprinting of all new employees. The fact that this trend is occurring in public schools does not diminish its applicability to parochial schools.
6. At the time you offer the applicant a job, ask for a complete set of fingerprints for your file. This might seem tough and controversial, but it serves two purposes.
 - A person with a criminal record involving sexual abuse might be reluctant to provide fingerprints, and back out of the employment process.
 - If a case of sexual abuse (or theft) is ever suspected, the fingerprints might be able to assist your local law enforcement authorities in their investigation.

Fingerprinting is commonly required for people entrusted with large sums of money. Certainly, the value placed on our children’s safety is greater.

GUIDELINES FOR PEOPLE WHO WORK WITH CHILDREN

It is best to avoid situations where sexual abuse is most likely to occur, and situations that could easily lead to allegations (whether accurate or false). A well-developed set of operational and supervisory guidelines will help protect your children and the vast majority of adults who wouldn't think of sexually abusing a child.

These guidelines should be applicable to all employees and volunteers who work with children.

1. Designate a "confidential counselor" to whom any student, camper or other child can go at any time, without special permission, to discuss any problems he or she is having.
2. Make sexual abuse awareness part of an annual safety program, or include it in your curriculum (more on this later).
3. Establish a policy of conducting a fair and discreet investigation of all alleged incidents of sexual abuse. Make it known to your entire staff that all allegations will be investigated.
4. Encourage employees and volunteers to limit their physical contact with children.
5. Require that activities be done in an open area or room, and not in a private office.
6. Require that more than one adult accompany children on field trips and related activities.
7. Periodically inspect classrooms, offices, work areas and other areas where children and adults are together. Also, check bathrooms, closets and other areas where sexual abuse might occur.
8. Install windows in classrooms, and make it a policy to keep doors open except where excessive noise prohibits it.
9. Pay close attention to adults who spend considerable "off duty" time with the same child or children. Discuss the matter with the adult and, if necessary, with the child.
10. Develop a written standard of conduct for adult/children relationships. Establish parameters of conduct and contact during and after working hours.

Include rules for electronic communication with children, including email, text messages and social media websites such as Facebook. Employees and volunteers should not have any one-on-one, private contact with children through these means.

Also include guidelines for transportation of children, specifying to where and when offers of transportation are acceptable, and by whom. This standard of conduct/contact should be communicated to your staff, parents and children, so they know what is expected and what is unusual.

11. Communicate to your staff that these guidelines are for their benefit, as well as for your own and your children's benefit.

These guidelines can help you protect the children in your congregation, school or camp against sexual abuse. They can help your staff avoid situations that might lead to allegations against them, including false allegations. And, by taking active measures to prevent abuse, you are minimizing your exposure to lawsuits and findings of negligence.

CHILDREN CAN HELP PROTECT THEMSELVES

Many school systems — both public and private — have adopted education programs that incorporate sexual abuse safety. Details of these programs are beyond the scope of this booklet, but some observations are pertinent.

The key to these programs is that they are geared to safety education, not sex education. Children are taught that they have a right to protect themselves — to distinguish between "good touching" and "bad touching" — to say "no" to adults in certain situations — to remove themselves from uncomfortable predicaments — and to report incidents they encounter.

These programs do not use scare tactics. Children are taught to protect themselves against sexual abuse, along the line of more traditional pointers such as those involving traffic, fire and poison safety.

Your staff also benefits from these programs. They create a greater awareness of the problem and communicate your serious concern for it.

To learn more about safety education programs, contact your county or state social services agency, other schools, your denominational headquarters or the developer of an existing program.

One such program in use is:

Talking About Touching:

A Personal Safety Curriculum Committee for Children
2815 Second Avenue, Suite 400 Seattle, WA 98121
(800) 634-4449

www.cfchildren.org

DETECTING SEXUAL ABUSE

Most cases of sexual abuse go undetected. There might be no apparent physical signs, or there might be physical signs detected only through medical examination.

The cases that are reported are generally reported by abused children to their parents, siblings or other “caretakers” — often in the form of casual remarks that lead the listener to query deeper.

But most children say nothing. They might not realize that what was done to them was wrong. Or, they might be too embarrassed or frightened to speak up. And they might not want to get the offender in trouble — especially if a “friendship” has developed between offender and victim.

In some cases, there are “telltale” physical or emotional signs that may arouse your suspicion. In its publication *The Educator’s Role in the Prevention and Treatment of Child Abuse and Neglect*, the National Center on Child Abuse and Neglect outlines certain indicators of sexual abuse.

PHYSICAL INDICATORS:

- Difficulty in walking or sitting
- Torn, stained or bloody underclothing
- Pain or itching in the genital area
- Bruises or bleeding in external genitalia, vaginal or anal areas
- Venereal disease, especially in pre-teens
- Pregnancy

BEHAVIORAL INDICATORS:

- Unwilling to change for gym or participate in physical education class
- Withdrawal, fantasy or infantile behavior
- Bizarre, sophisticated or unusual sexual behavior or knowledge
- Poor peer relationships
- Delinquency or running away
- Reports sexual assault by caretaker

The center cautions that these signs can be indicative of other problems, and are not exclusively tied to sexual abuse. But the repeated occurrence of an indicator, or the presence of several indicators, warrants further investigation.

In offering these detection indicators, we encourage religious organizations and other personnel to be conscious of the problem and to know what to do when and if it is detected.

Your employees are not only potential offenders. They also are in one of the best positions to recognize abuse done by others — including members of a child’s family.

PREPARE IN ADVANCE

If you have not already done so, now is the time to prepare a plan for dealing with sexual abuse reports. Learn what your legal and religious obligations are before a case arises, and develop procedures for handling a report.

Know your state’s laws regarding mandatory reporting. All 50 states have such laws. These laws generally specify:

- What constitutes sexual abuse for reporting purposes
- Who is required and/or permitted to file a report
- What information must be contained in a report
- The organization to which a report is to be made
- Time frames for reporting

In most states, teachers, child care workers and certain counselors are required to report suspected cases of child abuse. States are less consistent regarding reporting by clergy.

For those required or permitted to file reports, most states grant some form of immunity against civil lawsuits if the report is made in good faith. This should not be confused with any civil consequences that stem from alleged negligence.

Failure to report, when required to do so, is punishable by a fine and/or imprisonment.

Learn what your requirements are before you are put to the test!

IF IT HAPPENS

If you discover, or have reason to believe a case of sexual abuse has occurred or is occurring, seek professional advice. Do not ignore any reported incident. Act immediately.

Your procedures for handling a case might be structured along these lines:

1. Inform your employee or volunteer of the accusations, and discuss them with him or her.
2. Suspend with pay (for paid employees), the alleged offender while a confidential investigation is being conducted.
3. Consult your attorney for advice regarding compliance with reporting laws — then file the necessary reports with the appropriate agency within the time frame required in your state.
4. Together with your reporting agency official, meet with the child's parents and, in their presence and with their permission, with the child. Your purpose for meeting is to learn more fully the nature of the allegations, including when and where the alleged offense took place.

Reassure the child that he or she has done nothing wrong, and that it was right to report the incident.

Allow the child to speak freely. Do not coach responses from them and do not become defensive to their statements. You want the truth and you want to protect the child's well-being.

If the nature of the alleged abuse is such that any physical injury could have occurred, advise the parents to have their child examined immediately by a qualified physician.

5. Notify your liability insurance company. Do not wait for the investigation to be concluded unless your attorney advises you to. Do not wait until criminal charges are filed or until you are faced with a civil lawsuit. Involving your insurance company is not an admission of negligence on your part. It is a wise, protective measure. It's important to notify your insurance company for these reasons:
 - Your policy might require immediate notification if coverage is to apply to any resulting lawsuit.
 - You will need a determination of coverage applicability. Not all policies provide coverage for lawsuits alleging acts of sexual abuse, molestation or misconduct.
 - You might need advice, especially if this is your first exposure to a sexual abuse case. Your insurance company has dealt with many cases, and could be able to give you helpful advice.
 - Early involvement by your insurance company can help minimize the civil consequences to your ministry, and speed up treatment of the child.
6. Cooperate in the investigation conducted by your insurance company and the agency to which the report has been filed.

A FINAL WORD OF CAUTION

The hiring and supervisory guidelines contained within this booklet are suggestions that might help you prevent sexual abuse of children in your faith community. They are not all-inclusive, and some might not be appropriate for your particular situation.

You are encouraged to consult your local attorney before implementing the hiring and supervisory guidelines. And, to seek additional resource material.

Furthermore, there is no fail-safe way of preventing sexual abuse. Incidents can occur even if you have followed all of the guidelines in this booklet, and those from other resources.

Offenders are very effective at concealing their activities, and at preventing the reporting of those activities by children. In many cases, offenders have a long history of this activity, and have learned through experience how to avoid detection.

Nevertheless, an effort must be made to prevent sexual abuse. It is our hope that this booklet will aid you in your effort.