



Safety Tips On

A Sensitive Subject:

Child Sexual Abuse



**THE
PROTECTION
SERIES**

Church Mutual Insurance Company

The SpecialistSM

Church Mutual has prepared Protection Series booklets dealing with fire safety, crime, camping safety, and other topics of concern to our policyholders.

Though a more sensitive topic, sexual abuse of children is an equally valid concern for those engaged in the work of the church. From a moral, ethical, and child protection standpoint. And from an insurance and liability standpoint.

The problem of sexual abuse of children, and the wave of lawsuits alleging sexual abuse, is a real one.

It is being felt by churches and church-related institutions of all denominations.

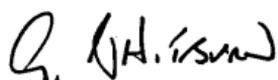
Our objectives for preparing this booklet are to:

1. Help you prevent sexual abuse from occurring at your church operation, thereby protecting your children — and shelter you from the serious financial and emotional disruption of legal proceedings.
2. Minimize the severity of injury to children — and the legal ramifications you may face, when abuse does occur.

Our advice hinges upon a greater awareness of the problem. And a greater awareness of how to cope with it and in more formalized hiring, supervision, education and reporting. This booklet provides useful guidelines for each of these areas.

“Safety Tips On A Sensitive Subject: Child Sexual Abuse” is a starting point for you. It is not an entire program. That’s why I urge you to go beyond this booklet in learning about, preventing, and dealing with sexual abuse of children. Fortunately, there are considerable resources available to help you. Some of them are listed in this booklet.

Sincerely,



Gerald Whitburn

President

Church Mutual Insurance Company

What is sexual abuse?

In the eyes of the law, the definition of sexual abuse varies by state. But generally, sexual abuse 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. The National Center on Child Abuse reports that one out of every five girls, and one of eight boys is a victim of some form of sexual abuse by age 12.

Reported victims have been as young as six months, but the incidence of abuse peaks at ages 8 to 12. Children of all social, economic, and racial strata are susceptible.



Not only strangers molest children.

Children have, generally, been taught to be wary of strangers. But studies show that in 65% to 85% 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. Approximately 90% of 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 are also 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 nonfamily member offenders to sexually abuse several children over long periods of time. Dr. Gene G. Abel, 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 — an increase that is being experienced by Church Mutual policyholders as well as by the “general public.”

Among the reasons are:

- 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.



Churches targeted in lawsuits.

The problem of 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 churches of all denominations and at church-operated camps, schools, and day care centers. It happens to Church Mutual policyholders.



And it can happen at your church.

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

Church Mutual's claims files are growing rapidly. Here are just a few examples. The location, denomination, and names have been left out to prevent these policyholders from enduring further distress.

- 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 church schools for similar offenses. Reference checks would have revealed this. A large judgment was rendered against the church for negligently hiring the teacher.
- While employed by the church, a male camp counselor molested an eight-year-old girl. The lawsuit alleged that the church 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 church pastor was convicted of molesting nine young boys over the course of several years. Legal action was filed against the church.
- An ordained minister, serving as director of a home for troubled teens, allegedly abused four resident girls over five years.

- A pastor left one church after it was discovered he had molested a church-school student. After extensive counseling, he went to a church in another state, where he was eventually convicted of abusing several teenagers. No reference checks were made by the second church.

The consequences of sexual abuse.

To the church.

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 church'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 church's alleged negligence, and the closeness of the membership 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.

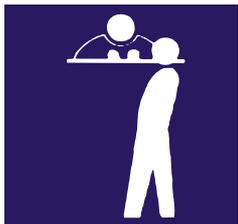
There may be little or no physical or emotional damage, or it may be extensive.

Each abused child must be counseled professionally and individually. This is to determine what, if any, damage has occurred, and what treatment is appropriate. The child should also 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 or blame the child.

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 may 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, may facilitate continued abuse, and subject the church to civil lawsuits alleging negligence.

Overlooking abuse, or trying to handle the matter yourself, may 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 at your church.

There are steps you can take to help prevent sexual abuse at your church. 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 may volunteer to supervise children's sports or club activities."

A significant number of cases involving employees (or volunteers) of Church Mutual policyholders would not have occurred if the church had screened out known offenders during the employment search.

It is not unusual for an individual who has been terminated at one church 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 help. John F. Cleary, general legal counsel for Church Mutual, invited 200 attorneys from 35 states around the country to submit suggestions on how to screen out sexual abusers. These important guidelines should be considered seriously by any church, 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.



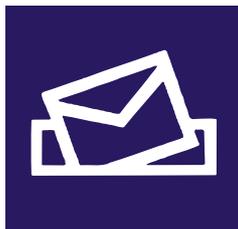
You may also want or need to review these guidelines in light of any special rules or beliefs in your denomination.

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, along with date of graduation or date of last attendance, 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 should also 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 may 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 may 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 may be concerned about having his 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 which 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 of yours 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 other guidelines are recommended.

5. Check for arrest and conviction records of your "key" applicants. This may be done through the Clerk of Courts in counties in which the applicant lived and worked, or through your state's Department of Justice. Additionally, some cities and counties participate in a national "crime-net" program. It is wise to make use of this network, where available.



There is a trend toward mandated background checks. For example, Illinois now requires that public school employee applicants be investigated. The Louisville, Kentucky, area school board has, for some time, used the national "crime-net."

The Chicago Board of Education unanimously adopted a policy in 1986, requiring fingerprinting of all new employees. The fact that this trend is first 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 may seem tough and controversial, but it serves two purposes.

- A person with a criminal record involving sexual abuse may be reluctant to provide fingerprints, and back out of the employment process.
- If a case of sexual abuse (or theft) is ever suspected at your church, the fingerprints may 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 may be 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 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 church, 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 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 one of the existing programs.

Two such programs in use are:

- “Protective Behaviors: Anti-victimization and Empowerment Training”
Prevent Child Abuse Wisconsin
214 North Hamilton
Madison, WI 53703
Ph. (608) 256-3374
- “Talking About Touching: A Personal Safety Curriculum”
Committee for Children
2203 Airport Way S, Suite 500
Seattle, WA 98134-2027
Ph. (800) 634-4449

Detecting sexual abuse.

Most cases of sexual abuse go undetected. There may be no apparent physical signs, or there may 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 may not realize that what was done to them was wrong. Or, they may be too embarrassed or frightened to speak up. And, they may 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, Church Mutual is encouraging church 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 are also in one of the best positions to recognize abuse done by others — including members of a child's family.

Prepare your church 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 at your church.

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 may 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 may require immediate notification if coverage is to apply to any resulting lawsuit.
 - You will need a determination of coverage applicability should your church be brought to court. Not all policies provide coverage for lawsuits alleging acts of sexual abuse, molestation, or misconduct.
 - You may need advice, especially if this is your first exposure to a sexual abuse case. Your insurance company has dealt with many cases, and may be able to give you helpful advice.
 - Early involvement by your insurance company can help minimize the civil consequences to your church, 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 at your church. They are not all inclusive, and some may 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 Church Mutual's hope that this booklet will aid you in your effort.

Other Protection Series Booklets.

Contact Church Mutual or your Church Mutual representative or agent for additional copies of this booklet and for other booklets in the Church Mutual Protection Series:

- Church Safety Begins With People
- Crime-Proof Your Church
- Fire Safety At Your Worship Center
- Make Activities Safer At Your Church
- Maintaining Safety Away From Your Church
- Make Your Camping Activities Safer
- Protecting Your Church Against Cold Weather Damage and Energy Loss
- Recognizing Your Church's Liability Risks
- The Road To Safer Transportation
- Severe Weather Protection For Your Church
- Insuring Your Church: Points To Consider
- Youth Safety And Your Church
- Safety At Your Playground

Additional material available from Church Mutual includes a pamphlet, "Reducing the Risk of Sexual Misconduct: A Guide For Pastors and Staff Members Who Work With Adults" and a resource kit developed by Christian Ministry Resources, titled "Reducing the Risk of Child Sexual Abuse in Your Church." All of our safety materials are free of charge, except the resource kit, which is available for \$15.



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